

VIAC – QUESTIONNAIRE



1. **Name:** Erik Schäfer
2. **Date of birth:** July 12, 1957
3. **Citizenship:** German
4. **Contact information:**

COHAUSZ & FLORACK, Patent- und Rechtsanwälte, Partnerschaftsgesellschaft mbB
Address: Bleichstraße 14, 40211 Düsseldorf
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5. **Current position:**

Partner of COHAUSZ & FLORACK, Attorney at Law

6. **Education:**

Referendarexamen, Universität Freiburg – 1983;
Assessorexamen (bar), Justizprüfungsamt Hessen – 1987.

7. **Practiced experience in arbitration:**

How many arbitrations have you participated in (domestic/international)? Total: 40; International: 26;
National: 14

How often have you acted as Chairman? Total: 8

How often have you acted as Sole Arbitrator? Total: 10

How often have you acted as Co-Arbitrator? 18

How often have you acted as Counsel? 4

How often have you acted in a different function (e.g. Administrative Secretary)? More than 150
cases as Counsel at the ICC International Court of Arbitration (Paris)

Under which Rules? Vienna Rules, ICC Rules, DIS Rules, UNCITRAL Rules (*ad hoc*), Danish
Institute of Arbitration Rules

Subject matters: software-projects, joint-venture (oil-facility construction), oil-concession (exploration & development), engineering/construction (chemical facility; bio-fuel facility), trademark-, know-how- and patent licenses, breach of confidentiality, sale of goods, long term purchase agreements, distribution agreements, sui generis service cooperation, hotel management agreements, shareholder agreement, R & D agreements, construction contract (water & sewage), e-payment clearance, patent vindication, on-line marketing agreement in context of a complex divestment, IP-purchase agreement, IT-outsourcing project. Substantive Law: German Law, Swiss Law, Cuban Law, Argentinean Law, Spanish Law, French Law, US Law, Omani Law, Danish. Languages used: German, English, French, Spanish; bilingual proceedings: English/Spanish; Spanish/French.

8. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Schäfer/Arnaldez "Le règlement de Référé pré-arbitral de la CCI" Rev.d.l'Arbitrage 1990, 835 ;

Schäfer "Terms of Reference in the past and at present" ICC Arb. Bull. 1992, 8;

Schäfer "Überlegungen zu vier Aspekten der SchO der ICC", ZVerglRWiss. 1992, 11;
 Schäfer "Die Schlichtungs- und Schiedsgerichtsordnungen der WIPO, BB/RPS 1996, 10;
 Schäfer "Der Entwurf der WIPO Emergency Relief Rules" BB/RPS 1997;
 Franzen/Schäfer "Technologietransfer", Handbuch der europäischen Rechts- und Wirtschaftspraxis, Hrsg. Salger, Herne/Berlin 1996);
 Koch/Schäfer „Can it be sinful for an arbitrator actively to promote settlement?“ ADRLJ 09/ 1999;
 Lazareff/Schäfer "The 1992 Practical Guide on Terms of Reference Revisited", ICC International Court of Arbitration Bulletin, Vol. 10/No 2 - Fall 1999;
 Schäfer „ADR – Schiedsgerichtsbarkeit und Mediation im gewerblichen Rechtsschutz“ Mitteilungen der deutschen Patentanwälte, 2001/3 p. 109s;
 Schäfer/Verbist/Imhoos „Die ICC Schiedsgerichtsordnung in der Praxis“, Economica Verlag, 2000;
 Schäfer/Verbist/Imhoos „L'arbitrage CCI en pratique“, Stämpfli Verlag, 2002;
 Schäfer „Die ICC ADR Rules“, Zeitschrift für Konfliktmanagement, 10/2002, p. 188-194;
 Schäfer „Videoconferencing in Arbitration“ ICC International Court of Arbitration Bulletin, Vol. 14/No. 1 – Spring 2003, p. 35-45;
 Schäfer "The Use of Arbitration and Mediation for protecting Intellectual Property Rights: A German Perspective", TMR Vol. 94 May-June 2004 N° 3, p. 695-723;
 Schäfer "Inhaber- und Verwertungsrechte an den Ergebnissen von Entwicklungs- /Forschungskooperationen und Aufträgen" in "Forschungs- und Entwicklungsverträge in Wissenschaft und Technik, Hrsg. Fritz Nicklisch, München 2004, p. 59-67;
 Schäfer "IT in Arbitration: The work of the ICC Task Force", Special Supplement - ICC International Court of Arbitration Bulletin ICC Pub. No. 667), 2004), Paris 2004;
 Schäfer/Verbist/Imhoos „ICC Arbitration in Practice“, Kluwer Law International, 2004, 2nd Ed. **2015**;
 Schäfer "Zusammenarbeit zwischen Experten und Juristen bei unterschiedlichen Fach- und Denkstrukturen II" in "Der Experte im Verfahren – Erkenntnisse aus nationalen und internationalen Verfahren vor Schiedsgerichten und staatlichen Gerichten", Hrsg. Fritz Nicklisch, München 2006;
 Schäfer "Die Behandlung von Streitigkeiten über gewerbliche Schutzrechte in internationalen Schiedsverfahren vor dem Hintergrund divergierender Rechtsordnungen", DIS-Materials XII (2006), p. 85-103;
 Schäfer „Schiedsgerichtsbarkeit und Mediation“ in Torggler (Ed.) „Praxishandbuch Schiedsgerichtsbarkeit“, Wien 2007, 9-36;
 Schäfer „Arbitration of Intellectual Property Law Disputes in Germany“ in Prof. Dr. Karl Heinz Böckstiegel, Dr. Stefan Kröll, Dr. Patricia Nacimiento (Editors) „Arbitration in Germany“ 2007 [2nd ed **2014**];
 Schäfer „Elección y nombramiento de los árbitros. Desde el punto de vista de las partes“ Revista Peruana de Arbitraje 6/2008, p. 89-99;
 Schäfer "Using Information Technology Efficiently in International Arbitration" in A. W. Rovine (Ed.) "The Fordham Papers 2008", Leiden 2009;
 Nacimiento/Schäfer "Institutionelle Schiedsgerichtsbarkeit in Lateinamerika", in Paschke et al. (Hrsg.) „Hamburger Handbuch des Exportrechts“ 2009;
 Schäfer "Schiedsgerichtsbarkeit in IT/IP-Prozessen" in Kilian/Heussen (Ed.) "Computerrechtshandbuch", Loosleaf N°28/2010,
 Schäfer „Quick and 'Dirty' Alternatives to Mediation" in p. 31-36 IBA e-Book Mediation Techniques (Ed. Patricia Barkley) 2010.

9. Membership in arbitral institutions / functions in arbitral institutions/organizations:

GRUR - German Association for Industrial and Intellectual Property and Copyright Law;
 ASA - Swiss Arbitration Association ;
 DIS - German Arbitration Association ;
 Club Español de Arbitraje (past founding chair German & Austrian Regional Chapter);
 Member Board of Trustees DIAC (Dubai)
 List of IP arbitrators SIAC (Singapore)
 CEPANI – Belgian Arbitration Association ;
 LES – Licensing Executives Society;
 MARQUES;
 ICC Commission on International Arbitration (Chairman Task Force 'IT & Arbitration', past Co-Chair Task Force "Expertise Proceedings", Member Task Force eDisclosure;; Member Task Force Emergency Arbitrator);

List of Arbitrators of the International Arbitral Center of the Austrian Federal Economic Chamber;
List of Arbitrators Camara Argentina de Comercio.

10. Languages:

Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

English, French, Spanish

11. In which legal system have you trained?

Germany

12. What is your main jurisdiction of practice?

Germany

13. Special expertise or specializations (please list a maximum of three):

Arbitration; Technology; IP & IT as more closely described in the following: International private and commercial law, international commercial arbitration & mediation; litigation, contracts (commercial, distribution, joint-ventures, projects); project cooperation; intellectual property and related fields (e.g. technology-transfer; licensing, R&D-contracts, IT-project-agreements, copyright, trademarks & names, unfair competition, registered designs, licensing, transfer of technology, and litigation.

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Düsseldorf, January 6, 2016



ARBITRATOR BIOGRAPHICAL DATA

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40211 Düsseldorf
Germany

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Date of Birth: July 12, 1957

Nationality: German

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Referendarexamen, Universität Freiburg - 1983;
Assessorexamen (bar), Justizprüfungsamt Hessen – 1987.

LANGUAGES

German, English, Spanish, French.

PRESENT POSITION

Partner Attorney-at-law (Rechtsanwalt), Cohausz & Florack, Düsseldorf.

PROFESSIONAL EXPERIENCE BEFORE PRESENT FUNCTIONS

Counsel, International Chamber of Commerce (ICC), International Court of Arbitration - 1988-92;

In-house counsel, Patent Department EMI Int. GmbH - 1992-93;

Attorney-at-law (Rechtsanwalt) in charge of the Dresden office of Harmsen & Utescher (attorneys-at-law and patent attorneys, Dresden and Hamburg) - 1993-97.

MEMBERSHIP OF PROFESSIONAL BODIES

GRUR - German Association for Industrial and Intellectual Property and Copyright Law;

ASA - Swiss Arbitration Association ;

DIS - German Arbitration Association ;

Club Español de Arbitraje (chair German & Austrian Regional Chapter);

Member Board of Trustees DIAC (Dubai)

List of IP arbitrators SIAC (Singapore)

CEPANI – Belgian Arbitration Association ;

LES – Licensing Executives Society;

MARQUES;

ICC Commission on International Arbitration (Chairman Task Force 'IT & Arbitration', Co-Chair Task Force "Expertise Proceedings", Member Task Force eDisclosure);
 List of Arbitrators of the International Arbitral Center of the Austrian Federal Economic Chamber;
 List of Arbitrators of the Düsseldorf Chamber of Commerce and Industry;
 List of Arbitrators of the DIS German Arbitration Institution;
 List of Arbitrators ASA Swiss Arbitration Association;
 List of Arbitrators Camara Argentina de Comercio.

AREAS OF SPECIALIZATION

International private and commercial law, international commercial arbitration & mediation; litigation, contracts (commercial, distribution, joint-ventures, projects); project cooperation; intellectual property and related fields (e.g. technology-transfer; licensing, R&D-contracts, IT-project-agreements, copyright, trademarks & names, unfair competition, registered designs, licensing, transfer of technology, contract law (general) and litigation.

EXPERIENCE IN INTELLECTUAL PROPERTY

Since April 1992 Mr. Schäfer has been working, first as in-house counsel, later as attorney at law (DE) counseling and litigating with strong emphasis on trademarks and names, copyright, licensing, R&D contracts, and ip or it related agreements.

MAJOR PUBLICATIONS

Schäfer/Arnaldez "Le règlement de Référé pré-arbitral de la CCI" Rev.d.l'Arbitrage 1990, 835 ;
 Schäfer "Terms of Reference in the past and at present" ICC Arb. Bull. 1992, 8;
 Schäfer "Überlegungen zu vier Aspekten der SchO der ICC", ZVerglRWiss. 1992, 11;
 Schäfer "Die Schlichtungs- und Schiedsgerichtsordnungen der WIPO, BB/RPS 1996, 10;
 Schäfer "Der Entwurf der WIPO Emergency Relief Rules" BB/RPS 1997;
 Franzen/Schäfer "Technologietransfer", Handbuch der europäischen Rechts- und Wirtschaftspraxis, Hrsg. Salger, Herne/Berlin 1996);
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 Lazareff/Schäfer "The 1992 Practical Guide on Terms of Reference Revisited", ICC International Court of Arbitration Bulletin, Vol. 10/No 2 - Fall 1999;
 Schäfer „ADR – Schiedsgerichtsbarkeit und Mediation im gewerblichen Rechtsschutz“ Mitteilungen der deutschen Patentanwälte, 2001/3 p. 109s;
 Schäfer/Verbist/Imhoos „Die ICC Schiedsgerichtsordnung in der Praxis“, Economica Verlag, 2000;
 Schäfer/Verbist/Imhoos „L'arbitrage CCI en pratique“, Stämpfli Verlag, 2002;
 Schäfer „Die ICC ADR Rules“, Zeitschrift für Konfliktmanagement, 10/2002, p. 188-194;
 Schäfer „Videoconferencing in Arbitration“ ICC International Court of Arbitration Bulletin, Vol. 14/No. 1 – Spring 2003, p. 35-45;
 Schäfer "The Use of Arbitration and Mediation for protecting Intellectual Property Rights: A German Perspective", TMR Vol. 94 May-June 2004 N° 3, p. 695-723;
 Schäfer "Inhaber- und Verwertungsrechte an den Ergebnissen von Entwicklungs- /Forschungskooperationen und Aufträgen" in "Forschungs- und Entwicklungsverträge in Wissenschaft und Technik, Hrsg. Fritz Nicklisch, München 2004, p. 59-67;
 Schäfer "IT in Arbitration: The work of the ICC Task Force", Special Supplement - ICC International Court of Arbitration Bulletin ICC Pub. No. 667), 2004), Paris 2004;
 Schäfer/Verbist/Imhoos „ICC Arbitration in Practice“, Kluwer Law International, 2004, 2nd Ed. **2015**;

Schäfer "Zusammenarbeit zwischen Experten und Juristen bei unterschiedlichen Fach- und Denkstrukturen II" in "Der Experte im Verfahren – Erkenntnisse aus nationalen und internationalen Verfahren vor Schiedsgerichten und staatlichen Gerichten", Hrsg. Fritz Nicklisch, München 2006;

Schäfer "Die Behandlung von Streitigkeiten über gewerbliche Schutzrechte in internationalen Schiedsverfahren vor dem Hintergrund divergierender Rechtsordnungen", DIS-Materials XII (2006), p. 85-103;

Schäfer „Schiedsgerichtsbarkeit und Mediation“ in Torggler (Ed.) „Praxishandbuch Schiedsgerichtsbarkeit“, Wien 2007, 9-36;

Schäfer „Arbitration of Intellectual Property Law Disputes in Germany“ in Prof. Dr. Karl Heinz Böckstiegel, Dr. Stefan Kröll, Dr. Patricia Nacimiento (Editors), „Arbitration in Germany“ 2007 [2nd ed **2014**];

Schäfer „Elección y nombramiento de los árbitros. Desde el punto de vista de las partes“ Revista Peruana de Arbitraje 6/2008, p. 89-99;

Schäfer “Using Information Technology Efficiently in International Arbitration” in A. W. Rovine (Ed.) “The Fordham Papers 2008”, Leiden 2009;

Nacimiento/Schäfer “Institutionelle Schiedsgerichtsbarkeit in Lateinamerika”, in Paschke et al. (Hrsg.) „Hamburger Handbuch des Exportrechts“ 2009;

Schäfer “Schiedsgerichtsbarkeit in IT/IP-Prozessen” in Kilian/Heussen (Ed.) “Computerrechtshandbuch”, Loosleaf N°28/2010,

Schäfer „Quick and ‘Dirty’ Alternatives to Mediation” in p. 31-36 IBA e-Book Mediation Techniques (Ed. Patricia Barkley) 2010.

EXPERIENCE IN COURT LITIGATION

Since 1993 has represented numerous parties before German Courts in civil litigation cases mainly related to trademarks & names, contracts, copyright, information technology, unfair competition and licensing.

PROFESSIONAL TRAINING IN MEDIATION

1995: WIPO Training Program on Mediation in Intellectual Property Disputes;
 1999: AnwaltMediator (DeutscheAnwaltAkademie – 90h).
 2005: WIPO Advanced Training Program on Mediation in Intellectual Property Disputes;
 2008: INTA Advanced Mediation Training.

PROFESSIONAL TRAINING IN ARBITRATION

Since 1988 has participated in arbitration related seminars held by the ICC, DIS, ASA, WIPO and LCIA. Mr. Schäfer has served as conference speaker covering topics such as the protection of software, software licensing and software project contracts (Kernforschungszentrum Karlsruhe, Aussenstelle Dresden), non-compliance issues related to license agreements (LES Germany), R & D Agreements (German Automotive Suppliers Congress), ADR in the context of R & D agreements and co-operations (Euroforum Seminars), ADR in IP related matters (Patent Attorney Assoc. of North-Rhine-Westphalia and LES Germany), Selection and Independence of Arbitrators in International Arbitration (ICC Institute of World Business Law), The Use of IT in Commercial Arbitration (DIS -

German Arbitration Institution and ASA - Swiss Arbitration Association, ICC China), The Applicable Substantive Law and Mandatory Law in Arbitration (DIS - German Arbitration Institution), The Law Governing the Res Judicata Effect of Awards in Subsequent Arbitrations – a case study from the arbitrator’s perspective (IBA Convention 2003); Intellectual Property Rights in R & D Projects – Allocation of Ownership and Rights of Use (Research Center Technology Law Heidelberg 2004), Arbitration arising under Contracts relating to IP Rights (DIS – German Arbitration Institution, ILA Conference, Toronto 2006, WIPO/AIPPI, Zurich 2010), Issues and solutions relating to using experts in German court and arbitration proceedings (Research Center Technology Law Heidelberg 2005); “ELECCIÓN Y NOMBRAMIENTO DE LOS ÁRBITROS - Desde el punto de vista de las partes” (CEA II Congreso de Arbitraje, Madrid 2007); “Anulación de laudos arbitrales según la ley modelo CNUDMI - 10 años de experiencia Alemana” (II CONGRESO PERUANO INTERNACIONAL DE ARBITRAJE 2008); “Using Information Technology Efficiently in International Arbitration” (2008 Fordham Law School Conference on International Arbitration and Mediation NY), WIPO/AIPP – Zurich 03/2010 – Arbitrability of IP Disputes, panellist in the III through V Congresos Internacionales de Arbitraje en Costa Rica (2011-2014), trainer in KOWI & WIPO Arbitration Seminar, Brussels (11/2013).

EXPERIENCE IN MEDIATION & EXPERT DETERMINATION

Has acted as counsel at the ICC’s Court Secretariat and been in charge of some 3 mediations under the ICC Conciliation Rules, of which one was completed successfully. Assists clients in (neutral third party assisted) negotiations, mediations, and promotes a cooperative problem-solving approach.

Has acted in 2013 as co-expert in regard to new gTLD in case ICC EXP/409/ICANN/26 and as sole expert in cases EXP/451/ICANN/68, EXP/490/ICANN/107.

EXPERIENCE IN ARBITRATION

Subject matters: software-projects, joint-venture (oil-facility construction), oil-concession (exploration & development), engineering/construction (chemical facility; bio-fuel facility), trademark-, know-how- and patent licenses, breach of confidentiality, sale of goods, long term purchase agreements, distribution agreements, *sui generis* service cooperation, hotel management agreements, shareholder agreement, R & D agreements, construction contract (water & sewage), e-payment clearance, patent vindication, on-line marketing agreement in context of a complex divestment, IP-purchase agreement, IT-outsourcing project. **Substantive Law:** German Law, Swiss Law, Cuban Law, Argentinean Law, Spanish Law, French Law, US Law, Omani Law. **Languages used:** German, English, French, Spanish; bilingual proceedings: English/Spanish; Spanish/French.

ES 05.01.2016

ARBITRATION EXPERIENCE**SUMMARY TABLE (12/2015)**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC	18	6	6	4	2
	LCIA					
	Ad Hoc	3			2	1
	Others: ZHK Danish Inst. DIS VIAC	3	1	1	2	1
Number of cases: sub-total		26	7	7	8	4
Domestic Arbitrations	DIS	14	1	3	10	
Number of cases: sub-total		14	1	3	10	
TOTAL		40	8	10	18	4