

VIAC – Questionnaire for Arbitrators

Dr. Nikolaus Pitkowitz

1. Name:

Dr. Nikolaus Pitkowitz, M.B.L.-HSG

2. Citizenship:

Austria

3. Contact information:

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4. Current position:

Senior-Partner

5. Education:

2004: Certified Mediator
1999: Master of European and International Business Law, University of St. Gallen
1991: Orientation in the US Legal System, Georgetown University
1984: Doctor iuris, University of Vienna
1984: Magister iuris, University of Vienna

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
 - 128 Cases
 - Rules: VIAC, ICC, SIAC, HKIAC, SCC, PCA, LCIA, CIETAC, UNCITRAL, ICSID, Hungarian.
- How often have you acted as Chairman?
 - 18 cases
- How often have you acted as Sole Arbitrator?
 - 10 cases
- How often have you acted as Co-Arbitrator?
 - 20 cases
- How often have you acted as Counsel?
 - 80 cases
- How often have you acted in a different function (e.g. Administrative Secretary)?
 - 1 case



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

Books:

- Handbook on Third-Party Funding in International Arbitration, editor and co-author, JURIS, 2018
- Die Aufhebung von Schiedssprüchen (Setting Aside Arbitral Awards), Manz, Kluwer, 2008
- Business Law in Austria, editor and co-author (1996, 2003)

Articles (Selection - for the full list visit www.gpp.at):

- The Legal Nature of Third-Party Funding Agreements, co-author, Austrian Yearbook on International Arbitration, 2021, 353,
- The Arbitrator's Duty to Challenge Corruption, Liber Amicorum Michael Moser 2020, 205
- Confidentiality and Protection of Confidentiality in Arbitration, Austrian Yearbook on International Arbitration 2020, 199
- The Vienna Innovation Propositions: Venturing into New Fields and New Ways of Arbitration - Revisiting Traditional Ways of Arbitration, co-author, Austrian Yearbook on International Arbitration 2019, 515
- The Vienna Repositioning Proposition: Repositioning Actors and Actions In International Arbitration, co-author, Austrian Yearbook on International Arbitration 2018, 209
- The Vienna Predictability Propositions: Paving The Road To Predictability In International Arbitration, co-author, Austrian Yearbook on International Arbitration 2017, 115
- Multi-Party Arbitrations – Joinder and Consolidation Under the Vienna Rules 2013, Austrian Yearbook on International Arbitration 2015, 301
- The Arbitrability of Corporate Disputes under Austrian Law – Still Open Questions?, Austrian Yearbook on International Arbitration 2014, 31
- Is there still a Scope of Application of the European Convention on International Commercial Arbitration, Austrian Yearbook on International Arbitration 2013, 93
- Shared Funding of Arbitration Proceedings – Fact or Fiction?, Austrian Yearbook on International Arbitration 2011, 31
- Arbitral Settlement and its Scrutiny by State Courts; in Consensual Dispute Resolution, 7th Law School Day Karl-Franzens-University of Graz, 2010, 134
- Mediation and Cultural Differences; in Barclay, Mediation Techniques, International Bar Association 2010, 213
- Ordre public-widriger Klimt-Schiedsspruch - Kann der armen Amalie geholfen werden? (Klimt Award violating public policy?), ecolex 2007, 663
- New Mediation Rules of the EU - Is Austria still Paving the Way? (Die neuen Mediationsregeln der EU - Ist Österreich noch Wegbereiter?), SchiedsVZ 2005, 81

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

- Functions:
 - VIAC - Vice President (since 2011) and Member of the Board (since 2010)
 - CIMAC (Casablanca International Arbitration and Mediation Centre) – Court Member (since 2016)
 - ABA (American Bar Association) - Vice-Chair, International Arbitration Committee; International Law Section
 - ILA (International Law Association) - Secretary Austrian Branch and Member of Committee on International Commercial Arbitration
 - IBA (International Bar Association) - chair of the Advisory Board of the IBA Real Estate Section

- Memberships
 - Vienna Bar Association
 - Austrian Arbitration Association (ArbAut)
 - Chartered Institute of Arbitrators, Fellow (FCIArb)
 - New York State Bar Association (NYSBA)
 - German Institution of Arbitration (DIS)
 - Swiss Arbitration Association (ASA)
 - London Court of International Arbitration (LCIA)
 - International Arbitration Institute (IAI)
 - European Law Institute (ELI)
- Member of Panel of Arbitrators of
 - SIAC – Singapore International Arbitration Centre (since 2010)
 - HKIAC – Hong Kong International Arbitration Centre (since 2010)
 - AIAC – Asian International Arbitration Centre (since 2010)
 - CIETAC – China International Economic and Trade Arbitration Commission (since 2011)
 - ICDR – International Centre for Dispute Resolution (since 2012)
 - KCAB – Korean Commercial Arbitration Board (since 2013)

9. 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

10. In which legal systems have you trained?

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | <input checked="" type="checkbox"/> European Law |
| <input checked="" type="checkbox"/> Austrian Law | <input checked="" type="checkbox"/> German Law | |
| <input checked="" type="checkbox"/> Czech Law | <input checked="" type="checkbox"/> Slovakian Law | |

11. What is your main jurisdiction of practice?

I practice arbitration in Europe (mainly Austria, Germany, Switzerland, England, CEE), Asia and USA

12. In which jurisdictions are you admitted to the bar?

Austria

13. Special expertise or specializations:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input checked="" type="checkbox"/> Damages | <input checked="" type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> ISDS/ Foreign invest. | <input checked="" type="checkbox"/> Real estate |
| <input checked="" type="checkbox"/> CISG | <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input checked="" type="checkbox"/> Civil fraud disputes | <input checked="" type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input checked="" type="checkbox"/> Technology |
| <input checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input checked="" type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Construction | <input checked="" type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |

14.Date of birth:

4 October 1961

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

Date: 15 January 2021