

VIAC – Questionnaire for Arbitrators

1. Name: Dr. Petra Rihar

2. Citizenship: Slovenian, Swiss

3. Contact information:

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4. Current position:

Attorney-at-law, Arbitrator, founder of RIHAR & THOUVENIN DISPUTE RESOLUTION

5. Education:

Dr. iur., University of Lucerne, 2006 (*magna cum laude*)

LL.M., Columbia Law School, 2006

Lic. iur., University of Zurich, 2000 (*magna cum laude*)

Bar admission (all Swiss courts), 2004

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

Over 50 arbitrations; ICC, UNCITRAL, Swiss Rules, Vienna Rules, Ljubljana Arbitration Rules, LCIA Arbitration Rules, ad hoc, Konkordat vom 27. März 1969 über die Schiedsgerichtsbarkeit, Pravilnik o arbitražnem postopku pred stalno arbitražo pri Gospodarski zbornici Slovenije

How often have you acted as Chairman? Over 5 times

How often have you acted as Sole Arbitrator? Over 15 times

How often have you acted as Co-Arbitrator? Over 5 times

How often have you acted as Counsel? Over 20 times

How often have you acted in a different function
(e.g. Administrative Secretary)? Over 10 times

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

Publications:

Shareholder Disputes Arising From Shareholders' Agreements, Protection of Minority Shareholders in Multiparty Proceedings Through Emergency Measures and Joinder – Case Study, Austrian Yearbook on International Arbitration 2023, p. 190 et seqq.

Scope and Interpretation of Arbitration Agreements under Swiss Law, ICC Dispute Resolution Bulletin 2021, Issue 2 (June 2021), p. 55 et seqq.

Case Analysis of the Swiss Federal Supreme Court Decision 4A_187/2020 of 23 Feb 2021, LexisNexis, 1 April 2021

Kluwer Arbitration Blog:

- 2023 Year in Review: Switzerland (Part I: Scope of Arbitration Clause, Capacity of Discernment, Res Iudicata), Kluwer Arbitration Blog, 17 Feb 2024
- 2023 Year in Review: Switzerland (Part II: Enforcement and Parties' Duty of Curiosity), Kluwer Arbitration Blog, 17 Feb 2024
- 2022 Year in Review: Switzerland (Part I: Arbitrator's Independence and Impartiality, Enforcement), Kluwer Arbitration Blog, 8 Feb 2023
- 2022 Year in Review: Switzerland (Part II: Revision, Treaty Shopping and Legislative Developments), Kluwer Arbitration Blog, 8 Feb 2023
- Decisions of the Swiss Federal Supreme Court in 2020, Kluwer Arbitration Blog, 5 Feb 2021
- Decisions of the Swiss Federal Supreme Court in 2019 – Part I, Kluwer Arbitration Blog, 9 Feb 2020
- Decisions of the Swiss Federal Supreme Court in 2019 – Part II, Kluwer Arbitration Blog, 9 Feb 2020
- Decisions of the Swiss Federal Supreme Court in 2018: Part I, Kluwer Arbitration Blog, 9 Feb 2019
- Decisions of the Swiss Federal Supreme Court in 2018: Part II, Kluwer Arbitration Blog, 9 Feb 2019
- Swiss Federal Supreme Court Confirms the Principles for the Admissibility of a Success Fee, Kluwer Arbitration Blog, 7 Oct 2018 (co-author)
- The right to a tribunal appointed expert, Kluwer Arbitration Blog, 9 Aug 2011 (co-author)
- Swiss Federal Supreme Court Denies the Applicability of an Arbitration Clause in the Articles of Association to Liability Claims Against Board of Directors of an Insolvent Company, Kluwer Arbitration Blog, 7 July 2010 (co-author)
- The Swiss Federal Court Dismisses Two Appeals Concerning the Constitution of an Arbitral Tribunal, Kluwer Arbitration Blog, 7 July 2010 (co-author)
- The Swiss Federal Court Confirms an Award Granting Damages for the Violation of an Arbitration Clause, Kluwer Arbitration Blog, 7 July 2010 (co-author)
- New Rules on Domestic Arbitration and Their Relation to the Rules Governing International Arbitration in Switzerland, Kluwer Arbitration Blog, 19 Feb 2010 (co-author)
- Piercing the Corporate Veil – Effect on the Arbitration Clause and Jurisdiction, Kluwer Arbitration Blog, 24 Nov 2009 (co-author)
- A decision based on a written submission of a third party does not violate the right to be heard if the parties to the proceedings had enough time to comment on it, Kluwer Arbitration Blog, 15 Oct 2009 (co-author)

Practical Law Arbitration:

- Right to be heard not violated by arbitrator's refusal to hear witness whose evidence anticipated to be irrelevant, Practical Law Arbitration, 2 May 2012 (co-author)
- Supreme Court finds that right to appointment of expert by arbitral tribunal was not violated as request made out of time and not in proper form, Practical Law Arbitration, 4 Aug 2011 (co-author)
- Swiss Supreme Court dismisses appeal to set aside CAS award for lack of jurisdiction, Practical Law Arbitration, 30 Jun 2011 (co-author)
- Swiss Federal Supreme Court dismisses appeal to set aside decision of the FEI Tribunal and CAS award, Practical Law Arbitration, 30 Sep 2010 (co-author)

- Swiss Federal Supreme Court dismisses an appeal to set aside a CAS award, Practical Law Arbitration, 31 Aug 2010 (co-author)
- Swiss Federal Supreme Court is bound by factual findings of lower courts, Practical Law Arbitration, 13 Aug 2010 (co-author)
- Swiss Federal Supreme Court dismisses appeal without examining the merits where the party filing the appeal declined to pay advance on costs, Practical Law Arbitration, 4 Aug 2010 (co-author)
- Directors cannot rely on arbitration clause in articles of association of an insolvent company for liability claims by company's creditors, Practical Law Arbitration, 30 Jun 2010 (co-author)
- Swiss Federal Supreme Court dismisses two appeals concerning the (irregular) constitution of an arbitral tribunal, Practical Law Arbitration, 5 May 2010 (co-author)
- Swiss Federal Supreme Court confirms award granting damages in principle for breach of an arbitration clause, Practical Law Arbitration, 5 May 2010 (co-author)
- Switzerland: anticipated arbitration developments of 2010, Practical Law Arbitration, 4 Feb 2010 (co-author)
- Switzerland: important arbitration developments of 2009, Practical Law Arbitration, 16 Dec 2009 (co-author)
- Court of Arbitration for Sport amends its rules, Practical Law Arbitration, 5 Nov 2009 (co-author)
- Effect on arbitration agreement of piercing the corporate veil, Practical Law Arbitration, 2 Oct 2009 (co-author)
- Swiss Federal Supreme Court holds right to be heard not violated, Practical Law Arbitration, 3 Sep 2009 (co-author)
- Law firm providing services to an arbitral tribunal is exempt from VAT, Practical Law Arbitration, 3 Sep 2009 (co-author)
- Ongoing international arbitration discontinued vis-à-vis insolvent co-respondent, Practical Law Arbitration, 13 Aug 2009 (co-author)
- Award based on matters not directly addressed in submissions does not violate the right to be heard, Practical Law Arbitration, 12 Aug 2009 (co-author)

Petra Rihar, Das Einzelunternehmen im Schweizer Privatrecht (The Sole Proprietorship in Swiss Private Law), Luzerner Beiträge zur Rechtswissenschaft, Band 17, Zurich 2007 (Doctoral thesis)

Petra Rihar, Obseg varstva pravic blagovnih in storitvenih znamk (The Scope of Protection of Trade and Service Marks in Swiss and Slovene Law), 11 Pravniki 717, Ljubljana 1997

Speaking Engagements:

Taking of evidence in international arbitration – Approaches to evidence across jurisdictions, ArbCEE, Dubrovnik, 4-5 October 2024

Arbitration – An Overlooked Tool for Settling Disputes, Comparison of Different Arbitration Rules, Ljubljana Arbitration Centre & CMS Slovenia, Ljubljana, 26 Oct 2023

Construction disputes – Preparing a credible claim, 11th Baltic Arbitration Days, Riga, 12-13 June 2022

Should arbitration adapt to local lawyers or should lawyers adapt to arbitration? – the Arbitrator's Perspective, XII Belgrade Arbitration Conference, Belgrade, 1 April 2022

Joinder & Multiparty Arbitration, Vienna Arbitration Days, webinar, 25 Feb 2022

Conflict of Interest in Arbitration – the Arbitrator's Perspective, 29th Croatian Arbitration Days, webinar, 9 Dec 2021

Neutrality of arbitrators against the backdrop of the relationship between arbitrator and co-arbitrator or counsel, Arb | Aut Forum, Austrian Arbitration Association, webinar, 18 June 2020

Co-moderator of 12th Arbitration Forum, ZAV/ASA, Zurich, 28 Aug 2018

Providing services in Switzerland and new developments in 2018, Chamber of Commerce and Industry of Slovenia, Ljubljana, 5 Oct 2017

How to do business in Switzerland – Overview of Swiss regulations on doing business in Switzerland, Chamber of Commerce and Industry of Slovenia, Ljubljana, 16 June 2016

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

Zurich and Swiss Bar Associations, Swiss Arbitration Association (ASA), ICC Institute of World Business Law, Arbitration Association of Central and Eastern Europe (ArbCEE)

9. Languages

Mother tongue: Slovenian

Working languages: German, English, Slovenian, Croatian, Serbian, Bosnian, Montenegrin

10. In which legal systems have you trained?

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

Other: US (LL.M.)

11. What is your main jurisdiction of practice?

Switzerland, Slovenia and other countries of former Yugoslavia, Germany, Austria, UK, Abu Dhabi

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

Switzerland

Special expertise or specializations (please list a maximum of five):

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input 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 type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input 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 type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

13. Date of birth: 28 June 1974

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

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>.

November 2024

Date

and

Signature