

# VIAC – Questionnaire for Arbitrators

1. **Name:** Dr. Philipp K. Wagner, LL.M.
2. **Citizenship:** German
3. **Contact information:**  
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E-Mail: pw@wagner-arbitration.com  
Website: www.wagner-arbitration.com  
LinkedIn: philippkwagner
4. **Current position:** Rechtsanwalt / Attorney-at-Law (New York)
5. **Education:** University of Rostock / German (Dr. jur. 2008), Berlin Court of Appeals / Germany (German Bar Examination 2004), New York State Bar Examination / USA (2002), Emory University School of Law / USA (LL.M. 2002), Humboldt-University Berlin / Germany (German Law Degree 2001), University of Regensburg / Germany (Law studies)
6. **Practiced experience in arbitration**
  - How many arbitrations have you participated in (domestic/international); 15 domestic / 20 international  
under which Rules? ICC, DIS, SCC, UNICTRAL, GMAA, IHK, TAMARA, ad hoc
  - How often have you acted as Chairman? 8
  - How often have you acted as Sole Arbitrator? 8
  - How often have you acted as Co-Arbitrator? 18
  - How often have you acted as Counsel? 21
  - How often have you acted in a different function (e.g. Administrative Secretary)? 4
7. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**
  - Over 30 publications and contributions in English and German in international and national law journals on international arbitration, trade and distribution law (since 2008)
  - Over 20 speaking engagements on international and domestic conferences in English, French and German on international arbitration and international sales and contract law (since 2008)
  - Lecturer (Lehrbeauftragter) on international arbitration at Humboldt University Berlin as part of the International Dispute Resolution Master of Laws program (since 2015), international sales law and arbitration (2009 - 2014) as well as real estate law (2010 – 2013)
8. **Membership in arbitral institutions / functions in arbitral institutions/organizations:** DIS,

ASA, NYBSA (international and dispute resolution section), ICC YAF, ICDR Young & International / founder and chair of the Berlin Group of DIS (2007-2011)

**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, French

**10. In which legal system have you trained?** Germany, USA, France

**11. What is your main jurisdiction of practice?** Germany

**12. Special expertise or specializations (please list a maximum of three):** sales and distribution contracts, real estate law and transactions, M&A

**13. Date of birth:** 04 October 1975

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.

Berlin, 21. September 2017

Date and signature



**DR. PHILIPP K. WAGNER, LL.M.**  
RECHTSANWALT & MEDIATOR  
ATTORNEY-AT-LAW (NEW YORK)  
PARTNER

**KEY FACTS**

Arbitrator, mediator or party counsel in corporate, post-M&A and commercial disputes

Legal advisor in real estate and M&A transactions as well as venture capital and private equity investments

Specializes in domestic and international corporate and commercial law

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**PROFESSIONAL  
EXPERIENCE**

since 07/2013  
WAGNER Arbitration | BERLIN

Partner; arbitrator and party counsel in arbitration proceedings, mediator, and legal advisor in cross-border business transactions; private clients

2004-2013  
WEITNAUER | BERLIN

Partner (2009-2013), responsible for the arbitration practice; international and domestic commercial litigation, international and domestic contracts (real estate, trade and licensing)

2000-2004  
KAB – KUCKENBURG BURETH ASSOCIÉS | PARIS  
PROF. PETER HAY | ATLANTA, and WEITNAUER | BERLIN

Trainee advocate, paralegal and intern positions; international commercial arbitration, secretary to the arbitral tribunal, international trade law

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**ARBITRATION  
EXPERIENCE****Arbitrator**

As chairman: 7 arbitrations (DIS, UNCITRAL, ad hoc)

As sole arbitrator: 8 arbitrations (ICC, DIS, ad hoc)

As co-arbitrator: 18 arbitrations (ICC, DIS, SCC, GMAA, IHK, TAMARA, ad hoc)

**Party counsel**

In arbitration proceedings: 15 arbitrations (ICC, DIS, ad hoc)

In arbitration related national court proceedings: 6 proceedings

**Other**

As secretary to the arbitral tribunal: 4 arbitrations (ICC, DIS, ad hoc)

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**AREAS OF  
SPECIALIZATION**

International and domestic arbitration (institutional and ad hoc) as well as litigation and mediation; real estate law, corporate law, international contracts (*i.a.* sales, distribution, M&A, venture capital, private equity, joint ventures)

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**EDUCATION****2015**

Training and qualification as mediator pursuant to the German Mediation Act (*Mediationsgesetz*) at Christian Hartwig | Streitvermittler, Berlin

**2005-2008**

Doctorate degree in law (doctor juris), University of Rostock: international arbitration and international insolvency law (2008 DIS award)

**2002-2004**

Clerk and trainee advocate (*Referendar*) in Paris and Berlin and Berlin Bar Examination (admitted to all German district courts and courts of appeal)

**2001-2002**

Master of Laws (LL.M.) and New York Bar Examination, Emory University School of Law, Atlanta, Georgia (admitted to the New York Bar)

**1996-2001**

Law studies and German law degree, University of Regensburg, Berlin Humboldt University

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**LANGUAGES**

**German:** Native

**French:** Fluent; lived in Paris between 1981 and 1985, and as summer intern in 2004

**English:** Fluent; 1 year U.S. high school 1992/93; LL.M. 2001/02

**Italian:** Average

**Spanish:** Basic knowledge

**MEMBERSHIPS**

German Institution of Arbitration (DIS); Initiator & Past Regional Coordinator of the DIS below 40 Berlin Chapter (05/07 – 03/11)

Swiss Arbitration Association (ASA)

New York State Bar Association

HMA Humboldt Moot Alumni Association

Tönissteiner Kreis e.V. (Tönisstein Group)

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**PUBLICATIONS**  
**BOOKS****Current projects**

Co-author on international sales law in a German online civil law commentary

**2014**

Co-author on international sales law in a leading Swiss CISG commentary (Brunner, UN-Kaufrecht – CISG, 2<sup>nd</sup> edition 2014)

**2013**

Co-author of Nedden/Herzberg (eds.), ICC-SchO / DIS-SchO, 2013, a German commentary on the ICC and the DIS Rules of Arbitration; commenting Art. 11 ICC-Rules and sec. § 15 DIS-Rules as well as the DIS-Supplementary Rules for Corporate Law Disputes 09 (SRCoLD; DIS-ERGeS ), Art. 12 and 13 ICC-Rules (together with B. Herzberg) and secs. §§ 2 and 3, 12, 14, 16 and 17 DIS-Rules (together with Th. Klich)

**2012**

Rechtliche Grundlagen zum Thema Bewegtbild im Web, in Bundesverband Digitale Wirtschaft (BVDW) e.V. (ed.), Bewegtbild im Web - Kompass 2012/2013, p. 96 et seq. (together with F. von Stumm)

When Two Worlds Collide – The Dilemma Between Insolvency and Arbitration, in M. Roth/M. Geistlinger (eds.), Yearbook on International Arbitration, nww, Volume II, 2012, p. 119 et seq.

**2010**

Rechtliche Grundlagen zum Thema Bewegtbild im Web, in Bundesverband Digitale Wirtschaft (BVDW) e.V. (ed.), Bewegtbild im Web - Kompass 2010/2011, p. 100 et seq. (together with Ferdinand von Stumm)

**2008**

Abstimmungsfragen zwischen Internationalem Insolvenzrecht und Internationaler Schiedsgerichtsbarkeit, Dissertation, Peter Lang

**2002**

Editorial Assistant to Prof. Peter Hay on two German Black Letter Publications/Treatises on Conflict of Laws and U.S. American Law

**ARTICLES**

2012

Soft Law in International Arbitration – Some Thoughts on Legitimacy, Heidelberg Student Law Review 3/2012, p. 409 et seq. (together with F. Lüth) Unparteiisch und unabhängig, Berliner Wirtschaft, No 3, March 2012, p. 31

2011

Insolvency and Arbitration: A Pleading for International Insolvency Law, Dispute Resolution International | Vol 5 | No 2 November 2011, p. 189 et seq.

2010

Responding to Differing Procedural Concepts in U.S.-German Cross-Border Disputes, Int'l Law Practicum | Vol. 23 | No. 1, p. 34 - 36. (together with Dr. T. Krätzschar, J.D., Attorney-at-Law (New York, Georgia))

Die insolvente Partei im Schiedsverfahren – eine Herausforderung für alle Beteiligten | GWR 2010, p. 129 et seq.

2009

When International Insolvency Law meets International Arbitration Dispute Resolution International | Vol 3 | No 1, p. 56 – 67

2008

Legal Aspects of Cross Border Know-how Transfer, SOUQ 3/2008, p. 13 et seq. (together with Prof. Dr. H.-E. Rasmussen-Bonne, LL.M.)

**CASE LAW  
ANNOTATIONS  
AND OTHER  
CONTRIBUTIONS**

2012

Review of SET-OFF DEFENCES IN INTERNATIONAL COMMERCIAL ARBITRATION – A Comparative Analysis by Chr. Fountoulakis, Hart Publishing, 2011, in SchiedsVZ 2012, p. 95

OLG München: Ordre Public Beanstandung eines Schiedsspruchs nur bei Verstoß gegen das Anstandsgefühl aller Billig- und Gerechtdenkenden, GWR 2012, 273

2011

BGH: Ungültigkeit von Schiedsklauseln in Geschäftsbesorgungsverträgen über Terminoptionsgeschäfte, GWR 12/2011, p. 287

2010

BGH: Formungültigkeit einer Schiedsklausel und widersprüchliches Verhalten, GWR 23/2010, p. 582

2009

BGH: Internationale und örtliche Zuständigkeit deutscher Gerichte für Insolvenzanfechtungsklagen, GWR 8/2009, p. 205

BGH: Beschlussmängelstreitigkeiten im GmbH Recht sind grundsätzlich schiedsfähig - „Schiedsfähigkeit II“, GWR 5/2009, p. 110

BGH: Feststellung der Insolvenzforderung im Zahlungsschiedsspruch, GWR 2/2009, p. 44

**LECTURES AND  
PRESENTATIONS****Since 2009**

Lecturer (*Lehrbeauftragter*) on international arbitration at Humboldt University Berlin as part of the International Dispute Resolution Master of Laws program (since 2015), international sales law and arbitration (2009 - 2014) as well as real estate law (2010 - 2013)

**2016**

Best Practice in Prozessmanagement der Handels- und Wirtschaftsschiedsgerichtsbarkeit, 8 April 2016, Berlin, Deutscher Notarverein

**2015**

Schiedsklausel: Wann, warum und wie?, 6 November 2015, Berlin, Deutsch-Schweizerische Juristenvereinigung

**2014**

Schiedsklauseln unter besonderer Berücksichtigung von Beschlussmängelstreitigkeiten, 13 November 2014, Berlin, Berliner Anwaltsverein

Who should have the "Competence-competence"?, 6 October 2014, Madrid, International Arbitration Congress on the occasion of the 25th anniversary of the CIMA (Civil and Mercantile Arbitration Court)

Declaratory court order on the admissibility of arbitration - An internationally available feature of German arbitration law, 19 September 2014, Berlin, 1<sup>st</sup> Global Conference of the Co-Chairs' Circle

Scrutinizing and Approving Arbitral Awards – The Function of the ICC Court of Arbitration, 6 March 2014, 3<sup>rd</sup> Hannover Pre-Moot Conference "The Judicialization of Arbitration"

**2013**

Einführung in das Schiedsverfahren, 16 September 2013, Berlin, client in-house seminar

Med-Arb Clauses in International Arbitration, 31 July 2013, Berlin, HU/Tulane International Summer School on Dispute Resolution  
Verfassen des Schiedsspruchs, 15 June 2013, Berlin, IWIS ICC Seminar

**2012**

Key Features of Emergency Arbitrator Proceedings, 18-20 October 2012, Barcelona, International Arbitration Congress

Court Assistance with the Obtaining of Evidence in Arbitration, 29-30 June 2012, Neuchâtel, ASA below 40 summer retreat

Verfassen des Schiedsspruchs, 2 June 2012, Berlin, IWIS ICC Seminar  
Soft Law in Arbitration – Legitimacy, 24-27 May 2012, Salzburg, Center for International Legal Studies, International Arbitration and Dispute Resolution, 7<sup>th</sup> Biennial Symposium

Das Schiedsverfahren aus Sicht des Schiedsrichters - auf die Weichenstellung kommt es an, 8 March 2012, Berlin, DIS40 Berlin

**2010**

Various Effects of Insolvency Proceedings on Arbitration, 10-13 June 2010, Salzburg, Center for International Legal Studies, 6<sup>th</sup> Biennial Symposium on Arbitration, Mediation and ADR

Insolvenz und Schiedsgerichtsbarkeit; 24 March 2010, Hamburg, DIS 40 Nord

**2009**

Insolvency of a party to an arbitration agreement: does the place of arbitration play a role?, 23-24 October 2009, Tunis, Chartered Institute of Arbitrators, European Branch & International Chamber of Commerce (ICC) Joint Conference

Insolvency Issues arising in Arbitration in Cross-Border Context: Introduction to the legal framework and developing a coherent strategy for dealing with the range of issues triggered by insolvency, 6 March 2009, Stockholm, Stockholm Centre for Commercial Law