

VIAC – Questionnaire for Mediators

1. **Name:** Dr. Vít Horáček

2. **Nationality:** Czech

3. **Contact information**

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Fax:

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LinkedIn:

4. **Education and professional experience (original profession; where did you study?):**

Education:

Charles University, Prague, Czech Republic – PhD., 1993

Charles University, Prague, Czech Republic, Faculty of Law

Doctor of Law (Specialisation: International Private and Public Law), 1986–1991

Further Education:

Euroforum MBA Program, 1999

Short-term attachments to legal organisations and university law departments in Helsinki, Finland; Passau, Germany; Strasbourg, France; Copenhagen, Denmark, 1991–1993

Long-term attachment to the University of Birmingham, and to London and Glasgow law firms, UK, September –November 1993

Career History:

2016

Associate and Partner at LEGALITÉ advokátní kancelář s.r.o.

1994 – 2015

Associate and Partner at Glatzová & Co.

1992 – 1994

Associate at leading Czech law firm Bubník & Myslil

Specific areas of practice: business law, mergers & acquisitions, privatisation projects, Intellectual property

1990 – 1992

In-house lawyer for various private companies

Advised management and coordinated day-to-day business and legal services

5. **Core area of current professional activity:**

Arbitration and mediation

6. **Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

Different seminars and cases on mediation, no official accreditation

7. **Practical experience in mediation**

- How many (international) mediations have you participated in
 - as single, co-mediator, in a team?
single: 10, co-mediator: 5
 - administered by an institution; under which Rules?
Czech Arbitration Court and its rules

- in which areas/fields?
energy, IT, IP, investment
- how complex (*please provide examples, participation of lawyers/experts*)?
most of them were complex mediations involving all standard parties and advisors
- How often have you acted in a different function (e.g. consultant, expert)?
very often, as practicing attorney, I am also acting as an advisor and/or expert
- What other ADR-experience do you have?
med/arb

8. Languages (including levels)

Mother tongue: Czech

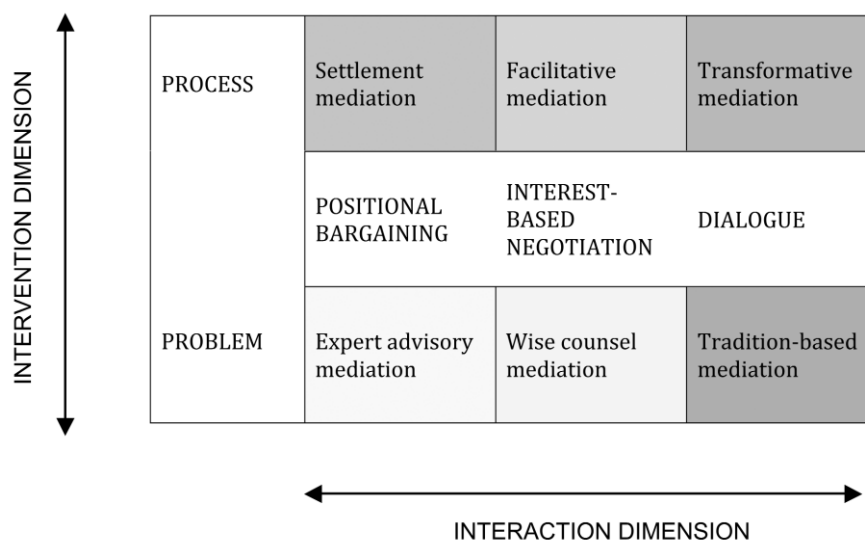
Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): English, French, German, Russian, Slovak

Basic knowledge: Spanish, Italian

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.

settlement mediation, tradition-based mediation



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

proactive approach, flexibility, understanding of economics

11. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

- "On Line IP Dispute Resolution", Seminar on International Perspectives on Intellectual Property Protection, Shanghai, China, November 2014

- “International Experience in Arbitration and On-line Arbitration”, Arbitration in Russia – New Solution for Business Conference, Moscow, October 2014
- Big Law Firms Mediation, Czech Bar Bulletin 6, 2013
- Entrepreneur and Its Relationship, Scripta Iuridica 13, Stanislava Černá, Stanislav Plíva and coll., co-author, UCFI 2013

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

13. Special expertise or specializations (*please list a maximum of three*) in your ADR-practice:

energy, IP (domain names), investment

14. Soft Skills (e.g. intercultural competences):

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?

management, broad practice

16. Date of birth: 6.10.1967

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

Prague, July 18, 2016

Date and signature

CURRICULUM VITAE

NAME

DR. VÍT HORÁČEK

CONTACT

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e-mail: vit.horacek@legalite.cz
www.legalite.cz, www.vithoracek.com

EDUCATION:

Charles University, Prague – PhD., 1993
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Doctor of Law (Specialisation: International Private and Public Law), 1986–1991

FURTHER EDUCATION

- Euroforum MBA Program, 1999
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- Long-term attachment to the University of Birmingham, and to London and Glasgow law firms, UK, September –November 1993

MEMBERSHIP OF PROFESSIONAL SOCIETIES

- Member of the Czech Bar Association
- Arbitrator at the permanent Czech Arbitration Court at the Economic Chamber of the Czech Republic and Agrarian Chamber of the Czech Republic
- Arbitrator of VIAC Vienna
- Assistant Professor at the Charles University, Prague, Faculty of Law
- Arbitrator at the Court of Arbitration for Sport (CAS)
- Arbitrator at Football Association of the Czech Republic
- Arbitrator at the Arbitration at the Moscow Chamber of Commerce and Industry
- Arbitrator at the Arbitration Court attached to the Czech-Moravian Commodity Exchange, Kladno (Czech Republic)
- Member of the International Bar Association
- Member of the Academic Senate of the University of Economics and Management (2001-2004)
- Member of the Association Internationale de Jeunes Avocats
- Member of the Czech Society for International Law
- Member of ICC commission for ADR
- Member of the Board of Editors – internet magazine www.stavebni-forum.cz
- Awarded as Lawyer of the year 2005 in IT area

LANGUAGES

Czech: Native
English: Fluent
French: Fluent
German: Fluent
Russian: Fluent
Slovak: Fluent

SPECIALIZATION

- Arbitration & Litigation
- Intellectual Property and IT Law
- Energy Law

CAREER HISTORY

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Associate at leading Czech law firm Bubník & Myslík

Specific areas of practice: business law, mergers & acquisitions, privatisation projects, Intellectual property

1990 – 1992

In-house lawyer for various private companies

Advised management and coordinated day-to-day business and legal services

EXPERIENCE

Privatisation:

- Advising one of the bidders in the privatisation tender for Czech state-owned SPT Telecom and Czech Radiocommunications (mobile telephone operator)
- Conducting due diligence exercises and drafting, reviewing and negotiating transaction documents prior to and related to the privatisation of the Czech Republic's largest pharmaceutical company
- Major participation in privatisation of the Czech gas and electricity sector, including representation of E.ON in bid submission to National Property Fund
- Appointed by EBRD to negotiate multi-disciplinary framework contracts for privatisation and restructuring of Central European countries
- Counselling a number of Czech state-owned enterprises on preparation of privatisation projects and legal structure of companies, including advice on project financing (i.e. debt and equity) and implementing foreign investments
- Advising on complex environmental issues concerning privatisation projects

Utilities & Related Areas:

Listed in international legal and business publications as a leading practitioner in the field of utilities law

- Advising MVV ENERGY CZ in acquisition of TERMIZO, a.s., a company operating the technologically most advanced waste incineration plant in the Czech Republic. The transaction included representation of the target in negotiations of CZK 800 million bank loan for refinancing of intra-group loans before signing. In addition to coverage of standard legal issues, the transaction required specific legal advice on application of heat pricing regulation which is subject of a court proceeding between the target and relevant state authorities
- Full transaction work (from due diligence through drafting and negotiation to closing and post-closing activities) in acquisitions involving the principal gas, water and electricity distribution companies in the Czech Republic
- Representing utilities clients before public authorities in matters involving rate-setting, asset disposition, tariffs, interconnection agreements, development-related permits and operational permits, including water discharge permits and permits for the treatment and disposal of regulated waste
- Advising the Ministry of Industry and Trade on the development of new utility policies and regulations under the auspices of a USAID Grant

- Advising major international utilities companies, including United Energy, Frantschach/Mondi and Cinergy on the acquisition and restructuring or outsourcing of energy centres in the Czech Republic
- Protecting the interests of IPP (independent energy producers) against a state monopoly in proceedings on price-setting and abuse of a dominant provider's position before the state Antimonopoly Office and Energy Regulation Office
- Dispute resolution in utilities transactions, including domestic and international litigation, arbitration, mediation and alternative dispute resolution proceedings

Intellectual Property, Information Technology and Telecommunications:

Czech IT Lawyer of Year 2005

- Advising Volvo Auto Czech, s.r.o. in connection with IP/IT aspects of separation and sale of retail business activities of Volvo in the Czech Republic (sale of part of enterprise)
- Advising Volvo Auto Czech, s.r.o. in connection with IP/IT related matters on daily basis namely in connection with distribution specific SW, and brand usage rules enforcement
- Advising Ford Motor Company, s.r.o. in connection with IP/IT related matters on daily basis namely in connection with distribution specific SW, and brand usage rules enforcement
- Representing shareholders of Aliatel in its sale to second largest telco operator GTS Novera (former GTS)
- Extensive terrestrial, cable and satellite broadcasting company transactions, including full-service work from due diligence through to drafting and negotiation of transaction documents and closing and post-closing activities including anti-monopoly proceedings
- Advising bidder for third licence for operation of mobile phone telecommunications network (DSC – 1800)
- Representing GTS in regulatory matters and actions against Český Telecom (dominant operator) and RadioMobil (second GSM licence holder and operator in the Czech Republic)
- Co-operation with companies forming AORTA Group (e.g. Tiscali, Contactel, GTS, Aliatel, Czech On Line, Inway, TransgasNet) regarding regulation of the Czech telecommunications market, actions against Český Telecom and related anti-monopoly proceedings
- Representing Český Mobil – Oskar (third GSM licence holder and operator in the Czech Republic) in selected issues related to market regulation
- Representing Telekom Austria in the acquisition of Czech On Line, (the largest ISP transaction in Central Europe in 2000) and the due diligence of Aliatel
- Representing BroadNet/Comcast in its successful bid for a broadband 26 GHz wireless access licence
- Representing shareholders in major telecom operators in their restructuring and sale to financial investors and telecom companies
- Advising clients in the telecommunications and IT sectors on data transfer requirements, internet services and IT software agreements
- Advising and conducting due diligence for a major U.K. investment fund, including drafting transaction documents and negotiations, in connection with the acquisition of the third largest Czech cable TV operator
- Conducting due diligence and drafting, reviewing and negotiating transaction documents prior to and in connection with the sale of a majority interest in the Czech Republic's largest private software company to American investment fund
- Advising client in connection with development of local TV and Internet TV in the Czech Republic and Slovakia, including broadcasting licensing
- Dispute resolution with regulatory authorities in the area of media and communication
- Listed in international legal and business publications as a leading lawyer in the fields of telecommunications, IT and media law

Foreign Investments (M&A, Joint Ventures):

- Providing Czech legal advice on investments (joint ventures, mergers and acquisitions) in the Czech Republic to clients including:
 - large European food and tobacco companies
 - international automobile manufacturers
 - large international cement and mining companies
 - a major international steel company
 - leading European tyre manufacturers
 - leading US and European telecommunications companies
- Advising investment funds on investment in Czech industry
- Advising on syndicated loan transactions

Commercial Property:

Listed in international legal and business publications as a leading lawyer in the field of commercial property, construction and real estate

- Leading lawyer of teams advising on green-field constructions of production facilities, offices in the value up to CZK 5 billion
- Advising on USD 169 million construction of the largest university campus in Central Europe, including handling of contractual negotiations, arrangement of public tenders for appointment of contractors, architects and project manager and drafting and settlement of restitution claims
- Conducting due diligence exercises regarding major construction projects

Legislative works:

- Preparing comments to new civil law
- Drafting various laws and bylaws including expert opinions for governmental institutions
- Drafting Energy law and related bylaws
- Drafting “PPP” law and related bylaws and amendments of other related acts

Arbitration & Litigation:

Listed in international legal and business publications as a leading lawyer in the field of litigation

- Advising KKCG Industry in a complex of one of the largest disputes in the Czech republic related to the shares of the company VÍTKOVICE HOLDING, a.s., the holding company of one of the largest Czech heavy industry groups
- Representing EVRAZ VÍTKOVICE STEEL, a.s. in major litigations

General Corporate and Commercial Law:

- Advising on corporate matters in the Slovak Republic
- Advising Czech companies on management and leverage buy-outs
- Advising on Czech tax and customs duties
- Expertise in Czech insolvency and bankruptcy law
- Assisting with drafting of Czech energy, securities and construction regulations
- Negotiating business contracts on several kinds of goods, specifically machinery and chemical products

LECTURES

- “1001 IP Issues in China”, Protection of Intellectual Property Rights CILS Conference, Kitzbühel, February 2015
- “Transnational Businesses in Corporate Governance”, International Conference by Charles University Prague – Law Crossing Eurasia: From Korea to the Czech Republic, Prague, January 2015
- “On Line IP Dispute Resolution”, Seminar on International Perspectives on Intellectual Property Protection, Shanghai, China, November 2014

- “International Experience in Arbitration and On-line Arbitration”, Arbitration in Russia – New Solution for Business Conference, Moscow, October 2014
- “Lawyers and Arbitrators Practice”, Workshop on Actual Recodification Issues in Business Law, Masaryk University Brno, July 2014
- “Update on International Commercial Dispute Resolution in Czech Republic and Austria”, Eighth Dublin Forum on International Commercial Dispute Resolution 2014, July 2014, Dublin
- “Specific Issues of Corporate Governance in Transborder Businesses”, Central Europe Corporate Governance Conference, Charles University Prague, May 2014
- “Practical aspects of unfair competition defense”, Unfair Competition Symposium, Masaryk University, Brno, April, 2014
- “Enforcement of IP rights”, Ekonomia, Prague, April 2013
- “Mediation Directive”, Czech Arbitration Court and CI Arb seminar, Prague, April, 2012
- “Consumer Protection in National and International Environment”, Conference 200 Years of ABGB” organized by Charles University, Prague, November 2011
- “ADR in Business Disputes”, Conference organized by University P.J. Šafárik, Košice and Institute of State and Law of Academy of Sciences Czech Republic, High Tatras, Slovakia, October 2011
- “Autonomy of Parties and Arbitrators in Sports Arbitrations”, World Jurist Association/ICC Conference, Prague, October 2011
- “ADR International Aspects”, “Mediation 2011 Conference”, University Palacký Olomouc, October 2011
- “International Protection of Investment in Energy Business”, Energy Law Group Energy Congress, Paris, September 2011
- “ICC Arbitration”, ICC Czech Republic, May 2010
- “IT Disputes”, 16. EDI Symposium, Prague, April 2010
- “Mediation in Commercial Dispute”, Lawyers in ADR Conference, Prague, April 2010
- “Alternative Dispute Resolution – Domain Names”, Protection of Intellectual Property Rights CILS Conference, Kitzbühel, February 2010
- “Dispute Resolution Methods”, Dispute Resolution Conference, Prague, June 2009
- “United Nations Convention on Contracts for International Sale of Goods”, Czech Arbitration Court Seminar, Prague, March 2009
- “Vacation Suits”, Czech Arbitration Court Seminar, Prague, February 2009
- “Arbitration Court Decision Making Practice on Domain Names”, Conference on Present Legal Questions of Domains, Brno, Czech Republic, February 2009
- “Manager and his responsibility in Czech legal environment”, Conference: Manager as risky employment, Prague, October 2008
- “United Nations Convention on Contracts for International Sale of Goods”, Czech Arbitration Court Seminar, Prague, May 2008
- “Arbitration Court Decision Making Practice on Domain Names”, Conference on Present Legal Questions of Domains, Prague, May 2008
- “Electronic Gaming in Czech Republic and Middle Europe”, 2nd Annual Legal Gaming in Europe Summit, London, January 2008
- “Intellectual Property and Unfair Competition”, Cartels, Competition and Unfair Trade Practices Conference, CILS, Kitzbühel, 2007
- “Claims Recovery in Arbitration”, Claims Recovery Czech - French Chamber of Commerce Conference, 2006, Prague
- “Mediation and the Czech law”, IBA Annual Conference, 2005, Prague
- “Procurement routes in international construction projects”, IBA Annual Conference, 2005, Prague
- “New legislation in real estate laws”, IIR Czech Real 2005 Conference, Prague, 2005
- “Challenges of Enforcement in Czech Republic”, IBA Conference – The New Europe, Challenges of Integration – Litigation in Europe, Limassol, Cyprus, 2005
- “Practical legal issues of managers responsibility”, Conference on the Managers Responsibility and D&O Insurance, AIG, Prague 2005

- "Public procurement in the Information Technologies business" – Conference on the Public Procurement in the European Union, Prague 2005
- "EU Funds in Real Estate Market" – Conference on the Real Estate Market, Prague 2004
- "Legal Environment and Regulation in Central Europe" – New Generation Telecoms Conference, Prague 2004
- "Central European Restructuring and Insolvency Issues" – European Corporate Restructuring and Insolvency Summit, London, June 2004
- "Domain Name Protection" – Conference on the Protection of Intellectual Property Rights, Kitzbühel, 2004
- "Non-residential Premises and Rental Relations" – Conference on the Real Estate Market, Prague, 2003
- "Information Technology Security" – Conference on Security of Information and Communication Systems, Prague, 2002
- "Intellectual Property Rights in the Czech Republic" – Conference on the Protection of Intellectual Property Rights, Kitzbühel, 2002
- "Legal Aspects of Information Technology Security" – Information Technology Security Seminar, Senate of the Czech Republic, Prague, 2001
- "Labour Law in the Czech Republic" – 26th Biennial International Bar Association Conference, Berlin, 1996
- "Ownership and Lease of Property" – Real Property Seminar, Prague, 1996
- "Transformation of Law and Privatisation in the Czech Republic" – Conference of Justice, Glasgow, 1993
- "Law in Czechoslovakia" – Seminar in Denmark, 1990

PUBLICATIONS

- Corporations Law, Černá S., Štenglová I., Pelikánová I. and collective, co-author, Wolters Kluwer, Praha 2015
- Corporate Governance, collective monography, „Special Institutes of Corporate Governance in Transnational Business“, Wolters Kluwer Prague, 2015
- International Civil Procedure, 2nd edition, Czech Republic, Juris, 2014
- Civil Law Commentary, Švestka J., Dvořák J., Fiala J. and collective, co-author, Wolters Kluwer a.s. Praha 2014
- Collection of Cases – Business Law, 3rd Edition, Stanislava Černá and collective, co-author, Wolters Kluwer, a.s. Praha 2014
- Corporations Law Commentary, A.J. Bělohávek and collective, co-author, Aleš Čeněk Publishers, Praha 2013
- Big Law Firms Mediation, Czech Bar Bulletin 6, 2013
- Entrepreneur and Its Relationship, Scripta Iuridica 13, Stanislava Černá, Stanislav Plíva and coll., co-author, UCFI 2013
- International Civil Procedure, Czech Republic, Juris, 2013
- New Rules on ICC Arbitration - International Court of Arbitration, Obchodní právo č. 1/2013
- WADA Code Application in Practice, Leviatan Arbitration E-review, Poland, 2012
- 200 Years of Civil Code, Jan Dvořák, Karel Malý and collective, co-author, Wolters Kluwer, a.s., Praha 2011
- Case Law of Czech Arbitration Court, Czech Yearbook of Arbitration (also member of Editorial Board), Volume I, Juris 2011
- Collection of Cases – Business Law, 2nd Edition, Stanislava Černá and collective, co-author, Wolters Kluwer, a.s. Praha 2011
- Procedures of Consideration and Enforcements of Arbitral Awards, International Practice, European Arbitration Chamber, Kiev, 2010
- Collection of Cases – Business Law, Stanislava Černá and collective, co-author, ASPI, a.s., 2008
- „Czech Republic Arbitration“, *The European & Middle Eastern Arbitration Review* 2008.
- "Czech Republic Arbitration", *European Arbitration Review* 2007

- „Czech Arbitration Court given domain name role“, Global Arbitration Review, Volume 1, issue 2, 2006
- "International Construction Projects ", Bulletin advokacie, 5/2006
- ADR .eu domains, different articles in periodicals in Europe, 2006
- Dispute Resolution in the Czech Republic, Law Business Research, 2005
- Protection of Economic Competition in Czech Republic, Kluwer 2003, 2004
- Alternative dispute resolution, Právo a podnikání 3/2003
- Labour law in the Czech Republic, Kluwer, 2002
- "International Comparative Survey of Financial Markets", Journal of International Banking Law, special issue 1998
- "Public Offers of Share Purchase Agreements", Právo a podnikání 7-8/1998
- "Company Savings Banks", Ekonom (Czech weekly business journal) 32-33/1998
- "Protection of Minority Shareholders When Shares are Publicly Tradable", Právo a podnikání 1/1998
- "Limitation of Liability", Právo a podnikání 10/1997
- Labour Law in the Czech Republic, Kluwer, 1997
- "Types of Shares", Právo a podnikání (Czech legal monthly newsletter), 7-8/1996
- "Arbitration in the Czech Republic", AIJA International Arbitration Gazette 1/1995
- "Arbitration in the Czech Republic", American Bar Association Newsletter 1995, v. 3
- "Futures and Derivatives in the Czech Republic", Futures & Derivatives Law Review, 1994
- Legal commentaries on Czech real estate law featured in the bimonthly Estates News
- Several articles in Czech law journals on the relationship between international and local law
- "Law Crossing Eurasia – From Korea to the Czech Republic", Jaewan Moon, Michal Tomášek – co-author, (rW&W Science & New Media Passau/Berlin), Prague, 2015