

**DR. PHILIPP K. WAGNER, LL.M.
(EMORY)**

Rechtsanwalt (German Attorney)
Attorney-at-Law (New York)
Born 1975 in Munich

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PROFESSIONAL EXPERIENCE

- since 07/2013 WAGNER Arbitration | BERLIN: Independent arbitrator and party counsel in arbitration proceedings as well as legal advisor in cross-border business transactions
- 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

ARBITRATION EXPERIENCE

- As arbitrator** As chairman: 6 arbitrations (DIS, UNCITRAL)
As sole arbitrator: 7 arbitrations (ICC, DIS, ad hoc)
As co-arbitrator : 17 arbitrations (ICC, DIS, SCC, GMAA, IHK, ad hoc)
- As 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)

AREAS OF SPECIALIZATION

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

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

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) and DIS below 40 [Initiator & Past Regional Coordinator of the DIS below 40 Berlin Chapter (05/07 – 03/11)]
 Swiss Arbitration Association (ASA)
 HMA Humboldt Moot Alumni Association
 Tönissteiner Kreis e.V. (Tönisstein Group)

PUBLICATIONS

BOOKS

Current projects
 2014 Co-author on international sales law in a German online civil law commentary
 2014 Co-author on international sales law in Swiss CISG commentary (Brunner, UN-Kaufrecht – CISG, 2nd 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 March 2009, 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*) at Humboldt-University Berlin on international arbitration 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)
- 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, 1st Global Conference of the Co-Chairs' Circle

- Scrutinizing and Approving Arbitral Awards – The Function of the ICC Court of Arbitration*, 6 March 2014, 3rd Hannover Pre-Moot Conference “The Judicialization of Arbitration”
- 2013 *Einführung in das Schiedsverfahren*, 16 September 2013, Berlin, client inhouse 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, 7th 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, 6th 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