



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

KEY FACTS

Arbitrator | Mediator | Conciliator | Counsel in commercial, post-M&A, corporate and investment disputes

20+ years of relevant experience in the field of commercial arbitration in numerous cases under various laws – domestic and international, ad hoc and institutional

Recognized among the top arbitrators in Germany as “efficient, composed, and always measured” (JUVE) and by other arbitration rankings, such as Best Lawyers (repeated “Lawyer of the Year” recognitions), and Lexology (repeated “Thought Leader” recognitions)

Lecturer at universities in Germany and the USA; author and co-author of recognized Swiss and German commentaries on international law

PROFESSIONAL EXPERIENCE

since 07/2013
WAGNER Arbitration | BERLIN

Founding partner

2004-2013
WEITNAUER | BERLIN

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

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: 17 arbitrations (DIS, UNCITRAL, ad hoc)

As sole arbitrator: 10 arbitrations (ICC, DIS, SCC, ad hoc)

As co-arbitrator: 28 arbitrations (ICC, DIS, SCC, GMAA, IHK, TAMARA, ad hoc)

Party counsel

In arbitration proceedings: 27 arbitrations (ICC, DIS, ad hoc, ICSID, CAS)

In arbitration related national court proceedings: 8 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 and mediation; 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; advising clients in French ever since

English: Fluent; 1 year U.S. high school 1992/93; LL.M. 2001/02; advising clients in English ever since

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)

Hansa Rostock e.V.

**PUBLICATIONS
BOOKS & BOOK
CONTRIBUTIONS****Current projects**

Co-author of a leading German commentary on arbitration law

Since 2015: Beck-Online.Großkommentar zu dem Wiener Übereinkommen der Vereinten Nationen über Verträge über den Internationalen Warenkauf, Artt. 1 – 6 CISG

2022

Co-author of Nedden/Herzberg/Kopetzki (eds.), ICC-SchO / DIS-SchO, 2nd edition 2022, a German commentary on the ICC and the DIS Rules of Arbitration, in particular on the DIS-Supplementary Rules for Corporate Law Disputes

2021

Co-author of the [National Report of Germany in the IBA Toolkit on Insolvency and Arbitration Questionnaire](#) (together with Carl Christian Kramer)

2019

Co-author of the updated English version of a leading Swiss CISG commentary, Brunner & Gottlieb (eds.), Commentary on the UN Sales Law (CISG), Kluwer Law International, Art. 7 CISG

2017

Co-author on international conflict management (Landbrecht/Gabriel, Konfliktmanagement im internationalen Rechtsverkehr)

2015

Initial edition: Beck-Online.Großkommentar zu dem Wiener Übereinkommen der Vereinten Nationen über Verträge über den Internationalen Warenkauf, Artt. 1 – 6 CISG

2014

Co-author on international sales law in a leading 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*, nwv, 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

Current projects

Regular practice posts on the Wagner Arbitration Journal
(<https://wagner-arbitration.com/journal>)

2020

The Dissenting Opinion in Arbitration Proceedings in Germany, [Wagner
Arbitration Journal](#) (together with Julian Bickmann)

Das Sondervotum (dissenting opinion) im deutschen
Schiedsverfahrensrecht, GWR, 295 et seq. (together with Julian Bickmann)

Cooperation beats confrontation, [Wagner Arbitration Journal](#)

[Kooperation statt Konfrontation](#), Frankfurter Allgemeine Einspruch,
6 April 2020

2018

Would you choose German courts for commercial disputes if proceedings
were held in German?, [Wagner Arbitration Journal](#)

2017

Breaking free. The role of the lawyer in a corporate environment, [Wagner
Arbitration Journal](#)

Promoting Settlements between Disputants as Arbitrator, [Wagner
Arbitration Journal](#)

Coup de Cœur pour l'Europe, [Wagner Arbitration Journal](#)

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. Krätzschmar, J.D., Attorney-at-Law (New York, Georgia))¹_{SEP}

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

2017

Review of Hupka, Handbuch Schlichtungs- und Schiedsgerichtshof
Deutscher Notare, 2017

Review of Risse/Morawietz, Prozessrisikoanalyse, 2017

2012

Review of SET-OFF DEFENCES IN INTERNATIONAL COMMERCIAL ARBITRA-
TION – 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 2021**

Initiator and host of the virtual monthly interview series “arbitrattoria lunch bowl”, where special guests are being interviewed online on current topics relevant for international dispute resolution

Since 2020

Independent Course Developer on [International ADR](#) at the University of Arizona James E. Rogers College of Law

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)

2020

Promoting Settlements in International Commercial Arbitration, 9 April 2020, Yale Law School (Video Lecture)

2018

Why do lawyers move to Berlin?, 10 October 2018, Humboldt University Berlin, Intro week of the International Dispute Resolution Master of Laws program

Negotiating commercial contracts with German business partners, 12 May 2018, Prevallë, Kosovo-German Business Association (KDWV)

Why arbitrate?, 11 May 2018, Prishtina, American Chamber of Commerce in Kosovo

2017

Notare als Schiedsrichter ?!, 24 November 2017, Berlin, Schlichtungs- und Schiedsgerichtshof Deutscher Notare + Institut für Notarrecht

Der Beruf des Rechtsanwalts im 21. Jahrhundert - Organisation, Geschäftsmodelle und Strategien, 20 October 2017, Berlin, Forschungsinstitut für Anwaltsrecht an der Humboldt-Universität zu Berlin

Promoting Settlements between Disputants as Arbitrator, 21 July 2017, Chicago, John Marshall Law School

2016

Best Practice im 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, 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 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, 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