



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

## KEY FACTS

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

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

Specializes in domestic and international corporate and commercial law

Recognized by Best Lawyers, Expert Guides Commercial Arbitration, JUVE and Who's Who Legal

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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, 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

**WAGNER ARBITRATION**  
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**ARBITRATION  
EXPERIENCE****Arbitrator**

As chairman: 15 arbitrations (DIS, UNCITRAL, ad hoc)

As sole arbitrator: 11 arbitrations (ICC, DIS, SCC, ad hoc)

As co-arbitrator: 27 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)

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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; 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.

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**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, 2<sup>nd</sup> 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, 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****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. 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****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 "arbitratoria 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 (KDWW)

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, 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