

HabeggerArbitration

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Before opening **HabeggerArbitration**, Dr Philipp Habegger was for many years a partner at leading Swiss law firms in Zurich.

His main area of practice is international commercial arbitration. He has acted as counsel and arbitrator in more than one hundred and seventy international arbitral proceedings under a variety of arbitration rules, including ICC, Swiss Chambers' Arbitration Institution (Swiss Rules), LCIA, SIAC, Vienna, AAA/ICDR, Stockholm Arbitration Institute and UNCITRAL, involving the substantive laws of Switzerland, Germany, Austria, France, England, Russia, India, Turkey, Panama, Liechtenstein, Italy, Romania, Slovakia, Serbia, Estonia, Egypt and New York, as well as the UN Sales Convention (CISG) and the UNIDROIT Principles. He has been involved in disputes arising, *inter alia*, out of joint ventures, mergers and acquisitions, shareholders' agreements, international sales and related transactions, agency and distribution, licensing, franchising, construction and engineering projects, across a wide range of industries including telecommunications, automobiles, aviation, railways, pharmaceutical and biotechnology, food, defence, machinery, oil & gas, energy, construction, and commodity trading.

Philipp Habegger is the immediate past president of the Arbitration Court of the Swiss Chambers' Arbitration Institution (which administers the Swiss Rules). He is a former court member of the ICC International Court of Arbitration (2009-2015) and a former vice chair of the Arbitration Committee of the International Bar Association and vice president of the LCIA European Users' Council.

Philipp Habegger has been ranked for several years by Chambers Europe and Chambers Global for Dispute Resolution: Arbitration in Switzerland and The International Who's Who of Commercial Arbitration.

He was educated at Zurich University (lic iur 1989, Dr iur 1996) and at University of Chicago Law School (LLM 1994). He is admitted to the Swiss bar since 1992 and has also practised law as a foreign attorney in New York. He speaks German, English and French.

Philipp Habegger currently teaches international arbitration and international sales (CISG) at the Faculty of Law of the University of Zurich and acts as a course director for the Swiss Arbitration Academy.

Publications

Commentary on Art. 360-362, 364-366, 370-380 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, 3rd Ed., Basel, 2017

Introduction to Art. 353-399 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, 3rd Ed., Basel, 2017

The Arbitrator's Duty of Efficiency: A Call for Increased Utilization of Arbitral Powers, In: Patricia Shaughnessy/Sherlin Tung (Eds.), *The Powers and Duties of an Arbitrator: Liber Amicorum Pierre A. Karrer*, Wolters Kluwer, The Hague, 2017 (forthcoming)

Saving Time and Costs in Arbitration, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, The Hague, 2013

Article 43 of the Swiss Rules: Emergency Relief, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, The Hague, 2013

Introduction: ICC Rules, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, The Hague, 2013

Swiss Rules of International Arbitration – Commentary, In: Tobias Zuberbühler, Christoph Müller, Philipp Habegger (Eds.), *Swiss Rules of International Arbitration: Commentary*, Schulthess Verlag, Juris, 2nd ed. 2013

Commentary on Art. 360-362, 364-366, 370-380 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, 2nd Ed., Basel, 2013

Introduction to Art. 353-399 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, 2nd Ed., Basel, 2013

The Revised Swiss Rules of International Arbitration, New York Dispute Resolution Lawyer, Fall 2012, Vol. 5, No. 2, pp. 61-63

The Revised Swiss Rules of International Arbitration, together with Anna Masser, *Praxis des Internationalen Privat-und Verfahrensrechts (IPRax)*, 5/2012, pp. 459-464

The Revised Swiss Rules of International Arbitration, together with Anna Masser, *Anwalts Revue*, 4/2012, pp. 175-180

The Revised Swiss Rules of International Arbitration – An Overview of the Major Changes, ASA Bull. 2/2012, pp. 269-311

The UNCITRAL Notes on organizing Arbitral Proceedings – Time for an Update?, together with Anna Masser, In: Kröll/ Mistellis/ Rogers/ Perales Viscasillas (Eds.), *Liber Amicorum Eric Bergsten. International Arbitration and International Commercial Law: Synergy, Convergence and Evolution*, Alphen a/d Rijn 2011, pp. 207-223

(No) forfeiture of right to challenge an award when previous partial award was not challenged?, ASA Bull. 2/2010, pp. 130-136

Commentary on Art. 360-362, 364-366, 370-380 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, Basel, 2010

Introduction to Art. 353-399 ZPO (domestic arbitration), In: Karl Spühler/ Luca Tenchio/ Dominik Infanger (Eds.), *Basler Kommentar, Schweizerische Zivilprozessordnung*, Basel, 2010

Switzerland, together with Micha Bühler, In: *Guide to National Rules of Procedure for Recognition and Enforcement of New York Convention Awards*, Paris, 2009, pp. 279-285

Dissolution of corporations – Commentary on Art. 736-751 CO, together with Gilles Benedick, In: *Handkommentar zum Schweizer Privatrecht*, Zurich 2007

Document Production – An Overview of Swiss Court and Arbitration Practice, In: ICC International Court of Arbitration Bulletin, 2006 Special Supplement, *Document Production in International Arbitration*, 2006, pp. 21-34

Case Note on DFT 129 III 727: Extension of arbitration agreements to non-signatories and requirements of form, ASA Bull. 2/2004

Transfer of a prorogation clause in case of assignment – Note on a decision of the Zurich Commercial Court of 13 September 2001, ASA Bull. 4/2002

Arbitration and Groups of Companies – The Swiss Practice, European Business Organization Law Review (EBOR), 3/2002, Vol. 3

Switzerland: Appointment and Challenge of Arbitrators, Newsletter of Committee D (Arbitration and ADR) of the International Bar Association Section on Business Law, 2/1997, Vol. 2

Involuntary dissolution suits in Swiss corporate law, Ph.D. thesis, Bern 1996

The 1995 Rules of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation, Journal of International Arbitration, 4/1995, Vol. 12

Conferences

Atlanta International Arbitration Society, Fifth Annual Conference, International Arbitration in a Not So “Flat” World – Practical Considerations for Counsel and Their Clients, Atlanta, 9-11 October 2016, Speaker: *Rules convergence and “flattening” among leading arbitral institutions and venues: To what extent does the choice of institution and seat still matter?*

Vis Moot School Switzerland, Zurich, 4 October 2016, Speaker: *Harmonization of the arbitral process: good or evil?*

ASA jointly with BAC & CIETAC in Beijing; SHIAC in Shanghai, Swiss-Chinese Arbitration Seminar & Workshops, 14-18 June 2016

Global Arbitration Review (GAR), 3rd Annual GAR Live Frankfurt, Frankfurt, 2 June 2016, Moderator: *Post-Award proceedings in a cross-border context – When is an award really “annulled”?*

Swiss Chambers’ Arbitration Institution (SCAI) / Tehran Regional Arbitration Centre (TRAC), Swiss Rules of International Arbitration in a Comparative Perspective, Tehran, 27 April 2016, Moderator: *International Arbitration Rules of the Swiss Chambers’ Arbitration Institution (SCAI) in comparison with the Rules of the Tehran Regional Arbitration Centre (TRAC)*

Russian Arbitration Association (RAA), 3rd RAA Conference, Moscow, 20 April 2016, Speaker: *Outside View: Leading Arbitration Institutions*

University of Belgrade, Faculty of Law, VII Belgrade Arbitration Conference Belgrade, 11 March 2016, Panelist: *Is Harmonization of the Arbitral Process at the Roots of Avoidable Costs and Delay?*

ICC/Jagiellonian University, International Dispute Resolution - Diversity towards Convergence, Krakow, 15-16 October 2015, Speaker: *Tailor-made dispute management and resolution to fit the business needs*

American Bar Association (ABA), Moscow Dispute Resolution Conference Moscow, 18 September 2015, Speaker: *Joinder and Consolidation in International Arbitration*

Zurich Moot Alumni Association (ZMAA), Dritter Fachvortrag, Zurich, 26 August 2015, Speaker: *Der Vergleich im Verfahren vor staatlichen Gerichten und vor Schiedsgericht: SCHIEDSGERICHT (Settlement before state courts and arbitral tribunals: Arbitral Tribunal)*

Chartered Institute of Arbitrators, Centenary Speech, Zurich, 20 August 2015, Speaker: *Too many cooks spoil the broth – Is harmonization of the arbitral process at the roots of avoidable costs and delay?*

Russian Arbitration Association (RAA), II Annual RAA Conference, Moscow, 23 April 2015, Speaker: *Arbitration Court of the Swiss Chambers' Arbitration Institution*

Arbitration Court at Nowy Tomysl Chamber of Commerce, Arbitration and Mediation in Theory and Practice: State and ADR, Nowy Tomysl, 17 April 2015
Speaker: *Commercial Arbitration involving states and state entities in Switzerland and under the Swiss Rules of International Arbitration*

ICC Advanced Arbitration Academy for Central and Eastern Europe, Workshop IV on procedural Orders, Prague, 12 December 2014, Speaker: *Provisional Remedies, Security for Costs*

Gruppo ASA della Svizzera Italiana, Richieste di edizione, discovery e produzione di documenti nella fase allegatoria e probatoria della procedura civile e arbitrale, Lugano, 20 November 2014, Speaker: *Document Production*

Swiss Chamber of Commerce in Turkey / Swiss Chambers' Arbitration Institution, Seminar on the Swiss Rules of International Arbitration, Istanbul, 21 May 2014, Speaker: *Roots, Revision and Experiences in a Nutshell / Multi-party and Multi-contract Scenarios under the Swiss Rules*

ASA Group Espace Mittelland, Berne, 12 May 2014, Speaker: *Gemeinsamkeiten und Unterschiede der Schiedsgerichtspraxis in Genf und Zürich (Differences in approaches in the arbitral practice in Zurich and Geneva)*

International Chamber of Commerce (ICC) Young Arbitrators Forum (YAF), Paper, paper, everywhere..., London, 6 May 2014, Speaker: *Written presentation of case – views from an international arbitrator and counsel*

Centro de Arbitragem Comercial, Portuguese Chamber of Commerce, 2nd Intensive Course for Arbitrators, Lisbon, 21-22 March 2014, Speaker: *Module V – The Arbitral Award*

International Chamber of Commerce (ICC), 2nd Annual MENA Conference: Roundtable on the impact of the place of arbitration, Dubai, 11 March 2014, Speaker: *Lis pendens in international arbitration*

Swiss Arbitration Association (ASA), 10 Years of Swiss Rules of International Arbitration, Basel, 31 January 2014, Speaker: *The workings of the Special Committee and the Arbitration Court*

Lithuanian Arbitration Association (LAA), Arbitration: The Experience Of Its Application In The Member States Of The European Union And Its Future Developments In Lithuania, Vilnius, 21-22 November 2013, Speaker: *Choosing the right seat of arbitration and the right institutional rules*

DIS and Swiss Chambers' Arbitration Institution, Workshop, Stuttgart, 20 November 2013, Speaker: *Wie funktioniert die Swiss Chambers' Arbitration Institution (How does the Swiss Chambers' Arbitration Institution operate?)*

70. Anniversary Dr. Hans Nater, Zurich, 18 November 2013, Speaker: *Decision-making in arbitration – the arbitrator’s perspective*

DIS and Swiss Chambers’ Arbitration Institution, Workshop, Munich, 6 November 2013, Speaker: *Wie funktioniert die Swiss Chambers’ Arbitration Institution (How does the Swiss Chambers’ Arbitration Institution operate?)*

ASA Below 40, Visiting the Institutions – A visit to the Swiss Chambers’ Arbitration Institution, Zurich, 19 September 2013, Speaker: *The Arbitration Court’s perspective: institutional powers and role of Case Administration Committee; appointment of arbitrators and challenges; dealing with jurisdictional issues, multi-party issues and consolidation; scrutiny of costs and other cost issues*

Austrian Arbitration Association (ARB AUT), Liechtenstein Arbitration Association (LIS) and Swiss Arbitration Association (ASA), Dreiländer Konferenz: Schiedsverfahren in Österreich, Liechtenstein und der Schweiz, Innsbruck, 13 September 2013, Speaker: *Bildung des Schiedsgerichtes in Mehrparteienverfahren (Constitution of the arbitral tribunal in multi-party arbitration)*

Europa Institut – Universität Zurich, Arbitration in Finance Symposium, Zurich, 3 July 2013, Speaker: *Switzerland as a place for arbitration: fit for the future?*

Court of Arbitration LEWIATAN, Dispute Resolution in M&A, Warsaw, 6-7 June 2013, Speaker: *To bifurcate or not to bifurcate?*

Deutsche Institution für Schiedsgerichtsbarkeit (DIS), Frühjahrsversammlung, Munich, 25 April 2013, Speaker: *Administrative Konsequenzen einer Änderung in der Besetzung des Schiedsgericht (Administrative consequences of a change in the composition of the arbitral tribunal)*

University of Neuchâtel – Faculty of Law, New Developments in International Arbitration, Neuchâtel, 19 November 2012, Speaker: *The revised Rules of International Arbitration*

Swiss Arbitration Association (ASA), Annual Conference, Bern, 28 September 2012, Speaker: *Formerfordernis, Ausdehnung der Schiedsklausel (requirement of form and extension of the arbitration agreement to third parties)*

ICC Russia, Advanced Arbitration Seminar, Moscow, 11 September 2012, Instructor

ICC Germany Case Management Conference, PIDA Seminar, Berlin, 1-2 June 2012, Speaker: *Enforcement of Awards*

Zurich Chamber of Commerce, The revised Swiss Rules of International Arbitration, Zurich, 7 May 2012, Speaker: *The revised Swiss Rules of International Arbitration*

Geneva Chamber of Commerce (CCIG), The revised Swiss Rules of International Arbitration, Geneva, 26 April 2012, Speaker: *The revised Swiss Rules of International Arbitration*

UNCITRAL / VIAC, Joint Conference, Vienna, 29-30 March 2012, Speaker: *The UNCITRAL Rules as Institutional Rules: A few examples from the Swiss Rules of International Arbitration*

International Bar Association, Annual Conference, Madrid, 7 October 2009, Speaker: *Fast Track Arbitrations – Opting in or Opting Out?*

University of Buenos Aires, Buenos Aires, 17 October 2008, Speaker: *How to become an international arbitration lawyer*

5th Biennial Symposium on Arbitration and Alternative Dispute Resolution, Salzburg, 21 June 2008, Speaker: *Arbitrators as Settlement Facilitators*

International Bar Association, Annual Conference, Singapore, October 2007, Session Chair: *Anti-suit injunctions in international arbitration*

National University of Singapore, Singapore, 19 October 2007, Speaker: *How to become an international arbitration lawyer*

San Francisco Conference on International Arbitration, Managing Cross-Cultural Factors, San Francisco, 4-5 October 2007, Speaker: *Arbitrators as Settlement Facilitators*

Union Internationale des Avocats (UIA), UIA Mediation and Arbitration Conference, Istanbul, 18/19 May 2007, Speaker: *How to choose the right arbitrator*

International Bar Association, Annual Conference, Chicago, 22 September 2006, Session Co-chair: *Dispute Resolution Mechanisms for IP Related Disputes*

IBA-JCAA International Arbitration Symposium, Tokyo, 18 April 2006, Speaker: *Interpretation of Contracts by Arbitral Tribunals – a European Civil Law Perspective*

Stiftung für Juristische Weiterbildung, Zeugeneinvernahmen und Zeugenbeweis im Zivilprozess, Zurich, 23 March 2006, Speaker: *Witness conferencing*

International Bar Association, Annual Conference, Auckland, 26 October 2004, Speaker: *Court Support for Arbitration*

Singapore Institute of Arbitrators, Singapore, 24 May 2004, Speaker:
Arbitrators as Settlement Facilitators

EuropaInstitut der Universität Zürich, Wiener Kaufrecht, Zurich, November
2001, Workshop leader: *Consequences of breach of contract*

International Bar Association, Annual Conference, Amsterdam, 19 September
2000, Speaker: *Arbitration and Group of Companies – the Swiss Approach*