

Curriculum Vitae of

Dr. iur. Olivier Mosimann, LL.M.

LEGAL WORK EXPERIENCE

Since January 2017	Kellerhals Carrard Basel KLG, Basel Partner (since January 2019; previously: Senior Associate)
August 2015 – December 2016	LALIVE SA, Zurich Associate (Arbitration Practice Group)
February 2012 – June 2014	Homburger AG, Zurich Associate (Litigation/Arbitration team; Employment Law practice group)
December 2010 – February 2011	Zivilgericht Basel-Stadt [civil court of first instance] Intern
September 2009 – October 2010	Homburger AG, Zurich Junior Associate (Litigation/Arbitration and Banking/Finance teams)
May – June 2008	International Chamber of Commerce (ICC), Paris Court Intern at the International Court of Arbitration
February 2007 – June 2009	University of Basel, Faculty of Law Research and Teaching Assistant at the chair of Prof. Ingeborg Schwenzer
2005 – 2006	University of Basel, Faculty of Law Junior Research Assistant at the chair of Prof. Ingeborg Schwenzer

Education

2014 – 2015	University of California, Berkeley, School of Law LL.M., Certificate of Specialization in Law & Technology Online Editor of Berkeley Journal of Entertainment & Sports Law (BJESL) Member of Berkeley International Arbitration Society (BIAS)
2011	Bar admission Basel-Stadt Admitted to practice before all Swiss courts
2007 – 2009	University of Basel, Faculty of Law Doctorate on “Anti-Suit Injunctions in International Commercial Arbitration” under the supervision of Prof. Ingeborg Schwenzer (<i>summa cum laude</i> , awarded the annual prize of the faculty in 2010)
2001 – 2006	University of Basel, Faculty of Law Licentiate (<i>summa cum laude</i>)

ARBITRATION EXPERIENCE (SELECTION)

As Counsel:

Representing a Swiss against a European party in a Swiss Rules arbitration concerning the worldwide distribution of medical-technology instruments; Swiss seat, Swiss law; amount in dispute provisionally quantified at EUR 1.7 million

Representing a Turkish against a Pakistani chemical company in a Swiss Rules arbitration concerning service agreements; Swiss seat, Swiss law; amount in dispute EUR 1.5 million

Representing a Chinese manufacturer of electronic parts in an ICC arbitration against a Liechtenstein distributor concerning a distribution agreement for the CIS region; Swiss seat, Swiss law, amount in dispute USD 2.8 million

Representing a European industrial party in an ICC arbitration against an Asian party concerning patents, trademarks, know-how and unfair competition; Swiss seat, German law

Representing a European party operating a sports team in two ICC arbitrations against sponsors; Swiss seat, Swiss law, amounts in dispute USD 3.5 million and EUR 5.6 million

Representing a producer of oil and gas in an ICC arbitration against state entities concerning the breach of several licensing and joint-venture agreements; Swiss seat, Swiss law, amount in dispute USD 113 million

Representing a European provider of industrial plant engineering and construction in an ICC arbitration against a Middle Eastern consortium partner; Swiss seat, Swiss law, amount in dispute USD 17 million

Representing an energy trader in an UNCITRAL arbitration against an energy producer concerning the breach of energy supply agreements; Swiss seat, Swiss law, amount in dispute EUR 80 million

Representing a Latin American trust company in a Swiss Rules arbitration concerning the acquisition of a trust business in the Middle East; Swiss seat, Israeli law, amount in dispute USD 2.5 million

Representing a European high-technology company against another European high-technology company in an ICC arbitration concerning cross-licensing agreements; German seat, German law, amount in dispute EUR 15 million

Representing a multinational pharmaceutical group in an ICC arbitration against its North American distributor concerning alleged lost profits; Swiss seat, Swiss law, amount in dispute USD 209 million

As Arbitrator:

Sole Arbitrator in an expedited Swiss Rules arbitration between US and Swiss parties concerning a cooperation agreement relating to commodity trading; Swiss seat, Swiss law; provisional amount in dispute USD 534,177

Sole Arbitrator in an expedited ICC arbitration between Eastern European parties concerning the agency relating to engineering contracts; Swiss seat, Russian law; amount in dispute EUR 275,708

Sole Arbitrator in an expedited Swiss Rules arbitration between a European and an Asian party concerning the consultancy relating to sponsoring in the sports sector; Swiss seat, laws of Japan; provisional amount in dispute CHF 421,242

Sole Arbitrator in an ICC arbitration between an offshore and European parties concerning the production of bottles; CISG/Swiss law, Swiss seat, amount in dispute provisionally estimated at USD 882,056

Sole Arbitrator in a Swiss Rules arbitration between Swiss parties and a Belgian party concerning multiple agreements relating to the acquisition of a group of companies; Swiss law, Swiss seat, amount in dispute CHF 4.5 million

Sole arbitrator in an expedited Swiss Rules arbitration between an Asian and an African party concerning media rights in the sports sector; Swiss seat, Swiss law, amount in dispute USD 1.2 million

President in an ICC arbitration between a Middle Eastern and a Swiss party concerning a consultancy agreement relating to the distribution of technology in an African country; Swiss seat, Swiss law, amount in dispute USD 911,656

Co-arbitrator in a Swiss Rules arbitration between an individual and a Dutch company concerning executive compensation, Swiss seat, Swiss law, amount in dispute CHF 600,000

As Legal Expert:

Expert on jurisdiction, arbitrability, *res judicata* and admissibility of enforcement-related claims in a Swiss Rules arbitration between an offshore and a Swiss party; Swiss seat; amount in dispute EUR 148,485,072

PUBLICATIONS

(with Bernhard Berger) Art. 7 & Art. 186 IPRG, in: Berner Kommentar (forthcoming 2022)

Das anwendbare Recht in der staatlichen Gerichtsbarkeit und Schiedsgerichtsbarkeit, in: Kultur Kunst Recht (Peter Mosimann et al. eds., 2d ed., 2020)

(with Christoph Brunner) Art. 61-63, in: Commentary on the UN Sales Law (CISG) (Christoph Brunner & Benjamin Gottlieb eds., Alphen aan den Rijn 2019)

Vereinbart oder fremdbestimmt? Die Berücksichtigung von Einschränkungen des internationalen Kunsthandels durch Drittrechtsordnungen vor Schweizer Gerichten und Schiedsgerichten, in: Kunst & Recht 2017 / Art & Law 2017 (Peter Mosimann & Beat Schönenberger eds., Bern 2017), pp. 87 – 105

The Action by Stages (*Stufenklage / action échelonnée*) in International Arbitrations in Switzerland, 35(3) ASA Bulletin 567 – 588 (2017)

(with Christoph Liebscher/Nils Schmidt-Ahrendts) Beweisverfahren, in: Handbuch Schiedsgerichtsbarkeit (Hellwig Torggler et al. eds., 2d ed., Vienna 2017)

Art. 61-63, in: SHK UN-Kaufrecht – CISG (Christoph Brunner ed., 2d. ed., Bern 2014)

(with Melissa Magliana) Aufhebung eines Schiedsspruches wegen fehlender Zuständigkeit, in: dRSK, 17 July 2012

Aufhebung eines Schiedsspruches wegen Verletzung des materiellen Ordre public, in: dRSK, 5 July 2012

(with Gabrielle Nater-Bass) Effects of Foreign Bankruptcy on International Arbitration, in: Austrian Yearbook on International Arbitration 2011 (Christian Klausegger et al. eds., Vienna 2011), pp. 163 – 180

(with Simon Manner) Damages and Fixed Sums for Breach of Arbitration Agreements, in: Private Law, national – global – comparative. Festschrift für Ingeborg Schwenzer zum 60. Geburtstag (Andrea Büchler/Markus Müller-Chen eds., Bern 2011), pp. 1197 – 1211

Anti-Suit Injunctions in International Commercial Arbitration, The Hague 2010 (= doctorate thesis)

(with Luca Dalla Torre et al.) Sicherheiten nach Bucheffektengesetz – theoretische und praktische Aspekte, recht 1/2010, pp. 16 – 29

Anti-suit injunctions in der internationalen Schiedsgerichtsbarkeit: Präventions-, Verteidigungs- oder Angriffsmittel?, in: Prävention im Recht (Salome Wolf/Martino Mona/Marc Hürzeler eds., Basel 2008), pp. 295 – 309

PROFESSIONAL MEMBERSHIPS

Swiss Arbitration Association (ASA; current co-chair of Local Group Basel); ASA below 40 (co-chair 2017-2020), German Arbitration Association Young Practitioners Initiative (DIS40, regional coordinator for Zurich 2017-2020), ICC YAF, ICDR Y&I, LCIA YIAG, YAAP, Swiss Bar Association, Basel Bar Association, Zurich Bar Association (non-active)

LANGUAGES

German (native), English (fluent), French (fluent), Russian (basic)