



Philipp Hanusch

Partner

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Global areas of practice

Dispute Resolution; International
Commercial Arbitration

Languages

English and German.

Practice focus

Before joining the Firm in February 2015, Mr. Hanusch worked as an associate for a major Hong Kong law firm for 8 years. Prior to that, he worked for a leading Austrian law firm for 7 years.

Mr. Hanusch specialises in international commercial arbitration with a focus on shareholder, joint venture and M&A disputes. He has represented parties in arbitrations under various arbitration rules, including the rules of the Hong Kong International Arbitration Centre (HKIAC), International Chamber of Commerce (ICC), China International Economic Trade Arbitration Commission (CIETAC), International Center for Dispute Resolution (ICDR), Vienna International Arbitral Centre (VIAC), and the UNCITRAL Arbitration Rules. He is on the HKIAC's List of Arbitrators and has been repeatedly appointed as arbitrator under the ICC and HKIAC Rules.

Representative arbitration cases (Counsel)

- Acting for a PRC-listed company against a third party-funded claimant in Hong Kong ad hoc arbitration proceedings. The dispute concerned the termination of two supply agreements and involved jurisdictional issues arising from pathological arbitration clauses.
- Acting for a state-owned enterprise in Hong Kong ad hoc arbitration proceedings and related court-proceedings (anti-suit injunction). The dispute concerned the termination of PRC law governed joint venture agreements and involved complex jurisdictional issues arising from pathological arbitration clauses.
- Acting for an investment and investment holding group company against three respondents in a consolidated arbitration under the 2018 HKIAC Rules. The Hong Kong law governed dispute concerns the enforcement of a share buy-back obligation under a shareholders' agreement and related guarantee obligations.
- Acting for a leading commercial provider of waste management service against multiple respondents in a consolidated arbitration under the 2018 HKIAC Rules. The dispute arose out of a Hong Kong law governed joint venture agreement. It concerns funding obligations under, and the termination of, a joint venture agreement.
- Acting for a subsidiary of a HKSE-listed company against a BVI company in proceedings under the 2018 HKIAC Rules (Expedited Procedure); the dispute arose out of a project management agreement for a luxury residential project in Macau.

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- Acting for a service provider for influencer marketing and online presence against a European respondent in proceedings under the 2018 HKIAC Rules. The dispute concerned the termination of a service agreement and outstanding service fees.
- Acting for a subsidiary of a HKSE-listed company against a PRC owned BVI company in proceedings under the 2013 HKIAC Rules. The joint venture dispute concerned a mining business in South-East Asia. The proceedings involved emergency arbitrator relief as well as joinder and consolidation applications.
- Acting for a subsidiary of a global pharmaceutical company against a HKSE-listed company in proceedings under the 2013 HKIAC Rules. The dispute arose from a Subscription Deed in relation to a pharmaceutical business in the PRC. It involved Hong Kong, PRC and Bermuda law issues.
- Acting for a subsidiary of a HKSE-listed company against a subsidiary of a NYSE-listed company in ICDR arbitration proceedings in California. The dispute concerned the termination of a joint venture. It involved complex substantive and procedural issues arising under California and Hong Kong law.
- Acting for a PRC based private equity firm against a Borrower in arbitration proceedings under the 2013 HKIAC Administered Arbitration Rules. The dispute concerns claims under a Loan Agreement and Share Pledge Agreement.
- Acting for an Asian-Pacific insurance company in international ad hoc arbitration proceedings in Hong Kong. The issues in dispute concerned avoidance of an insurance policy due to non-disclosure and/or misrepresentation. Preliminary issues involved proceedings before the California State Superior Court on jurisdiction and thereafter, whether the claim was referred to arbitration in accordance with the policy.
- Acting for a Hong Kong firm against a Chinese manufacturer in CIETAC administered arbitration proceedings in Beijing, including the enforcement of the award in the PRC.
- Acting for a major UK telco and its Austrian subsidiaries against 12 respondents (major telecommunication companies from various jurisdictions) in three parallel ICC arbitration proceedings in Zurich. The proceedings were later consolidated. The shareholder dispute concerned contractual non-compete provisions. The amount in dispute exceeded USD 1.2 billion.
- Acting for an Austrian utility company (energy sector) against two major German utility companies in ad-hoc arbitration proceedings in Zurich. The dispute concerned the interpretation and adaptation of a long-term contract entered into in the early 1960ies regarding the construction and operation of a hydropower plant. It involved various and complex contractual, procedural and technical issues.
- Acting for a group company of a major French provider of telecom products and solutions against a Czech company in VIAC arbitration proceedings in Vienna. The dispute concerned contractual payment claims and counterclaims resulting from a Czech project and involved various complex issues of Austrian and Czech law.

- Acting for a leading Italian furniture manufacturer against a German company in VIAC arbitration proceedings in Vienna. The dispute resulted from the acquisition of a famous Austrian furniture manufacturer. It involved complex issues regarding the validity of the arbitration clause and the tribunal's jurisdiction.

Representative arbitration cases (Arbitrator)

- Sole arbitrator in an arbitration commenced as a single arbitration under multiple contracts under the 2018 HKIAC Rules with seat in Hong Kong. Governing law: Hong Kong law.
- Sole arbitrator in sale of goods dispute under the 2021 ICC Rules (Expedited Provisions) with seat in Shanghai. Governing law: CISG and Swiss law.
- Sole arbitrator in a commodities dispute under the 2012 ICC Rules with seat in Hong Kong. Governing law: Hong Kong law.
- Sole arbitrator in a commodities dispute under the 1998 ICC Rules with seat in Hong Kong. Governing law: Hong Kong law.

Publications, presentations and articles

Mr. Hanusch is a regular contributor to the Firm's moderated arbitration blog, www.globalarbitrationnews.com. His recent publications, presentations and articles include:

- Hong Kong Chapter in The Baker McKenzie International Arbitration Yearbook (annually since 2015/16).
- Hong Kong expands financing options for parties to arbitration, Global Arbitration News, Jan 2023.
- Hong Kong Court of Appeal confirms presumption against taking bills of exchange into arbitration, Feb 2022.
- Hong Kong court finds that award which is inconsistent with previous award concerning the same parties is manifestly invalid, Global Arbitration News, Nov 2021.
- Hong Kong and Mainland China enhance law on mutual enforcement of arbitral awards, Global Arbitration News, May 2021.
- Speaker, "The Role of Hong Kong as an International Arbitration Hub", BritCham, Mar 2023.
- Moderator, "Psychology in International Arbitration", HKAW, Oct 2022.
- Speaker, "Managing disputes in cross-border contracts", for members of The Law Society Hong Kong (annually since 2016).

Professional affiliations

- ICC-HK Standing Committee on Arbitration and ADR.
- Arbitration Committee of the International Bar Association (IBA).
- Asia-Pacific Forum for International Arbitration (AFIA).
- Austrian Arbitration Association (ArbAut).
- Delos Dispute Resolution.
- The Law Society of Hong Kong.

- American Chamber of Commerce in Hong Kong (AmCham).
- Europe Committee of the Hong Kong General Chamber of Commerce (HKGCC).
- Legal counsel (*Vertrauensanwalt*) to the Austrian Consulate in Hong Kong (since 2011).

Education and admission

- Admitted as solicitor in Hong Kong (since 2009)
- Formerly admitted as attorney-at-law in Austria (2004 to 2009)
- University of London, LL.M.
- University of Vienna, Mag. iur.