

# HabeggerArbitration

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

He now mainly sits as arbitrator in international commercial arbitrations. He has acted as counsel and arbitrator in more than 240 arbitration proceedings under a variety of arbitration rules, including ICC, Swiss Arbitration Centre (Swiss Rules), LCIA, DIS, SIAC, VIAC, AAA/ICDR, SCC, Finland Arbitration Institute and UNCITRAL, involving the substantive laws of Switzerland, Germany, Austria, France, England & Wales, Russia, India, Turkey, Panama, The Netherlands, Liechtenstein, Italy, Romania, Bulgaria, Slovakia, Serbia, Greece, Malta, Albania, Georgia, Kazakhstan, Estonia, Egypt, South Korea, Japan, Finland, New York and California, 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 a past president of the Arbitration Court of the Swiss Arbitration Centre (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.

Until 2022 Philipp Habegger taught international arbitration and international sales (CISG) at the Faculty of Law of the University of Zurich. He acted as a course director for the Swiss Arbitration Academy.

**Publications**

**Das revidierte Kapitel 12 IPRG über die Internationale Schiedsgerichtsbarkeit (The revised Swiss International Arbitration Act)**, In: Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht (ZZZ), 53/2021, pp. 371-388

**Das Parlament verabschiedet die Revision von Kapitel 12 IPRG mit einem Feinschliff (revision of Swiss international arbitration law)**, In: ASA Bull. 3/2020, pp. 548-579

**Zwischen vertraglichem Konsens und grundrechtlichem Zwang – Die unfreiwillige Schiedsgerichtsbarkeit (forced arbitration)**, In: Helmut Heiss / Peter Isler / Wolfgang Portmann / Florent Thouvenin (Eds.), *Gedächtnisschrift für Claire Huguenin*, St. Gallen, 2019

**Saving Time and Costs in Arbitration**, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, 2nd Ed., The Hague, 2018

**Article 43 of the Swiss Rules: Emergency Relief**, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, 2nd Ed., The Hague, 2018

**Introduction: ICC Rules**, In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, 2nd Ed., The Hague, 2018

**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 Shaugnessy/Sherlin Tung (Eds.), *The Powers and Duties of an Arbitrator: Liber Amicorum Pierre A. Karrer*, Wolters Kluwer, The Hague, 2017

**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

**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

**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**

**EIZ - Versicherungsrecht 2023 - Der versicherungsrechtliche Deckungsstreit**, Zürich, 26 October 2023, Speaker: *Schiedsgerichtsbarkeit als Streitbeilegungsmechanismus in Privatversicherungssachen*

**Schulthess Forum – Internationale Versicherungsprogramme**, Zürich, 28 September 2023, Speaker: *Schiedsgerichtsbarkeit: mehr als eine blosse Alternative zur Streitbeilegung?*

**AIDA Swiss Chapter Event - (Re-)insurance Arbitration**, Zürich, 25 September 2023, Speaker: *Multi-Party and Multi-Contract Arbitration*

**Swiss Arbitration Centre - Introducing the Practice Note on the Swiss Rules of International Arbitration**, Webinar, 11 May 2023, Speaker: *Costs*

**ICC YAAF Workshop for Swiss In-House Counsel - The Fundamentals of Dispute Resolution**, Basel, 18 October 2022, Discussion Leader

**ZAV/ASA-Fachgruppe Schiedsgerichtsbarkeit - Ideen zur Weiterentwicklung des Schiedsstandorts Zürich**, Zürich, 29 March 2022, Speaker: *Versicherungsrechtliche und rückversicherungsrechtliche Streitigkeiten*

**EuropaInstitut Zürich**, 16 October 2020, Speaker: *Das revidierte Kapitel 12 IPRG über die internationale Schiedsgerichtsbarkeit (revision of Swiss international arbitration law)*

**Dispute Resolution International**, Paris, 18 June 2019, Speaker: *IBA Rules vs. Prague Rules*

**ASA Group Zurich**, Zurich, 15 January 2019, Speaker: *Reform von Kapitel 12 IPRG (reform of the Swiss international arbitration act)*

**2018 Autumn Seminar**, Zurich, 8 November 2018, Speaker: *Security for Costs: State of Affairs in Switzerland – International Developments*

**Joint Conference RAA-SCAI-ASA**, Moscow, 25 October 2018, Speaker: *“Swiss Features” in acting as counsel*

**LCIA YIAG**, Zurich, 18 September 2018, Speaker: *Tribunal Secretaries*

**GAR Live Stockholm**, Stockholm, 24 May 2018, Speaker: *How to write an arbitral award*

**Arbitration Forum – Law and Economics Foundation**, St. Gallen, 10 – 11 April 2018, Speaker: *(Where) does arbitration limp?*

**25<sup>th</sup> Croatian Arbitration Days**, International Commercial Arbitration – Procedural Issues – Revisited, Zagreb, 7-8 December 2017, Speaker: *Preliminary Issues: Structure of the proceedings, bifurcation and summary judgements*

**2017 Dispute Resolution in M&A Transactions**, Warsaw, 18-19 May 2017, Moderator: *Roundtable discussion of arbitral institutions: Arbitration in a listed companies environment – pros / cons / necessity – the arbitration institutions’ perspective*

**Helsinki International Arbitration Day**, Helsinki, 18 May 2017, Panelist: *How Active Is and Should the Role of an Arbitral Institution and its Secretariat be in the Arbitral Process Vis-à-Vis the Arbitral Tribunal and the Parties?*

**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*

**5<sup>th</sup> 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*