

# VIAC – Questionnaire for Arbitrators

**1. Name:** Dr. Michael Komuczky

**2. Citizenship:** Austria

**3. Contact information:**

Address: Falkestraße 1/4, 1010 Vienna, Austria

Telephone: +43 1 38896 52

Fax:

E-Mail: m.komuczky@ra-mk.legal

Website: www.ra-mk.legal

LinkedIn: <https://www.linkedin.com/in/michael-komuczky-5156a7100/>

**4. Current position:**

Founder/Attorney at own boutique law firm MK Legal

**5. Education:**

- University of Vienna: Undergraduate (Mag. Iur.) and Doctorate (PhD, with distinction); also employed as a researcher for four years
- University of Southampton: ERASMUS
- Austrian Bar Exam (with merit)

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules? 22 (VIAC, ICC, Rules of Vienna stock Exchange, ICSID, DIS, Swiss Rules)
- How often have you acted as Chairman?  
-
- How often have you acted as Sole Arbitrator?  
-
- How often have you acted as Co-Arbitrator?  
-
- How often have you acted as Counsel?  
22
- How often have you acted in a different function (e.g. Administrative Secretary)?  
1 (assistant to arbitrator/secretary)

**7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

- Doctoral Thesis on the topic “Schiedsgerichtsbarkeit und Strafrecht” (“arbitration and criminal law), with distinction
- Publications:
  - Mittellosigkeit einer Schiedspartei – Zugleich Besprechung von OGH 18 OCg 1/22d, ZfRV 2022 (forthcoming)
  - English Translation of Austrian Supreme Court 18 OCg 10/19y for the project of YAAP, VIAC and IUS MUNDI (forthcoming)

- Mittellosigkeit des Beklagten im Schiedsverfahren, SchiedsVZ 2022, 8
- World Café Report VAD 2021 – Model Clauses and Drafting for Construction Arbitration, Austrian Yearbook on International Arbitration 2022, 253 (together with Anna Förstel-Cherng and Rita Kaufmann)
- Drafting multi-tiered dispute resolution clauses, Kluwer Mediation Blog on 30 Nov 2021 (together with Sima Ghaffari)
- Schiedsgerichtsbarkeit und Strafrecht – Die Auswirkung von Strafnormen auf die Zuständigkeit und die meritorische Entscheidung von Handelsschiedsgerichten im grenzüberschreitenden Kontext, Springer Verlag (2021)
- Glosse zu OGH 6.3.2020, 18 OCg 7/19g – Zur Berücksichtigung der Relativität des ordre public im Aufhebungsverfahren eines Schiedsspruchs, ecolex 2020/305
- Anti-suit Injunctions in Arbitral and Judicial Procedures – National Report for Austria, IACL World Congress 2018
- Punitive Damages and Public Policy in the EU, Yearbook of Private International Law XIX 2017/2018, 509
- Internationale Schiedsgerichtsbarkeit und europäische Harmonisierung – unlösbare Friktion oder perspektivenreiche Zukunft?, in Behme/Ferves et al (Hrsg), Perspektiven einer europäischen Privatrechtswissenschaft, Jahrbuch der GJZ 2016 (2017) 369
- Various articles in non-legal publications on arbitration and dispute resolution
- Speeches and presentations:
  - EU law, private law and commercial dispute resolution, Keynote speech at the Academic Evening Seminar of the China University of Political Science and Law, 10.07.2018
  - Applying Domestic Mandatory Rules in a Public International Law Context, Keynote speech at the Academic Luncheon (Brownbag Seminar) of the China University of Political Science and Law, 21.07.2017
  - Internationale Schiedsgerichtsbarkeit und europäische Harmonisierung – unlösbare Friktion oder perspektivenreiche Zukunft?, 27th annual meeting of the Gesellschaft Junger Zivilrechtswissenschaftler in Munich, 16.09.2016
- Lectures and courses at the University of Vienna and the China University of Political Science and Law that also include arbitration law

#### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

IBA (Committees on litigation and arbitration), CIArb, European-Chinese Arbitration Association, ArbAut/YAAP, ICC YAF, DIS40, ASAb40, AFM below 40, Young ICCA

#### **9. Languages**

Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English, Spanish

**10. In which legal systems have you trained?**

- X Civil Law  Common Law
- X Austrian Law  Hungarian Law  Swiss Law
- Czech Law  Polish Law  Ukrainian Law
- German Law  Slovakian Law  X European Law

Other \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

Austria

**12. In which jurisdictions are you admitted to the bar?**

Austria

**13. Special expertise or specializations (please list a maximum of five):**

- Antitrust/Unfair competition  Damages  Insolvency  Natural resources
- Aviation X Distribution X Insurance  Power plants
- Banking & Finance  Domain name disputes X Intellect. property (IP) X Private Intern. Law
- Capital markets  Employment  Investment arbitration  Public Intern. Law
- CISG  Energy  ISDS/Foreign inves.  Real estate
- Civil fraud disputes  Engineering  Joint ventures  Shipping
- Commercial disp. / transactions  Entertainment  Licensing  Sports
- Commodity market  Healthcare & Pharmac.  Life sciences  State/Public contracts
- Company/Corporate/M&A  Hotel/Gastro./Tour.  Maritime arbitration  Technology
- Construction  Inform. technology (IT)  Media  Telecommunication
- X Contract law  Infrastructure  Mining  Transport
- Other \_\_\_\_\_

**14. Date of birth: 23.07.1987**

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

7.12.2022 \_\_\_\_\_  
Date

and

\_\_\_\_\_  
Signature