

## **Herfried Wöss**

### **HONOURS**

- 2010 Who's Who Legal Mexico, Arbitration, [www.WhosWhoLegal.com](http://www.WhosWhoLegal.com)  
1998- Who's Who of International Trade and Customs Lawyers, [www.WhosWhoLegal.com](http://www.WhosWhoLegal.com)

### **NATIONALITY**

Austrian

### **EDUCATION**

- 1995 **Doctor of Jurisprudence (with distinction)**  
Johannes Kepler University Linz, Austria (International and European Economic Law)  
1999 **Licenciado en Derecho (Attorney at Law)**  
National Autonomous University of Mexico  
1990 **Master of Laws in International Business Legal Studies (LL.M.)**  
Centre for European Legal Studies, University of Exeter, England  
1989 **Diploma in Export Management**  
Johannes Kepler University Linz and Federal Economic Chamber, Austria  
1988 **Magister iuris**  
Johannes Kepler University Linz, Austria

### **PROFESSIONAL EXPERIENCE**

- 2002- **Wöss & Partners, S.C.** (Attorneys at Law), Mexico  
1998-2002 **Obregon, Quintana y Wöss, S.C.** (Attorneys at Law), Mexico  
1992-1998 **Bremer, Quintana, Obregón y Mancera, S.C.** (Attorneys at Law), Mexico  
1998 **Ministry of Labour and Social Affairs, Mexico**  
Counsel to the General Directorate for International Affairs and preparation of a manual about dispute settlement under the NAFTA parallel agreement on labour co-operation  
1991-1992 **Auritec Asesores, S.A.**, Mexico  
Consultant in firm of a former World Bank/IFC official  
1991 **Legal Service of the EU-Commission**, Brussels  
Stagiaire in the "Equipe" for External Relations  
1989/1990 **GATT-Secretariat**, Geneva  
Research work  
1990-1991 **Civil and Criminal Court Linz**, Austria  
Trainee

### **ARBITRATION AND DISPUTE RESOLUTION EXPERIENCE**

- Innumerable consultations on topics related to arbitration issues and interventions in arbitration and pre-arbitration procedures as counsel to the parties and arbitrator
- Current cases:
  - Sole-Arbitrator in ICC Case (construction)
  - Co-Arbitrator in ICC Case (public procurement)
  - Co-Arbitrator in ICC Case (franchise agreement).

- Expert witness in ICC Case (public procurement)
- Counsel to claimant in CAM Case (construction)
- Counsel to claimant in ICC Case (joint venture)
- Co-Arbitrator in ICC Case (public procurement)
- Counsel to claimant in case No. 144 of the National Chamber of the City of Mexico (UNCITRAL-rules), (complex arbitration; CISG vs. domestic law, UNIDROIT-Principles, parallel litigation including referral to arbitration, know how license agreement, bankruptcy, etc.); recognition and execution proceedings of arbitral awards pending.
- Counsel to contractor in independent expert procedures before the Mexican Federal Electricity Commission as regards thermo-electrical power plants.
- Counsel to Respondent/Counter Claimant in ICC case 12949/KGA/CCO (complex arbitration; financing of capital goods, joinder of new parties, parallel litigation, remission to arbitration, CISG, UNIDROIT-Principles, bad faith, etc.); successfully closed on October 26, 2007 (see note in Global Arbitration Review, online edition)
- Application of the UNIDROIT Principles of International Commercial Contracts 1994/2004 in order to improve the legal situation of a party in international arbitrations
- Execution of pre-arbitral/judicial provisional measures (including non-competition clauses, restitution of machines and parts produced by such machines)
- Remission to arbitration of preparatory means to mandatory actions and of mandatory actions; as well as defense against requests for the remission to arbitration in case of mandatory actions based on promissory notes
- Legal opinion on possible investment arbitration with respect to the seizure by a criminal judge of US\$300 million of an international insurance company in Mexico
- NAFTA Panel candidate for several NAFTA panels, proposed by the Mexican government
- Creation of the first Mexican Dispute Resolution Board in order to resolve a dispute in the amount of US\$200 million
- La Costeña, S.A. de C.V. (Mexico) vs. LANIN, S.A. (Argentina), COMPROMEX, BANCOMEXT
- Member of the translation team of the ICC Dispute Board Rules

## RELEVANT PUBLICATIONS

- **"The future of Bilateral Investment Treaties and the Mexico-China Investment Treaty"**, Investment Arbitration Forum, Instituto de Investigaciones Jurídicas, forthcoming
- **"Guerrilla tactics in litigation and arbitration in Mexico"**, TDM Special Edition on Guerrilla Tactics in International Arbitration and Litigation, forthcoming
- **"Arbitration, Alternative Dispute Resolution and Public Procurement in Mexico"**, Special Edition Latin America, Transnational Dispute Management, December 2009, Spanish Arbitration Review, May 2010
- **Editor Special Edition "Latin America", Transnational Dispute Management**, December 2009
- **"Compensation in Investment Arbitration"**, in: **Investment Arbitration** (in Spanish), Sonia Rodríguez Jiménez and Herfried Wöss (eds.), Instituto de Investigaciones Jurídicas de la UNAM y Ed. Porrúa, 2009
- **The ICC Model Turnkey Contract for Major Projects**, Construction Law International, International Bar Association, 3 (2008) 2, p. 6-11.
- **Techniques for Controlling Time and Cost in Arbitration** (in Spanish), La Barra, Journal of the Mexican Bar Association, No. 63, July-September 2007, p. 5-7.
- **Spotlight on the DRBF's Representative in Mexico, Dispute Boards in Mexico**, The Dispute Resolution Board Foundation, Forum, May 2007, p. 6-7.

- **Multi-tier dispute resolution clauses in public works contracts in Mexico - system or pathology?**, (in Spanish), in: Dispute Resolution in Infrastructure Projects, Wöss & Partners, Newsletter June 2007, p. 1-5.
- **Dispute Adjudication Boards** (in Spanish), ICC Mexico, Pauta 50, June 2006, p. 12-20.
- **The Consortium Privilege in Corporate Restructurings in Mexico** (in Spanish), ICC Mexico, Pauta 49, November 2005, p. 41-48.
- **Consolidation of arbitration proceedings and joinder of new parties by the respondent under the ICC Rules**, IBA Arbitration Committee Newsletter, September 2005, p. 55 to 58.
- **Commercial Arbitration – an instrument for risk management in international trade** (in Spanish), Euronegocios, November 2005, p. 12.
- **The Protection of Commercial Arbitration in Mexico** (in Spanish), Euronegocios 2 (Mayo-Junio 2004) 7, p. 21.
- **The Application of TRIPS to the Authorization by Health Authorities of the Using, Making and Selling of Pharmaceutical Drugs**, Journal of International Trade Law & Regulation, Sweet & Maxwell, London, 3 (2002) 79-84.
- **E-Commerce and Electronic Document Management Systems in Mexico**, International Business Lawyer (February 2002) 61-64.
- **Rules of origin in international trade and under NAFTA** (in Spanish), “El Foro”, Law Review of the Mexican Bar Association, 2 (October 1999) 159-174.
- **Dispute Resolution in International Economic Law and under the North American Agreement on Labor Co-operation**, dissertation, National Autonomous University of Mexico, 1999.
- **The legal benefits of NAFTA for German enterprises** (in German), in: Legal Aspects of Foreign Trade between Germany, Mexico and Argentina, Roland Bomhard/Heinrich Dörner (Hrsg.), Schriftenreihe der Universität Düsseldorf, Nomos-Verlagsgesellschaft Baden-Baden, 1998, 101-118.
- **The application of the UN-Sales Law by courts and arbitral tribunals in Mexico** (in German), in: Legal Aspects of Foreign Trade between Germany, Mexico and Argentina, Roland Bomhard/Heinrich Dörner (Hrsg.), Schriftenreihe der Universität Düsseldorf, Nomos-Verlagsgesellschaft Baden-Baden, 1998, 43-56.
- **The New World Economic Order and the Uruguay Round of Multilateral Trade Negotiations** (in Spanish), Journal of the Faculty of Law XLV, UNAM, Mexico, 203-204 (1995) 131 et seq.; and Phoenix 4 (Journal of the Association of the Former Trainees of the European Union), Brussels 1996, 95 et seq.
- **The legal status of Voluntary Restraint Agreements on the Steel Sector with particular emphasis on the Associated Financing of Exports (EC-US Steel and Consensus Agreements)**, doctorate thesis, 1995, sold to: Österreichische Kontrollbank AG (Austrian Eximbank), Finanzierungsgarantie-GmbH (Austrian Export Guaranty Institution) and Bank Austria Handelsbank AG.

## LANGUAGES

German (mother tongue), English, Spanish and French

## ARBITRAL ASSOCIATIONS AND LISTINGS

- Founder of the Investment Arbitration Forum
- Fellow of the Australian Centre for International Commercial Arbitration (ACICA)
- Member of the Chartered Institute of Arbitrators, London (MCI Arb.)
- Dispute Resolution Board Foundation (Country Representative)
- ICC Arbitration Commission (Austria and Mexico Sections)

- “Rapporteur” of the Dispute Resolution Committee of the International Construction Projects Committee of the International Bar Association
- Member of the panel of international arbitrators of the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association
- London Court of International Arbitration (LCIA)
- Arbitration Committee of the International Bar Association
- Arbitration Section of the Mexican Bar Association (Member, October 2004)
- Austrian Arbitration Association (ARBAut)
- Swiss Arbitration Association (ASA)
- German Institution of Arbitration (DIS)
- Vienna International Arbitration Centre (VIAC)
- Mexican Arbitration Centre (CAM)
- National Chamber of Commerce of the City of Mexico (CANACO)
- Spanish Arbitration Club

#### SELECTED CONFERENCES

- **Guerrilla tactics in litigation and arbitration in Mexico** (Guerrilla Tactics in International Arbitration and Litigation, ICC Austria, November 12-13, 2010)
- **Nature, Evolution, and Context of International Investment Law** (Investment Arbitration Forum, Instituto de Investigaciones Jurídicas/UNAM, 2-3 September 2010)
- **Dispute Resolution and Public-Private Partnerships** (Mexican Arbitration Centre, 1-2 July 2010)
- **Arbitration and Construction Disputes** (ICC Mexico, May 2010)
- **State Entities and Dispute Resolution** (Mexican Arbitration Centre, Diploma Course in International Commercial Arbitration, 9 October 2009)
- **Public Procurement of Projects Financed by the World Bank and Dispute Resolution** (ICC Mexico, 24 September 2009)
- **The future of BITs** (Investment Arbitration Forum II, Instituto de Investigaciones Jurídicas, UNAM, 3-4 September 2009)
- **Jurisdiction Ratione Materiae** (Investment Arbitration Seminar, Mexican Arbitration Centre / SAI Consultores / El Tecnológico de Monterrey / Ministry of Economy, March 3, 2009)
- **NAFTA - 15 years: The relationship between NAFTA and WTO dispute settlement** (Universidad Iberoamericana, 17-18 February 2009)
- **Mediation and Amigable Dispute Resolution** (ICC Mexico, Yearly Diploma Course)
- **Compensation in Investment Arbitration** (Investment Arbitration Forum, Instituto de Investigaciones Jurídicas, UNAM, 19-20 June 2008)
- **The ICC Turnkey Projects Model Contract**, ICC Model Contracts Seminar (ICC Mexico, Mexico City, October 2007, November 2008)
- **Arbitration Interactive** (Mexican Arbitration Centre; Villahermosa, Mexico, November and December 2006; Mexico-City, April and May 2008)
- **Public-Private Partnerships in the Mexican Hospital sector**, (Best practices in developing and protecting investments in privately financed infrastructure projects, International Bar Association, International Construction Projects Committee, Rio de Janeiro, August 2007)
- **The Benefits of ICSID Arbitration** (Best practices in developing and protecting investments in privately financed infrastructure projects, International Bar Association, International Construction Projects Committee, Rio de Janeiro, Brazil, August 2007)
- **ICC Final report on construction industry arbitrations** (Arbitration and Dispute Resolution in the Construction Industry, ICC Mexico/Mexican Arbitration Center, Mexico City, June 2007)

- **Enforceability of Pre-arbitral procedures** (International Bar Association Chicago Conference, Arbitration and International Construction Projects Committees, September 2006)
- **Adaptation of Contracts and International Commercial Arbitration** (Mexican Association for International Private and Comparative Law, Mexico, August 2006).
- **Performance Monitoring in Public-Private Partnerships** (International Bar Association Construction Law Conference, Public-Private Partnerships - the road ahead in Latin American construction projects, Mexico, May 2006).
- **The role of Dispute Boards in international dispute resolution** (Conference on ICC Dispute Boards, ICC, Mexico-City, February 2006).
- **Nullity, Recognition and Execution of Arbitral Awards** (Mexican Arbitration Centre, Villahermosa, Mexico, 2005)
- **Remission of judicial actions to arbitration** (Superior Court of Justice of the City of Mexico, 2005)
- **ICC Dispute Review Boards** (ICC Mexico, Arbitration Commission, 2004)
- **Online Arbitration**, International Technology Law Conference (ITAM, Mexico-City, 2003)
- **Dispute Resolution in the Construction Sector** (Mexican Arbitration Centre, Mexico-City, yearly seminar as part of the arbitration diploma course, 2003-)
- **Case Analysis in Arbitration** (Mexican Arbitration Center, arbitration moot, Mexico-City, 2004)
- **Dispute Resolution and Infrastructure Projects** (Mexican Arbitration Centre/World Bank seminar, Mexico-City, 2002)