

# ARBITRATION IN AUSTRIA AND MALAYSIA

Friday, 3 June 2011, 4:00 pm - 8:00 pm

Renaissance Hotel, Kuala Lumpur

## Effective Dispute Resolution for Malaysian Businesses in Europe and for European Businesses in Malaysia

A Seminar jointly organised by the  
Vienna International Arbitral Centre (VIAC) and  
Kuala Lumpur Regional Centre for Arbitration (KLRC)

The seminar is supported by the following law firms:

**BAKER & MCKENZIE**

DORDA  
BRUGGER  
JORDIS  
ATTORNEYS AT LAW

 FRESHFIELDS BRUCKHAUS DERINGER

**P F&K**  
PETSCH FROSCH KLEIN ARTURO  
RECHTSANWÄLTE

**BAIER BOHM**  
RECHTSANWÄLTE ATTORNEYS AT LAW

**schönherr**  
ATTORNEYS AT LAW

**NEUDORFER**  
RECHTSANWÄLTE

  
**GRAF & PITKOWITZ**  
ATTORNEYS-AT-LAW

**WOLF THEISS**

# THE SEMINAR

Austria is one of the world's leading centers for international arbitration. Its success is based on its status as a neutral country, stable legal system, highly qualified attorneys, track record of bridging disputes between East and West, and location at the heart of Europe. Vienna, the capital of Austria, is considered the hub of Central and Eastern Europe, which is one of the fastest growing economic regions in the world with a GDP of approx. 2 trillion Euros. More than 420 million people can be reached from Vienna within two hours.

Malaysia is fast becoming one of the key arbitration hubs in Asia-Pacific, due to its arbitration-friendly courts and a supportive government that strongly encourages arbitration as an alternative dispute resolution tool. Malaysia is also a signatory to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Therefore, the arbitration awards issued under KLRCA are enforceable in every country signatory to the Convention.

This special seminar will present and discuss both Austrian and Malaysian arbitration law and practice. Participants of the seminar will have the opportunity to meet leading Austrian and Malaysian arbitration experts, including the Presidents and Board Members of the KLRCA and VIAC and a delegation of leading Austrian arbitration practitioners.

The seminar is aimed at arbitration practitioners, lawyers, in-house counsels, banking and financial institutions and companies doing business in Central and Eastern Europe.

The seminar will be held in English. The ensuing buffet reception hosted by KLRCA and VIAC will provide an opportunity for more informal discussions.

**Friday, 3 June 2011: 4:00 pm - 8:00 pm**

**Renaissance Hotel Kuala Lumpur**  
Jalan Ampang  
Off Jalan Sultan Ismail  
50450 Kuala Lumpur  
03-2162-2233

The seminar is free of charge. Seats are limited.

Please register by sending an email to [arb@wko.at](mailto:arb@wko.at) or  
[sathibaskaran@klrca.org.my](mailto:sathibaskaran@klrca.org.my)

# THE PROGRAM

**Friday, 3 June 2011  
4:00 pm - 8:00 pm**

**3:30 - 4:00 pm**  
Registration

**4:00 - 4:10 pm**  
Welcome remarks - Mr. Sundra Rajoo, Director of KLRCA and Dr. Werner Melis, President of VIAC

**Session 1: Economic Perspectives**

**4:10 - 4:30pm**  
The Economic Role of Austria and Central Europe  
Speakers: Austrian Trade Commissioner (tbc) and Guenther Horvath

**Session 2: Austrian Arbitration Law and the VIAC Rules**

**4:30 - 5:00 pm**  
Moderator: Alexander Petsche.  
Speakers: Gernot Fiebiger, Peter Klein, Gerold Zeiler.

**Session 3: Malaysian Arbitration Law and the KLRCA Rules**

**5:00 - 5:30 pm**  
Moderator: Tan Sri Dato' Cecil Abraham  
Speakers: Dato' W.S.W Davidson - the Malaysian Arbitration Act  
Mr Sundra Rajoo - KLRCA Rules.

**Short Break**  
**5:30 - 6:00 pm**

**Session 4: Austrian and Malaysian Practice and Procedure - Current Trends and Hot Topics: "SwissInvest and its woes" - A Case Study**

**6:00 - 7:00 pm**  
Moderator: Guenther Horvath.  
Panelists: Tan Sri Dato' Cecil Abraham, Dato' W.S.W Davidson, Mr Sundra Rajoo, Christian Dorda, Florian Haugeneder, Nikolaus Pitkowitz.

**7:00 pm - 8:00 pm**  
Buffet: All participants are invited to a buffet reception.

# THE SPEAKERS

**Dato' W.S.W. Davidson** is a vastly experienced legal practitioner and arbitrator. He has also had extensive experience in arbitration as counsel. Having been in active legal practice in Malaysia since 1964, he is currently a consultant with Azman Davidson & Co. He is a fellow of the Chartered Institute of Arbitrators, United Kingdom and of the Malaysian Institute of Arbitration, Dato' Davidson is a member of the Bar Council Committee on arbitration and the arbitration committee of the Malaysian International Chamber of Commerce and Industry.

He has acted as arbitrator in three-man panels in international arbitrations under the UNCITRAL rules, single arbitrator and member in three-man panels in domestic arbitrations under various arbitral regimes and as panel member of arbitrators in the Kuala Lumpur Regional Centre for Arbitration.

**Tan Sri Dato' Cecil Abraham**, Senior Partner with Zul Rafique & Partners, is a Barrister-At-Law of the Middle Temple and graduated with an LL.B. Hons from Queen Mary College, University of London. He is a Chartered Arbitrator and a Fellow of the Chartered Institute of Arbitrators U.K., Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration Limited. He is involved as Counsel and Arbitrator in more than 100 arbitrations under the ICC, SIAC, KLRCA, LCIA and ICSID Rules and also in Ad Hoc Arbitrations. He is a Member of the ICSID panel and the Permanent Court of Arbitration.

**Mr Sundra Rajoo** is currently the Director of the Kuala Lumpur Regional Centre for Arbitration. He is a Chartered Arbitrator, an Advocate & Solicitor of the High Court of Malaya (non-practising) and had earlier practised as an Architect and Town Planner. He is the founding President of the Society of Construction Law (KL & Selangor), Past Chairman of the Chartered Institute of Arbitrators and Past Council Member of the Malaysian Institute of Architects.

He has been appointed as chairman, co-arbitrator of three-man panels and sole arbitrator in various ad hoc and institutional international and domestic arbitrations. Some of the institutional arbitrations include those such as the International Chambers of Commerce (ICC), the Chinese International Economic Trade and Arbitration Commission (CIETAC), Singapore International Arbitration Centre (SIAC), Regional Centre for Arbitration Kuala Lumpur (KLRCA) and Palm Oil Refineries Association Malaysia (PORAM). Thus far, he has had over a hundred and fifty appointments as arbitrator.

**Dr. Christian Dorda** is founding partner of DORDA BRUGGER JORDIS and has been specializing in international commercial arbitration. He acted as a member of the ICC International Court of Arbitration, is the vice-chairman of ICC Austria and is regularly sought as an arbitrator in institutional or ad hoc arbitral proceedings.

**Dr. Gernot Fiebiger** is an attorney with Neudorfer, Attorneys at Law, Vienna. He specializes in international arbitration, domestic and cross-border litigation, competition law and international trade law.

**Florian Haugeneder** is a partner at Wolf Theiss specializing in international commercial and investment arbitration. He has extensive experience in conducting arbitrations under the major international arbitration rules. He is a founding member of the Advisory Board of the Young Austrian Arbitration Practitioners (YAAP) and frequently speaks and publishes on topics relating to international arbitration.

**Dr. Günther Horvath** is the head of the Vienna dispute resolution practice of Freshfields Bruckhaus Deringer. He is a member of the ICC Court and the VIAC Board. With his Austrian and US legal background, Guenther has acted in around one hundred international commercial arbitrations, including energy, post-M&A and industrial engineering matters, both as counsel and arbitrator.

**Dr. Peter Klein** graduated from the University of Vienna and is partner at PETSCH FROSCH KLEIN ARTURO with offices in Vienna and Milan. Peter is fluent in German English and Italian and has been working for more than 20 years in both jurisdictions specializing in cross border transactions and arbitration both as Counsel and arbitrator.

**DDr. Werner Melis** is the President of the Vienna International Arbitral Centre (VIAC). He is also active as an international arbitrator worldwide. He is the author of numerous publications on international arbitration and on international trade law and he lectures on international arbitration at the University of Vienna.

**DDr. Alexander Petsche, MAES** (Bruegge) is a partner at Baker & McKenzie. He specializes in international contract law, international disputes before arbitral tribunals and state courts as well as compliance matters. Alexander Petsche is VIAC Board member and member of the Board of the Austrian Arbitration Association.

**Dr. Nikolaus Pitkowitz** is founding partner and head of dispute resolution at Graf & Pitkowitz, Vienna. He has 25 years of experience in international arbitration, particularly in the CEE region. He acted as party representative in the largest ever pending Austrian arbitration. Nikolaus is VIAC Board member and panel member of several arbitration institutions including HKIAC, CIETAC, KLRCA and SIAC.

**Dr. Gerold Zeiler** is a partner of Schoenherr Rechtsanwälte, a Central and Eastern European law firm with its head offices in Vienna. Gerold practices mainly in international arbitration work and heads Schoenherr's arbitration practice.