



## DANIEL MARUGG

ATTORNEY-AT-LAW (UNIVERSITY OF BERNE)  
LL.M. (UNIVERSITEIT VAN AMSTERDAM)

FCIArb | FSIArb | CIAE | COMMERCIAL MEDIATOR CEDR | MEDIATOR SAV

LANGUAGES	German, English, French
BAR ADMISSION	Berne, 1991 / all Swiss courts
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## MAIN AREAS OF PRACTICE

International and domestic arbitration, litigation in civil law, white collar crime, international judicial assistance, commercial mediation.

Daniel Marugg is a recognized arbitrator and trial lawyer.

He has a broad range of experience handling complex national and international commercial arbitration and litigation cases, involving disputes in a variety of sectors, including post M&A, joint ventures, international and national financial and other business contracts, construction, energy, insurance, sports and intellectual property, especially also trademark protection.

Daniel Marugg is regularly chosen as chairman and/or sole arbitrator (nominated by arbitral institutions in international arbitrations conducted under the ICC Rules, the Swiss Rules as well as under other institutional rules or ad hoc) or as party-appointed arbitrator in the fields as outlined above. In 2018, with renewed vocation in 2022, Daniel Marugg was appointed to act as an arbitrator of the Shanghai International Arbitration Centre (SHIAC). Since 2020, he is on the Panel of Arbitrators

of the Hong Kong International Arbitration Centre (HKIAC) and a Fellow of the Chartered Institute of Arbitrators, London (FCIArb) as well as the Singapore Institute of Arbitrators (FSIArb). In the same year, he also became a Certified Islamic Arbitrator & Expert IICRA, Dubai (CIAE).

In addition, Daniel Marugg advises and represents clients in international and domestic commercial arbitrations involving disputes in different sectors, mainly post M&A, joint ventures, international and national financial and other business contracts, construction, energy and sports. His experience also includes representing select clients in international judicial assistance proceedings in civil and criminal matters, in international administrative assistance proceedings as well as in public construction law disputes.

As an alternative – and/or complementary to procedural disputes before state courts or arbitral tribunals – Daniel Marugg offers extrajudicial dispute resolution of commercial disputes as an accredited Commercial Mediator CEDR, London, as well as advisory and/or party representation in proceedings in alternative dispute resolution of commercial disputes. In 2018, Daniel Marugg was additionally certified as Mediator SAV by the Swiss Bar Association.

## REFERENCES

Co-arbitrators who sat with Daniel Marugg on arbitration panels *inter alia* refer to him as "*a highly proficient arbitrator and respected figure in the Swiss arbitration community*" with "*an analytical mind*" and "*a warm and polite personality*", and they "*commend Daniel for his excellent writing*".

Clients *inter alia* "*strongly recommend Daniel Marugg due to his profound professional knowledge and experience*" and praise him as "*qualified, dedicated, determined and persistent*", as well as a litigator "*resolutely pursuing (the) case up the court instances until the final success at the Swiss Federal Supreme Court*".

Counsel in international arbitral proceedings in which Daniel Marugg was chairman or sole arbitrator "*recommend him*" as a person who "*quickly took control of the case and afforded both parties patience and flexibility, yet effectively retained control over form and procedure*". They describe him as "*confident, entirely without hubris, and always polite*", also as "*an arbitrator ... who pursues his interests with dedication*" as well as "*a very thoughtful chair of the proceedings*". Counsel further state to have been "*impressed by his ability to lead the parties through the dispute and efficiently get it done! Mr Marugg stands out as excellent arbitrator that we recommend for any complex case*".

Daniel Marugg is regularly ranked in various international lawyers' directories (MARUGG DISPUTE RESOLUTION does not pay for rankings). *E.g.* Who's Who Legal Switzerland quotes clients: "*Daniel Marugg ... draws praise as 'a very strong litigator' who is well versed in sophisticated domestic and cross-border disputes and 'will litigate through to the end'*". "*Daniel has excellent resilience and displayed great finesse in resolving our dispute*". He is "*a 'noticeable figure in the market' having regularly led complex domestic and international litigations. Clients regard him as a 'top class' practitioner with an 'abundance of ability'*", or mention "*the 'highly proficient' Daniel Marugg, who specialises in IP-related litigation*".

## MAIN AREAS OF PRACTICE

International and domestic arbitration, litigation in civil law, white collar crime, international judicial assistance.

## EDUCATION

Fellow of the Chartered Institute of Arbitrators, London (FCIArb) (2020);

Certified Islamic Arbitrator & Expert IICRA, Dubai (CIAE) (2020);

Fellow of the Singapore Institute of Arbitrators (FSIArb) (2020);

Mediator SAV (Swiss Bar Association) (2018);

Accredited Commercial Mediator (Centre for Effective Dispute Resolution, London) CEDR (2015);

Leyden – Amsterdam – Columbia Summer Program in American Law of the Universities Amsterdam and Columbia/New York (1995);

Master of Laws (LL.M.) in European Business and International Trade Law, Universiteit van Amsterdam School of Law (1995);

Attorney at law (Fürsprecher), University of Berne (1991).

Master of Advanced Studies in Applied History, University of Zurich (since 2018).

## LITIGATION EXPERIENCE

Daniel Marugg acted as counsel in more than 210 proceedings before courts of the first instance in various Cantons of Switzerland, the Commercial Courts of the Canton of Zurich, Berne, Aargau and St. Gallen, the Supreme Courts of the Canton of Zurich and other Cantons as well as the Swiss Federal Supreme Court.

## ARBITRATION EXPERIENCE

Daniel Marugg acted as

- Chairman and/or sole arbitrator and/or party-appointed arbitrator in more than 45 arbitration cases, both ad hoc and administered by various institutions, mainly by ICC and Swiss Rules;
- Counsel in more than 25 arbitration cases, both ad hoc or administered by various institutions, mainly under ICC and Swiss Rules.

## TRACK RECORD

In addition to ongoing arbitral proceedings in which Daniel Marugg functions as presiding or sole or co-arbitrator, select recent appointments and cases include (amounts in dispute up to USD 500 mio.):

Arbitration Panels:

- Presiding arbitrator in an ICC case between two Israeli companies in a dispute related to a thermal solar power station, appointed by the ICC court, Israeli law applicable, seat of the arbitration in Israel;
- Presiding arbitrator in Swiss Rules proceedings between two Swiss companies in a dispute related to telecommunication contracts, appointed by the parties, Swiss law applicable, seat of the arbitration in Switzerland;
- Presiding arbitrator in an ICC case between a German company and UAE entities in a dispute related to public procurement/international trade contracts, appointed by the parties, Swiss and UAE law applicable, seat of the arbitration in Switzerland;
- Sole arbitrator in an ICC case between a Spanish company and Spanish/Moroccan and English companies and parties in a dispute related to a consultancy agreement in the aviation sector, appointed by the ICC Court, Spanish law applicable, seat of the arbitration in Spain;
- Sole arbitrator in an ICC case between a French company and an UAE company in a construction case, appointed by the ICC Court, UAE law applicable, seat of the arbitration in the Switzerland;

- Presiding arbitrator in an ICC case between a Korean company and South African and UAE companies in the consumer goods sector, appointed by the ICC Court, UAE law applicable, seat of the arbitration in the UAE;
- Presiding arbitrator in Swiss Rules proceedings between two Swiss companies in the sports and entertainment sector, appointed by the co-arbitrators, Swiss law applicable, seat of the arbitration in Switzerland;
- Presiding arbitrator in an ICC case between a German company and Ukrainian companies in the banking and agricultural sector, appointed by the ICC Court, German law as well as laws of Ukraine and of Cyprus applicable, seat of the arbitration in Germany;
- Co-Arbitrator in an ICC case between an UAE company and a Thai company in a dispute related to a sale and purchase agreement to upgrade and revamp a steel meltshop, party appointed, Swiss law applicable, seat of the arbitration in Switzerland;
- Co-Arbitrator in Swiss Rules proceedings between two Chinese companies in the automotive sector, party appointed, Swiss law applicable, seat of the arbitration in Switzerland;
- Co-Arbitrator in Swiss Rules proceedings between two Swiss companies in the financial/M&A sector, party appointed, Swiss law applicable, seat of the arbitration in Switzerland;
- Co-Arbitrator in ad-hoc proceedings between two Swiss companies in the environmental and pharmaceutical sector, party appointed, Swiss law applicable, seat of the arbitration in Switzerland;
- Sole arbitrator in Swiss Rules proceedings between a Chinese and a Singaporean company in a general service and corporate advisory agreement dispute, party appointed, Swiss law applicable, seat of the arbitration in Switzerland;
- Sole arbitrator in Swiss Rules proceedings between a Swiss and an American company in the steel and shipping business, appointed by the Arbitration Court of the Swiss Chambers' Arbitration Institution, Swiss law applicable, seat of the arbitration in Switzerland;
- Presiding arbitrator in Swiss Rules proceedings between a French and a Swiss company in the financial/M&A sector, appointed by the Arbitration Court of the Swiss Chambers' Arbitration Institution, Swiss law applicable, seat of the arbitration in Switzerland.

#### Counsel in Arbitration cases:

- Representing a French Claimant against a Swiss Respondent, both in the airline supply sector, in Swiss Rules proceedings, Swiss law applicable, seat of the arbitration in Switzerland;
- representing a German Respondent against a German Claimant in the energy and construction sector, in Swiss Rules proceedings, German law applicable, seat of the arbitration in Switzerland.

#### Litigation:

- Representing several foreign customers against a Swiss bank related to financial/banking matters (breaches of duty of care) before the Commercial Court of the Canton of Zurich;
- representing German and Austrian Group companies of a German Holding in several proceedings before various Swiss District Courts in the consumer goods sector;
- representing Dutch Claimants against a Swiss company related to financial/banking matters before the Commercial Court of the Canton of Zurich, including 1) defence of a complaint as well 2) setting-aside proceedings before the Swiss Federal Supreme Court;
- representing the American Academy of Motion Picture Arts and Science against an Italian company in the entertainment sector regarding the Oscar® before the Commercial Court of the Canton of Zurich;

- representing an Italian company against a Swiss company in the re-insurance sector before the Commercial Court of the Canton of Zurich, including setting-aside proceedings before the Swiss Federal Supreme Court (leading case).

Mediation:

- Mediator in a dispute between an employee and an employer over claims arising from an employment contract and concerning a severance package;
- Mediator in a dispute between a property owner, a construction company and an architect concerning a property renovation;
- Mediator in a dispute between a British and an Italian company concerning a distribution agreement for consumer goods;
- Mediator in a dispute over succession issues and asset distribution in a Swiss company.

## PROFESSIONAL EXPERIENCE (PAST POSITIONS)

Partner, Head of Arbitration and Co-Head of Dispute Resolution Team with the Law Firm Altenburger Ltd legal + tax with offices in Zurich, Geneva and Lugano (2013 - May 2016);

Partner, Head of Litigation and Co-Head of Arbitration with the Law Firm Gloor & Sieger Attorneys at Law, Zurich (2007 - 2012);

Partner and Head of Zurich office, Head of Litigation and Arbitration with the Law Firm GHR Attorneys at law, Zurich and Berne (1998 - 2006);

Associate with the Law Firm Henrici, Wicki & Guggisberg, Zurich (1995 - 1998);

Attorney at law with own law firm, Berne (1991 - 1995).

## PROFESSIONAL INSTITUTIONS / ASSOCIATIONS

Zurich Bar Association (ZAV); Swiss Bar Association (SAV); Swiss Arbitration Association (ASA); International Chamber of Commerce Switzerland (ICC); FCI Arb (Fellow of the Chartered Institute of Arbitrators, London); FSI Arb (Fellow of the Singapore Institute of Arbitrators); CIAE (Certified Islamic Arbitrator & Expert IICRA, Dubai); HKIAC Panel of Arbitrators (Hong Kong International Arbitration Centre); SHIAC's Panel of Arbitrators and Mediators (Shanghai International Arbitration Centre); International Bar Association (IBA); Centre for Effective Dispute Resolution, London (CEDR); American Bar Association (ABA), Section of International Law (Co-Chair of the Intellectual Property Rights Committee [2010 - 2011]; Vice-Chair of the International Litigation Committee [2008 - 2010]; member of the Steering Group of the International Arbitration Committee [2008 - 2011]); International Association of Young Lawyers (AIJA) (Honorary Vice-President [since 2006]; President of the Banking & Finance Law Commission [2003 - 2006]; Member of the Executive Committee [2001 - 2006]).

## PUBLICATIONS

Arb-Med-Arb – eine erfolgsversprechende Variante für Schiedsverfahren, in ZZZ Swiss Journal of Civil Procedure and Enforcement Law 49, 2020, pp. 11-20;

Die Schiedsbeschwerde - anspruchsvoll und selten erfolgreich, in: ZZZ Swiss Journal of Civil Procedure and Enforcement Law 45, 2019, pp. 41-44;

Kommentar zum schweizerischen Privatrecht (Berner Kommentar), Schweizerische Zivilprozessordnung, Author for the Commentary on the Remedies in Domestic Arbitration, art. 389-399 CPC, 2014;

Kommentar zum Lugano Übereinkommen (Basler Kommentar), Author for the Commentary on Recognition of Decisions, art. 32-37 Lugano Convention, Fall 2023;

Entscheidbesprechung - "OSCAR" als in der Schweiz geschützte, gebrauchte und starke Marke (Handelsgericht des Kantons Zürich, Beschluss und Teilurteil vom 5.12.2014, HG060392) in: AJP/PJA, 7/2015;

Entscheidbesprechung – guter Glaube des Bankkunden (BGer 4A\_208/2014 und 4A\_212/2014 vom 9. Oktober 2014) in: AJP/PJA, 3/2015;

Entscheidbesprechung – internationale Zuständigkeit im Rückversicherungsverhältnis (BGer 4A\_408/2013 vom 17. Januar 2014) in: AJP/PJA, 3/2014;

International Legal Developments in Review, in: The International Lawyer, American Bar Association, Yearly Report for the International Intellectual Property Committee (Switzerland), 2008-2015 and ongoing, Co-Author;

Parallel Proceedings, in: Practical Aspects of Arbitrating EC Competition Law, Zurich, 2007, Co-Author;

Arbitration under Investment Treaties, in: AIJA National Report for Switzerland for the AIJA Arbitration Commission, 2005, Co-Author;

Survival Training for EU-Law Freshmen, in: AIJA National Report for Switzerland for the AIJA European and Environmental Commission, 2005, Co-Author;

Collecting Evidence - How Far Can You Go?, in: AIJA National Report for Switzerland for the AIJA Civil Litigation Commission, 2004, Co-Author;

Recession Takes Its Toll - Implementing Mass Redundancies, in: AIJA National Report for Switzerland for the AIJA Labor Law Commission, 2003;

Professional Ethics in Litigation, in: AIJA National Report for Switzerland for the AIJA Civil Litigation Commission, 2002;

Banking Law Survey 1999/2000 (General Report), in: AIJA Law Library London, 2001;

International Telecommunications Law - Chapter on Switzerland, CILS, London, 2000, Co-Author;

International Banking Law and Regulations - Chapter on Switzerland, CILS, New York, 1998, Co-Author.

## LECTURES AND SPEAKER AT CONFERENCES

Lecturer at the Swiss Arbitration Academy (yearly educational courses since 2018) on Arbitration – Mediation;

Lecturer at the University of Zurich, LL.M. / CAS International Litigation and Arbitration (2018).

Organizer of and speaker at legal conferences in Switzerland and abroad (ABA, AIJA, ZAV etc.), some select ones are:

11. Zürcher Tagung zum Zivilprozessrecht des Europa Instituts der Universität Zürich (2017), Panel discussion on "Was ist unzulässig, was ist zulässig? Aktuelle Streitpunkte im Anwaltsrecht";

3. Tagung zur Schiedsgerichtsbarkeit des Europa Instituts der Universität Zürich (2017), Panel discussion on "Hot Topics";

Academy Finance Conference on "Tax Crimes Abroad", Zurich October 2014, "The powers of the foreign court in Switzerland (search, summons, seizure of documents etc.) to what extent and what protections are available for the customer?";

AIJA Half-Year Conference, Zurich (2014), Panel discussion on "Banking & Arbitration, does it fit?";

6. Zürcher Tagung zum Zivilprozessrecht des Europa Instituts der Universität Zürich (2012), "Aktuelle Rechtsprechung zur neuen ZPO und praktische Hinweise".

## CONTACT

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