



## Curriculum Vitae

Christoph Brunner  
Prof Dr iur, LLM (Berkeley)  
Attorney-at-law

Brunner Arbitration LLC  
Schweizerhof-Passage 7  
3001 Bern, Switzerland

Phone +41 31 313 50 05  
cbrunner@brunner-arbitration.ch  
www.brunner-arbitration.ch

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Christoph Brunner practices as an independent arbitrator, counsel and legal expert in international commercial disputes with over 25 years of experience in dispute resolution.

### Arbitration experience

President of the arbitral tribunal, party-appointed arbitrator, sole arbitrator, counsel, co-counsel and legal expert in numerous international commercial disputes, under various institutional and ad hoc rules (more than 120 international arbitrations); arbitrator under the substantive laws of Switzerland, England, France, Germany, Sweden, the UAE, Italy, the Netherlands, Spain, California (among others) and the CISG.

### Areas of expertise

M&A, joint ventures, shareholders' agreements, construction & infrastructure projects, sales, commodities, distribution, agency and licensing contracts, corporate & finance, enforcement of arbitral awards.

### Industry sectors

Energy (including price adjustment disputes; electricity supply, photovoltaics, natural resources), construction and engineering, pharmaceuticals and biotechnology, high-tech products, machinery, information and communication technology, aerospace, automotive, railways, insurance, sports marketing, commodity trading.

### Recognition

Chambers and Partners, Global Guide and Europe Arbitration 2023 (since 2019); Who's Who Legal (WWL) & Lexology: Thought Leaders Switzerland – Arbitration 2024 (since 2018); Arbitration 2024 (recommended); Switzerland 2024 (recommended); Commercial Litigation 2024 (recommended); Leaders League 2023, Best Arbitrators Switzerland; The Legal 500 Private Practice Powerlist, Arbitration.

### Lecturer

Lecturer at the University of Bern for commercial law and international arbitration (since 2006).

### Languages

German (native), English and French (fluent), Italian and Spanish (reading knowledge).

## Member

ICC Swiss Commission of Arbitration; ICC Commission on Arbitration and ADR; VIAC List of Practitioners in International Arbitration; LCIA European Users' Council; German Institution of Arbitration (DIS); International Arbitration Institute (IAI), Paris; Swiss Arbitration Association (ASA); ELArb; ACT List of Arbitrators; Swiss and International Bar Association; International Association of Boalt Alumni; Jusletter (head department domestic and international sales law); Push Service, Weblaw (co-head editorial department contract law).

## Education & degrees

2014	Titular professor of law, University of Bern, Switzerland
2007	Adj. Professor ( <i>Privatdozent</i> ) for commercial law, comparative law and international arbitration, University of Bern
1997	Master of Laws (LLM), University of California at Berkeley School of Law
1996	PhD (Dr. iur.), University of Bern (1997: Eduard A. Stein Prize)
1993/94	Bar admission (Bern, Switzerland)

## Positions held

2020-2022	Partner at Peter & Kim
2016-2019	Partner at Peter & Partners
2009-2015	Partner at Python & Peter
2001-2009	Counsel at Python & Peter
1997-2001	Associate at two major Swiss law firms based in Geneva

## Representative cases as arbitrator and counsel

### M&A

- President in an ICC arbitration involving a M&A / purchase price adjustment dispute (earn out clause).
- President in a Swiss Arbitration Centre arbitration concerning a Share Purchase Agreement.
- Sole Arbitrator in a Swiss Arbitration Centre arbitration regarding a Share Purchase Agreement.
- Co-arbitrator in a Swiss Arbitration Centre arbitration in a major M&A dispute in the pharmaceutical & biotech industry.
- Counsel in an ICC case involving a M&A dispute (price adjustment dispute / earn-out clause) and multiple respondents.

### Energy

- Co-arbitrator in an UNCITRAL ad hoc arbitration regarding the transportation of natural gas.

- Co-arbitrator in an ICC arbitration appointed by one of the largest global energy players in a dispute involving the gas sector.
- Lead counsel in a Swiss Arbitration Institute arbitration involving a long-term electricity agreement relating to hydro power.
- Swiss co-counsel in an ICC arbitration relating to an electricity supply agreement involving anti-suit injunctions and issues of force majeure and hardship.

**Construction**

- President in an ICC arbitration involving an EPC Contract for the construction of a handling and storage system for an international seaport in Central Asia.
- President in a VIAC arbitration concerning the construction and supply of clinics.
- Lead-partner in an ICC arbitration relating to a major joint venture infrastructure project.
- Co-lead partner in two related arbitrations, under the ICC Rules and Swiss Rules, respectively, representing a building contractor against an Eastern European state entity.

**Sales**

- Sole Arbitrator in an ICC arbitration concerning a sale of commodities.
- Sole Arbitrator in an ICC arbitration relating to the supply and installation of high-tech machinery and equipment.
- See also above re M&A.

**Pharmaceutical and biotech**

- Co-arbitrator in a Swiss Arbitration Centre arbitration in a major M&A dispute in the pharmaceutical & biotech industry.
- Sole Arbitrator in an ICC case involving a distribution contract for medical diagnostic devices and life sciences product lines.
- Co-arbitrator in a Swiss Arbitration Centre arbitration concerning adult stem cell processing systems.
- Sole Arbitrator in a Swiss Arbitration Centre arbitration concerning vaccines.

**Distribution / Agency**

- President of an ICC arbitration involving a consultancy agreement related to engines for nuclear power plants.
- President in a Swiss Arbitration Centre arbitration involving a distribution agreement for medical diagnostics devices in the MENA-Region.
- Sole Arbitrator in an ICC arbitration involving IT services agreement for airports.

**Sports marketing**

- Sole arbitrator in a Swiss Arbitration Centre case relating to a sports marketing agreement in the ski industry.

- Co-arbitrator in a Swiss Arbitration Centre case in the football industry.

### Enforcement and setting aside proceedings

- Counsel for a UAE claimant against multiple Respondents in attachment and enforcement proceedings of a DIAC award in Switzerland.
- Counsel for a Turkish claimant in enforcement proceedings of an arbitral award rendered in England.
- Counsel in setting aside proceedings, Swiss Supreme Court decision 4A\_508/2013 of 27 May 2014, 33 ASA Bull 865 (2015), ATF 140 III 278; Swiss Supreme Court decision 4A\_550/2009 of 29 January 2010.

### Legal expert in international commercial arbitrations

Legal expert in an ICC arbitration seated in Paris concerning a supply contract regarding a nutrient governed by the CISG involving issues of price determination

Legal expert in an ICC arbitration seated in Paris concerning a long-term supply agreement regarding high-tech goods governed by Belgian law including the CISG, involving issues of hardship and interpretation of “take or pay”, “supply or pay” “change of technology” and “flexibility” clauses.

Legal expert in an DIS arbitration seated in Berlin concerning a supply agreement for the delivery of medical devices involving issue of force majeure, quantum, statute of limitations and interest.

### Early case assessment

- Swiss law advice for a NASDAQ listed company represented by a US law firm in relation to a potential dispute under a supply contract concerning the interpretation and validity of clauses limiting and excluding liability, defective products, recoverable types of damages, fraudulent concealment, negligent misrepresentation, Swiss choice of law principles, etc.
- Swiss law advice for a Turkish company in relation to a potential dispute under a long term lease agreement involving issues of force majeure, interpretation of contract adaptation and other contractual clauses and arbitration related matters.

### List of publications

#### Treatises / Commentaries

- Force Majeure and Hardship under General Contract Principles, Exemption for Nonperformance in International Arbitration, Wolters Kluwer, 2009 (589 pages)
- Commentary on the UN Sales Law (CISG), Wolters Kluwer, 2019 (774 pages) (Introduction, Preamble, Article 79; Articles 2–5, 7–40, 45–101 [jointly with coauthors]; general editorship [jointly with Benjamin Gottlieb])
- Commentary on the UN Sales Law (CISG) (UN-Kaufrecht – CISG), 2nd German edition, 2014 (editor, author/co-author) (933 pages)

- Proposals for the introduction of a paperless mortgage credit note (Vorschläge zur Ausgestaltung des Schuldbriefes als papierloses Registerpfand), Basel 2003 (together with Wolfgang Wiegand) (106 pages)
- Liability of Publicly Held Corporations for a Violation of a Duty to Disclose, in Particular the 'Ad Hoc Publicity' - Comparative Study of the Relative Law in the U.S. and Switzerland, Bern 1998 (129 pages)
- Uncertificated securities (Wertrechte – nicht verurkundete Rechte mit gleicher Funktion wie Wertpapiere), doctoral thesis, Bern 1996 (345 pages)

### **Contributions to legal commentaries / compilations**

- Approaches to the Unforeseen before Arbitral Tribunals, in Atamer, Süzel and Geisinger (eds.), The Unforeseen in International Construction Contracts, Istanbul International Construction Law Conferences IV (2019), Istanbul 2020, 323-341
- Rules on force majeure as illustrated in recent case law, in Bortolotti & Ufot (eds.), Dossier XVII: Hardship & Force Majeure, 38th Annual Meeting of the ICC Institute of World Business Law, ICC Publ. No. 796E, Paris 2018, 82-112
- Introduction to the Swiss Rules; Interpreting and Supplementing the Applicable National Law and the Terms of the Contract by Reference to General Contract Principles, in Manuel Arroyo (ed.), Arbitration in Switzerland, The Practitioner's Guide, Kluwer Law International, 2nd ed. 2018, 437-452 (Vol. I); 2759-2766 (Vol. II)
- Commentary on Articles 35-44 CISG, in Peter Mankowski (ed.), Commercial Law, Article-by-Article Commentary, Baden-Baden, 2019, 190-232 (together with Michael Schifferli)
- The buyer's right to avoid the contract due to fundamental breach of contract by the seller in case of non-conforming goods (Das Vertragsaufhebungsrecht des Käufers aufgrund wesentlicher Vertragsverletzung des Verkäufers bei Beschaffenheitsmängeln), in Emmenegger et al. (eds.), Festschrift für Thomas Koller, Bern 2018, 75-108 (together with David Möckli)
- Contrat de Vente soumis à la CVIM, in Sylvain Marchand / Laurent Hirsch / Christine Chappuis (eds.), Contrats commerciaux en droit suisse (Modèles de contrat en français et en anglais ainsi que commentaire), Basel 2013, 91-146
- The Arbitrator's Duty not to Give Decisions that Might Surprise the Parties, in Python & Peter (ed.), L'éclectique juridique, Recueil d'articles en l'honneur de Jacques Python, Zürich/Bern, 2011, 221-234
- Commentary on Art. 180 PILS, "Challenge of an arbitrator" (Kommentierung des Art. 180 IPRG), in Pascal Grolimund, Leander D. Loacker / Anton K. Schnyder (eds.), Basler Kommentar, Internationales Privatrecht, 4. Aufl., 2020 (together with Wolfgang Peter)
- Commentary on co-ownership, Art. 646 to 651 of the Swiss Civil Code (Kommentierung der Art. 646-651 ZGB betr. das Miteigentum), in Thomas Geiser / Stephan Wolf (eds.), Kommentar zum Schweizerischen Zivilgesetzbuch, ZGB II, Basler Kommentar, 6th ed., Basel 2019; together with Jürg Wichtermann)

- Commentary on Articles 71-73 CISG (Kommentierung der Artikel 71-73 CISG), in Heinrich Honsell (eds.), Kommentar zum UN-Kaufrecht, Berlin/Heidelberg, 2nd ed. 2010 (together with Christoph Hurni)
- Commentary on the CISG (Erläuterungen zum UN-Kaufrecht [CISG]), in Gerhard Walter / Monique Jametti Greiner / Ivo Schwander, Internationales Privat- und Verfahrens recht, Bern 2004 (incl. updates), Nr. 24, 1-112

## Articles in law journals

### Sales law

- Right to remedy defects, exclusion of warranty and assignment of warranty rights in the sale of newly built or significantly renovated apartments (Nachbesserungsrecht, Gewährleistungsausschluss und Abtretung von Mängelrechten beim Verkauf von neu erstellten oder umfangreich renovierten Wohnungen), in Jusletter 20. November 2023
- Review of the case law of the Swiss Supreme Court on sales law in 2022 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2022), in Jusletter 6. November 2023 (together with Dario Galli, Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2021 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2021), in Jusletter 5. Dezember 2022 (together with Dario Galli, Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2020 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2020), in Jusletter 29. November 2021 (together with Dario Galli, Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2019 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2019), in Jusletter 4. Dezember 2020 (together with Markus Vischer, Dario Galli)
- Review of the case law of the Swiss Supreme Court on sales law in 2018 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2018), in Jusletter 11. November 2019 (together with Markus Vischer, Dario Galli)
- Review of the case law of the Swiss Supreme Court on sales law in 2017 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2017), in Jusletter 24. September 2018 (together with Markus Vischer, Dario Galli)
- Review of the case law of the Swiss Supreme Court on sales law in 2016 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2016), in Jusletter 20. November 2017 (together with Markus Vischer, Dario Galli)
- Review of the case law of the Swiss Supreme Court on sales law in 2015 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2015), in Jusletter 17. Oktober 2016 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2014 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2014), in Jusletter 14. Dezember 2015 (together with Markus Vischer)

- Review of the case law of the Swiss Supreme Court on sales law in 2013 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2013), in Jusletter 24. November 2014 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2012 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2012), in Jusletter 2. Dezember 2013 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2011 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2011), in Jusletter 24. September 2012 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2010 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2010), in Jusletter 3. Oktober 2011 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2008/09 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht in den Jahren 2008 und 2009), in Jusletter 26. Juli 2010 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2007 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2007), in Jusletter 13. Oktober 2008 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2006 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2006), in Jusletter 12.11.2007 (together with Markus Vischer)
- Review of the case law of the Swiss Supreme Court on sales law in 2005 (Die Rechtsprechung des Bundesgerichts zum Kaufvertragsrecht im Jahr 2005), in Jusletter 19.06.2006 (together with Markus Vischer)

### **Arbitration**

- The Swiss Rules of International Arbitration in their Edition of June 2012, in Romanian Arbitration Journal 3/2013, 72-83
- The Swiss Rules of International Arbitration: An Overview for Prospective Users, SchiedsVZ 2010, 243-251
- No surprises, please, Swiss Federal Supreme Court annuls CAS award, LCIA News, Volume 14, Issue 1, November 2009, 38-39
- Waiver of appeals in international arbitration after the decision in Cañas (Rechtsmittelverzicht in der internationalen Schiedsgerichtsbarkeit: eine Standortbestimmung nach dem Cañas-Urteil) (BGE133 III 235), AJP 2008, 738-751
- Interim Measures and Arbitration - Impact of the ILC Principles on Provisional and Protective Measures in International Litigation on the Draft Provisions on Interim Measures of Protection of the UNCITRAL Model Law on International Commercial Arbitration, in Talia Einhorn / Kurt Siehr (eds.), Intercontinental Cooperation Through Private International Law, Essays in Memory of Peter E. Nygh, Den Haag 2004, 469-487 (together with Gerhard Walter)



- National Report on the Relationship Between Arbitration and Other Forms of Private and Public Forms of Justice – Switzerland; Report prepared for the XII World Congress on Procedural Law, Mexico City, 21 - 26 September 2003, T.II, El arbitraje, Mexico City 2005
- ASA Conference on Arbitration in Banking and Financial Matters, 31 January 2003, Geneva, SchiedsVZ 2003, 130-132
- Procedural Public Policy as a Ground for Setting Aside International Arbitral Awards – Comments on the Swiss Federal Supreme Court's Decision of April 28, 2000 (Egemetal v. Fuchs), Bulletin ASA 2000, 566-581

### **Miscellaneous**

- May the debt collection authority take account of economic policy considerations in connection with a mortgage foreclosure? (Inwiefern kann das Betreibungsamt bei der Grundstücksverwertung wirtschaftliche Überlegungen anstellen?, in: Jusletter 8. Mai 2000)
- Overcollateralisation and right to release (Übersicherung und Freigabeanspruch), NJW (Neue Juristische Wochenschrift, Germany) 1995, 2513-2521 (together with Wolfgang Wiegand)
- The scope of the compulsory formal requirements and related issues of the real estate purchase agreement (Vom Umfang des Formzwanges und damit zusammenhängende Fragen des Grundstückskaufvertrages), recht 1993, 1-12 (together with Wolfgang Wiegand)