



Franz T. Schwarz

PARTNER

Vice Chair, International Arbitration Practice Group

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FRANKFURT

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Franz Schwarz focuses on complex multi-jurisdictional disputes. He has extensive experience with arbitral practice, procedure and advocacy both in civil and common law systems.

Mr. Schwarz has been involved in more than 250 arbitrations as counsel and arbitrator, both ad-hoc and before all major arbitral institutions (including ICC, LCIA, Vienna and Stockholm), at multiple seats and governed by a broad variety of substantive and procedural laws. He has a particular focus on joint venture, M&A, financial services, project finance, as well as commercial and corporate disputes.

Mr. Schwarz regularly counsels clients on conflict of laws issues and international enforcement of arbitration awards and judgments, including against state entities, and frequently advises parties on the protection of foreign investments under bilateral investment treaties and similar instruments.

Mr. Schwarz frequently serves as arbitrator, including as chairman of arbitral tribunals, and is included on the roster of several major arbitral institutions.

Publications and Speaking Engagements

Mr. Schwarz is a regular speaker on international arbitration topics, and teaches international arbitration at the University of Zurich, the *Europainstitut* in Saarbrücken and the Vienna University School of Economics.

Mr. Schwarz has also published extensively on topical issues of arbitration law. He is the co-author of *The Vienna Rules—A Commentary on International Arbitration in Austria* (Kluwer Law International 2009, 2nd edition forthcoming).

Professional Activities

Mr. Schwarz currently serves as Vice President of the Vienna International Arbitration Centre and a member of the Executive Board of the Swiss Arbitration Association. In 2020, he was designated by the Republic of Austria to serve as a member of the International Centre for Settlement of Investment Disputes Panel of Conciliators. He is also a member of the IBA Arbitration Sub-Committee on the New York Convention; the Chartered Institute of Arbitrators, LCIA, DIS and the Swiss and Austrian Arbitration Associations. From 2003 to 2007, Mr. Schwarz served on the Executive Board of the American Arbitration Association's ICDR Young & International Arbitration program, which he co-founded.

Solutions

International Arbitration
Litigation

United Kingdom

Trials

Experience

- Mr. Schwarz led the the Firm's representation of client Swatch Group in an international arbitration against Tiffany. In December 2013, the tribunal found that Tiffany had breached a long-term cooperation agreement with Swatch Group, that those breaches were material and that Swatch Group was entitled to prematurely terminate the cooperation. The tribunal proceeded to award Swatch Groups lost profits in the amount of USD \$480 million, and it dismissed counterclaims by Tiffany for USD \$500 million. The decision has attracted global news coverage, from the US to the UK (see e.g. the *Wall Street Journal*, *New York Times* and *Financial Times*) to Germany and Switzerland (see e.g. *Der Spiegel* and *Frankfurter Allgemeine Zeitung*). Recently, Mr. Schwarz also secured a significant victory for a major consumer goods company in a dispute involving a failed strategic alliance (under ICC Rules, sited in London, with German law applying); a significant victory for a media company in a joint venture dispute in Germany, under DIS Rules; as well as a favorable outcome for a major airline operator in a joint venture dispute, in an ad hoc arbitration sited in Germany. Mr. Schwarz has also obtained a series of favorable awards in the firm's representation of a leading telecommunications company in a series of joint venture disputes in Eastern Europe, sited in Vienna; and has advised a multinational service company on investment protection claims against a Central European state. Mr. Schwarz has played a significant role in the firm's successful representation of a leading European telecommunications company in an arbitration involving the break-up of a joint venture—the considerable amounts involved in this dispute made it the largest ICC arbitration in history. He also represented a major telecommunications company in a multi-jurisdictional dispute over a joint venture company in Switzerland and helped to obtain a victory for the client in a highly-expedited procedure in less than three months.

Recognition



**Named a Top Lawyer for
International Arbitration and
Dispute Resolution**

Chambers Global
2009-2022



**Recognized as a Leading Arbitrator
and Thought Leader**

Who's Who Legal: Arbitration
2008-2021



**Recognized for International
Arbitration**

The Best Lawyers in the United Kingdom
2015-2023

- In January 2014, American Lawyer recognized partner Franz Schwarz as "Litigator of the Week," for his representation in *Swatch Group v. Tiffany* and "delivering a Christmas gift of [almost] half a billion dollar to Wilmer's client Swatch Group."
- Mr. Schwarz has been awarded the inaugural Swiss Arbitration Association's (ASA) Prize for Advocacy in International Arbitration. The award, established in 2008, was given for the first time at ASA's annual conference in Geneva on 29 January 2010. The Prize is being awarded at regular intervals-and for the first time this year-to "recognize counsel who, through their exceptional talents in advocacy, contribute most effectively to the promotion of effective resolution of international commercial disputes through arbitration." In the award speech, Mr. Schwarz was praised as an "exceptional talent" in advocacy and "one of the best lawyers of his generation." For more information, see WilmerHale's press release and www.arbitration-ch.org.
- Mr. Schwarz is the recipient of the American Arbitration Association's Distinguished Service Award "for his distinguished service and support of international arbitration and mediation."
- **Client and Peer Reviews**
- Mr. Schwarz is widely recognized as a leading practitioner in the field of international dispute resolution. For his work in the field, he has been included in the following client and peer reviews:

- Recommended by *Chambers Global* (2009–2022) in the fields of international arbitration and dispute resolution, which describes him as being "an extremely effective advocate" and "a real leader in the field." He is also recognized as a Foreign Expert in Austrian dispute resolution.
- Recognized as a leader in the field of international arbitration in the 2011–2022 editions of *Chambers Europe*, which refers to him as "very talented" with a "great understanding of the relevant common and civil law, as well as the general EU law of the different institutions."
- Also recognized as a leader in the field of international arbitration in the 2008–2022 editions of *Chambers UK*, which describe him as "extremely well prepared, very experienced and a brilliant cross examiner of witnesses and experts," "very versatile" with a "great understanding of the relevant common and civil law," a "superb advocate" and "impressive and outstanding," an "extremely effective advocate," a "fantastic advocate who masters the facts of a case very well," a "superstar of the future" and also as a "convincing and dynamic individual, with a remarkably sharp mind" who "displays extraordinary strategic sense and masterful judgment."
- Featured in *Who's Who Legal: Arbitration* (2008–2021) as a leading arbitrator. He was named a "Thought Leader" in the 2018–2021 editions, with sources describing him as a "very able practitioner who has established a strong public international law practice," "super well known," "one of the best advocates worldwide," and "an excellent lawyer and arbitrator" who is "very creative, fair and balanced" in his approach. "He has extensive experience as both counsel and arbitrator in joint venture, M&A and project finance disputes." Sources also say he is "definitely a prominent figure" in the market, "a very bright individual, an impressive lawyer and talented advocate," and an "outstanding arbitrator." He was named among the "Most Highly Regarded Individuals" under 45 in the world in the inaugural edition of *Who's Who Legal: Arbitration - Future Leaders 2017*, where he was described as "highly respected," with one respondent noting that "he gave one of the best cross-examinations I have ever seen."
- Regularly recommended in *The Legal 500 UK* as an elite "Leading Lawyer" for dispute resolution: international arbitration and in 2020, he was described as widely respected and "tactically excellent."
- Selected by his peers for inclusion in *The Best Lawyers in the United Kingdom* since 2015 for his work in arbitration and mediation and international arbitration.
- Recognized in Legal Media Group's *The Best of the Best* in 2009, 2011 and 2013 as among the world's 25 leading lawyers for international commercial arbitration. Also listed in *The Best of the Best 2011* as a leading lawyer for litigation.
- Featured in the *Arbitration Report 2007* by Legal Business, which described him as "analytically and academically superb."

Credentials

EDUCATION

MCI Arb, Chartered Institute of Arbitrators, 2001

LLM, London School of Economics and Political Science, 1999

with Merits

Mag iur, University of Vienna School of Law, 1995

Top of Class

ADMISSIONS

Rechtsanwalt, Austria

England and Wales, Registered European Lawyer

LANGUAGES

German

English