

Dmitry Marenkov, LL.M., FCI Arb



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Current activities:

- Legal Counsel (International Business Law) & Arbitrator
- Member of the Editorial Council, journal "Commercial arbitration" (CCI RF)
- Member of the Editorial Sub-Committee at Asian Institute of ADR

Arbitration experience:

- Participated in over 35 international arbitrations, including 27 appointments as sole arbitrator, co-arbitrator and presiding arbitrator under the Rules of the International Chamber of Commerce (ICC), the ICAC/MKAS at CCI RF, the Russian Arbitration Center, the Arbitration Centre at RSPP, the German Arbitration Institute (DIS), the Vienna International Arbitral Centre (VIAC), UNCITRAL Arbitration Rules (ad hoc) (see "Cases handled" below)
- Languages of arbitration: English, Russian, German
- Applicable laws: Russian law, German law, Austrian law, Ukrainian law, English law, CISG
- Seats of arbitration: Berlin, Moscow, Munich, Paris, Stuttgart, Vienna etc.
- Subject-matter of arbitrations: international sales and service contracts, transportation, distributorship, joint ventures, licensing agreements
- Parties from: Austria, Belarus, Bulgaria, Cyprus, Czech Republic, Germany, Georgia, Hong Kong, Italy, Lithuania, Romania, Russia, Slovakia, Switzerland, Ukraine, UK
- Experience as Tribunal Secretary (ICC, VIAC, DIS, ad hoc)

Cases handled as Arbitrator:

- 27 appointments as arbitrator (1 – domestic; 26 – international)
 - 2 appointments as presiding arbitrator (German Arbitration Institute – DIS; ICAC/MKAS at CCI RF)
 - 8 appointments as sole arbitrator (International Chamber of Commerce – ICC; German Arbitration Institute – DIS; Vienna International Arbitral Centre – VIAC; Russian Arbitration Center, Arbitration Centre at RSPP)
 - 17 appointments as co-arbitrator (International Chamber of Commerce – ICC; ICAC/MKAS at CCI RF, German Arbitration Institute – DIS; ad hoc – UNCITRAL Arbitration Rules)
- Inter alia:

Arbitral Institution	Function	Applicable Law	Seat of Arbitration	Origin of Parties	Language of Arbitration	Subject-matter
ICC	Sole arbitrator (appointed by ICC)	German law	Paris, France	Germany, Bulgaria	English	Distributorship (Apparel)
DIS (Germany)	Sole arbitrator (joint appointment by Parties)	Ukrainian law	Munich, Germany	Ukraine, Slovakia	English	Sales contract (Timber industry)
Russian Arb.Center	Sole arbitrator (appointed by RAC)	Russian law	Moscow, Russia	Russia, Italy	Russian	Construction
DIS (Germany)	Co-arbitrator (appointed by DIS)	German law	Stuttgart, Germany	Germany, Russia	German	Surety Agreement (Industrial Equipment)
Ad hoc (UNCITRAL Arb Rules)	Co-arbitrator (appointed by Party)	German law	Vienna, Austria	Russia, Germany	English	Distributorship (Engineering / Manufacturing)
ICC	Co-arbitrator (appointed by Party)	Russian law	Vienna, Austria	Russia, Germany	Russian	Sale of goods (Nuclear industry)
DIS	Presiding arbitrator (appointed by co-arbitrators)	German law	Münster, Germany	Germany, Belarus	German	Sale of goods (Chemical industry)
ICAC/MKAS	Presiding arbitrator (appointed by MKAS)	Russian law	Moscow, Russia	Russia, Germany	Russian	Sale of goods (Pharma)
ICAC/MKAS	Co-arbitrator (appointed by MKAS)	English law	Moscow, Russia	UK, Russia	English	Legal services (solicitors' fees)
ICAC/MKAS	Co-arbitrator (appointed by MKAS)	Russian law	Moscow, Russia	Russia, Hong Kong	Russian	Transportation (Oil Industry)
VIAC	Sole arbitrator (appointed by VIAC)	German law	Vienna, Austria	Germany, Austria, Czech Republic	German	Joint Venture (R&D)
VIAC	Sole arbitrator (appointed by VIAC)	German law	Vienna, Austria	Austria, Lithuania	German	Sale of goods (Timber industry)

Empanelment:

Hong Kong International Arbitration Centre (HKIAC, Panel of Arbitrators), Asian International Arbitration Centre (AIAC), Vienna International Arbitral Centre (VIAC, List of Practitioners), International Commercial Arbitration Court at the Russian Chamber of Commerce and Industry (ICAC/MKAS, List for international commercial disputes), Arbitration Centre at RSPP (International Panel), Russian Arbitration Center (Database for Specialists), Thailand Arbitration Center (THAC), Chamber of Arbitrators (Belarus)

Working Languages:

Russian, English, German (including drafting arbitral awards in these languages)

Professional focus:

International commercial arbitration, international business law, international contracts, IT law, commercial law in CIS/CEE countries, German speaking countries (GER/SUI/AUT), Asia

Education:

University of Dundee (UK, LL.M. in International Dispute Resolution), University of Cologne (GER), University College London, Russian Academy of Foreign Trade (VAVT), Higher School of Economics, Maharashtra National Law University Mumbai (India, PG Diploma in Arbitration and Mediation)

Further Training:

Diploma in International Arbitration (Chartered Institute of Arbitrators), ICC Advanced Arbitration Academy, Swiss Arbitration Academy, HKIAC Advanced Arbitrator Training Programme, RAC Academy for Arbitrators, Certificate Course on Arbitration: Advocacy & Drafting (Indian Institute for Arbitration and Mediation), Columbia Summer Program on American Law, Hague Programme on Private International Law, Cologne Academies on Arbitration, Mediation and Negotiation, Tulane/Humboldt Summer School on Dispute Resolution

Memberships:

Chartered Institute of Arbitrators (Fellow), International Council for Commercial Arbitration (ICCA), Asian Institute of ADR (Fellow), Austrian Arbitration Association (Arb|Aut), Swiss Arbitration Association (ASA), German Arbitration Institute (DIS), Hong Kong Institute of Arbitrators (Fellow), Singapore Institute of Arbitrators

Guest lectures:

Visiting Lecturer at Goethe-University Frankfurt (2008-2016), University of Bonn (2012-2017) / Guest lectures: Russian Foreign Trade Academy (VAVT, 2016-2018), KAZGUU University (Kazakhstan, 2020-2022), Higher School of Economics, Moscow (2020-2022)

Further information:

- Member of the Approved Faculty List of the Chartered Institute of Arbitrators (qualified to conduct the following CI Arb courses as a tutor: "Introduction to International Arbitration", "Module 1: Law, Practice and Procedure of International Arbitration")
- Included in the Guide to Next Generation of Russian Arbitrators, <http://russianarbitratorsguide.com/>
- Accredited Mediator (London School of Mediation)
- Frequent speaker at international conferences and seminars (*see list of speaking engagements below*)
- A number of publications on international arbitration law and international business law in legal periodicals and loose-leaf handbooks (*see list of publications below*)
- Arbitrator at Vis Moot in Vienna and Hong Kong, pre-moots in Budapest, Düsseldorf, Hamburg, Istanbul, Kuala Lumpur, Moscow | Arbitrator in RAA arbitration moot court | Arbitrator in Rozenberg arbitration moot court
- Former Member of the Board, German-Russian Lawyers' Association (DRJV, 2013-2017)
- Former Member of the Internal Auditing Committee, Russian Arbitration Association (2013-2017)
- Internships at Clifford Chance (Moscow), Jones Day (Paris), Hogan Lovells (Düsseldorf), Beiten Burkhardt (Düsseldorf), E.ON Ruhrgas International AG (Germany), Barrister Martin Hunter (Essex Court Chambers, London)

Speaking Engagements (selected):

- The Evolution of Dispute Resolution in the Asian Region (moderator), Asia ADR Summit, July 2024 (in English)
- International Arbitration in Central Asia (moderator), Asian Institute of ADR, January 2024 (in English)
- Waiver of Right to Challenge the Award: When and How Can it be Done? (moderator), Asian Institute of ADR, June 2023 (in English)
- Enforcement of ICAC/MKAS awards abroad: recent case law, Conference on the occasion of the 90th anniversary of the International Commercial Arbitration Court at Chamber of Commerce and Industry, Moscow, October 2022 (in Russian)
- Future of Remote Hearings in Post-Pandemic World, ADR and Investment Forum: Asia and Other Emerging Markets - Asian Institute of ADR, May 2022 (in English)
- Tips, traps and tidbits for CIS disputes practitioners: Things you should know, XIII ABA Conference on the Resolution of CIS-Related Disputes, September 2021, Moscow (in English)
- Guest lecture "Arbitral Award", LLM programme "Corporate Lawyer", Higher School of Economics (Moscow)
- Guest lectures on German law, KAZGUU University (Astana)
- Exemption of Liability under Article 79 CISG, Efimov Readings at Russian Academy of Foreign Trade, October 2020 (in Russian)
- Sanctions in Contract Drafting and Dispute Resolution, DIS40 & German-Swiss Lawyers' Association, June 2020 (in German)
- Dos and Don'ts in drafting arbitration clauses, webinar, June 2020 (in German)
- 40 years CISG, webinar, April 2020 (in German)
- Public Policy Exception in Recognition and Enforcement of Foreign Arbitral Awards, November 2019, Russian Foreign Trade Academy (VAVT), Moscow (in Russian)
- The Role of the Tribunal Secretary: Fourth Arbitrator or Support Staff?, XI Annual ABA Conference on the Resolution of CIS-related Disputes, September 2019 (in English)
- Procedure in International Arbitration: Different Perspectives and Expectations, ICC YAF, University of Nicosia, Cyprus, May 2019 (in English)
- How to become an Arbitrator?, IBA Conference Europe Caucasus Asia, Almaty (Kazakhstan), September 2018 (in English)
- 60th anniversary of the New York Convention, GTAI webinar, June 2018 (in German)
- Launching your career into arbitrators' orbit, RAA40, Moscow, April 2018 (in Russian)
- Challenge of arbitrators in international arbitration practice: procedure, time frames, standards, case law, 9th Moscow Pre-Moot Conference, March 2018 (in English)
- Arbitration with Eastern European parties, GTAI webinar, November 2017 (in German)
- Recognition and enforcement of foreign arbitral awards in Germany and Russia, German-Russian Legal Institute (DRJI), Kiel/Germany, October 2017 (in English)
- Enforcement of foreign arbitration awards in Russia, conference "Trade Sanctions and Arbitration", Düsseldorf, August 2015 (in English)
- Arbitration in Eastern Europe – What is Going On?, ABA Section of International Law, 2015 Europe Forum, Berlin, March 2015 (in English)
- Arbitrability of disputes, KEEL Conference "Settlement of international trade disputes in the region of the Caucasus and Central Asia" in Kiel, Germany, November 2014 (in English)
- Arbitrability of corporate disputes under German Law, Russian Arbitration Day, Moscow, May 2014 (in Russian)

Publications (selected):

Over 30 publications on international arbitration law and international business law in legal periodicals and loose-leaf handbooks (in English, Russian and German), inter alia in International Arbitration Review (RF), Commercial Arbitration (RF), Arbitration Court (Tretejsky sud, RF), GAR, German Arbitration Journal (SchiedsVZ), International Arbitration Law Review (Int. A.L.R.), e.g.:

- The ICAC/MKAS at the Chamber of Commerce and Industry of the Russian Federation turns 90 // ADR Centurion (Asian Institute of ADR), Vol. 3 Issue 18 (2022), pp. 9-16 (co-author: A.Kostin)
- International Arbitration in Uzbekistan: Tashkent International Arbitration Centre and the Law on International Commercial Arbitration, Interview with Diana Bayzakova and Nafosat Toshtemirova // ADR Centurion (Asian Institute of ADR), Vol. 3 Issue 18 (2022), pp. 18-23, <https://aiadr.world/wp-content/uploads/2022/09/ADR-Centurion-June-2022-as-at-10.6.2022-new.pdf>
- Chapters on Belarus and Ukraine, in: Geimer/Schütze (eds.), Internationaler Rechtsverkehr in Zivil- und Handelssachen [international litigation in civil and commercial matters, loose-leaf] (co-author: A.Himmelreich)
- Chapter on litigation and arbitration in Ukraine, in: Breidenbach (ed.), Handbuch für Wirtschaft und Recht in Osteuropa [Handbook of Economics and Law in Eastern Europe], loose-leaf
- GTAI-Umfrage zur Verwendung von Schiedsklauseln in internationalen Verträgen (Survey on the Use of Arbitration Clauses in International Contracts), German Arbitration Journal (SchiedsVZ) 5/2021, pp. 285-287 (co-author: James Menz)
- Совещания арбитров и риски для исполнимости арбитражного решения // Коммерческий арбитраж 1/2021. С. 23-34
- Проведение онлайн-слушаний в международном арбитраже вопреки возражениям одной из сторон. Решение Верховного суда Австрии // Третейский суд 1/2021. С. 120-134
- Интервью с проф. М.Сулейменовым об арбитраже в Казахстане // Коммерческий арбитраж 1/2021. С. 202-222, <https://arbitrage.kz/news/95-intervyu-akademika-suleymenova-mk-dgurnalukommercheskiy-arbitradg>
- Einbeziehung und Ausschluss von UN-Kaufrecht (Inclusion and Exclusion of CISG in International Contracts), Internationales Handelsrecht (IHR) 1/2021, pp. 1-8 (in German) (co-author: Achim Kampf)
- Решение Верховного федерального суда Германии от 14 ноября 2019 г. – пример успешного признания и исполнения решения МКАС при ТПП РФ // Коммерческий арбитраж 2/2020. С. 30-39
- О роли секретарей (докладчиков) в международном арбитраже // Коммерческий арбитраж 2/2020. С. 107-122
- О частичном непризнании решения МКАС при ТПП РФ в Германии из-за размера неустойки (комментарий к решению Высшего суда Берлина от 7 февраля 2019 г. № 12 Sch 5/18) // Коммерческий арбитраж 1/2020. С. 15-27
- Интервью с генеральным секретарем Венского международного арбитражного центра (VIAC) Алис Фремут-Вольф (Alice Fremuth-Wolf) // Коммерческий арбитраж 1/2020. С. 155-167, www.viac.eu/images/documents/publications/Commercial_Arbitration_Interview_Ausgabe_012020.pdf
- Berufungsgericht in Den Haag erklärt den Yukos-Schiedsspruch für vollstreckbar (Appellate Court in the Hague declared the Yukos Award enforceable), German-Russian Law Review 1/2020, pp. 76-87
- Vollstreckung von in Russland ergangenen Schiedssprüchen in Deutschland (Enforcement of Russian Arbitral Awards in Germany), German-Russian Law Review 1/2020, pp. 90-98 (in German)
- Практика признания решений МКАС при ТПП РФ в мире // Коммерческий арбитраж 1/2019. С. 40-57
- Die neue ICC-Schiedsgerichtsordnung [New ICC Arbitration Rules], IWB Internationales Steuer- und Wirtschaftsrecht, No. 8/2012, pp. 290-293 (in German)
- Признание и исполнение решений МКАС при ТПП РФ, МКАС при ТПП Украины и МАС при БелТПП в Германии // Вестник международного коммерческого арбитража 2/2011. С. 34-62
- Zur Anerkennung und Vollstreckung von ausländischen Schiedssprüchen in Russland [Recognition and Enforcement of Foreign Arbitration Awards in Russia], German Arbitration Journal SchiedsVZ 3/2011, pp. 136-147 (in German)
- Aktuelle Entwicklungen im russischen Wirtschaftsrecht [Current developments in Russian business law], Recht der internationalen Wirtschaft (RIW) 2011, pp. 497 et seq. (in German)
- Chapter on Labour Law, Civil Procedure and Arbitration in Russia, in: Nussberger (ed.), Einführung in das russische Recht [Introduction to Russian Law], 2010 (in German)
- The principle of good faith in enforcement of foreign arbitral awards - the taming of another 'unruly horse' in German law, in Stockholm International Arbitration Review 2009:1, pp. 195-217 (co-author: Dr. Stefan Kröll) (in English)

- Editor and co-author “Сборник статей о праве Германии / Sammelband zum deutschen Recht in russischer Sprache” [Compendium on German law in Russian language], 2015/2017/2018
- A number of case notes in International Arbitration Law Review (Int. A.L.R.) (in English) and conference reports in GAR
- New Legal Framework for Foreign Investment in the Russian Aviation and Space Industry, German Journal of Air and Space Law 1/2010, p. 42 et seq. (in English)