



Michael Komuczky
Attorney at Law

Date of Birth: 23.07.1987
Address: Falkestraße 1/4
Nationality: Austrian
Current Position: Attorney and founder at MK Legal
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Professional Experience

Since Apr 2022 **Founder and Attorney at law** at *MK Legal, Vienna*

- Founding of law firm specialized on Dispute Resolution and Legal Conflict Management, currently with two employees
- Focus on medium-sized business as clients in Austria as well as abroad
- Advising clients in contract drafting and project planning with a particular view on potential disputes, highlighting the advantages of arbitration and other ADR forms
- Conducting adversary proceedings (litigation, arbitration) for clients in Austria, before EU institutions and abroad

Jun 2020 to Mar 2022 **Attorney at law** at *LANSKY, GANZGER + partner, Vienna*
(Senior Associate from Dec 2019 to May 2020)

- Managed commercial arbitration and litigation cases, including delivery of oral pleadings
- Drafted briefs and memos in commercial and ICSID arbitration as well as litigation cases
- Conducted settlement negotiations and aimed to avoid adversary proceedings through ADR
- Drafted contracts and dispute resolution mechanisms

Jun 2018 to Nov 2019 **Senior Associate** at *Rudolf Fiebinger, Fiebinger Polak & Partner, Vienna*

- Served as central point of contact for clients in arbitration cases (drafting briefs and witness statements, assisting with oral arguments)
- Aided arbitral tribunals and arbitrators in case management issues
- Managed self-dependently court litigation cases and contract negotiations

Nov 2010 to
Jan 2014

Associate

DLA Piper Weiss-Tessbach, Vienna, Austria

Jul to Sep
2011

Volunteer

Austrian Trade Delegation in Sofia, Bulgaria

Arbitration Experience

Jun 2020 to Mar 2022

- Managed commercial arbitration and litigation cases, including delivery of oral pleadings

Jun 2018 to Nov 2019

- Served as central point of contact for clients in arbitration cases (drafting briefs and witness statements, assisting with oral arguments)
- Aided arbitral tribunals and arbitrators in case management issues

Education Background

Sept 2020

Doctoral degree (with distinction)

University of Vienna

Topic "Commercial Arbitration and Criminal Law" (in German), published with Springer in 2021

Nov 2019

Austrian Bar Exam (with merit)

Jan 2011

Undergraduate Law degree (Magister iuris)

University of Vienna

Sept 2009

ERASMUS

to Jun 2010

University of Southampton

Aug 2005

Social year abroad

to Jul 2006

Casa Hogar Estudiantil ASOL, City of Guatemala

Expertise

Distribution law

Insurance Law

IP/IT

Cross-border trade

EU and Public International Law

Practice Location/ Jurisdiction

Based in Vienna, Austria; EU law

Working Languages

German (First language)

English

Spanish

Other Relevant Experience

Experience as academic

Since Sept
2022

External Lecturer

University of Applied Sciences Vienna (FH der WKW)

- Lead lecturer for a Course on European Business Law and Compliance Management in the Master of Executive Management Program
- Integrated a unit on arbitration to discuss it in more detail

Since Feb
2018

External Lecturer

University of Vienna

- Conceived a course on legal research with focus on international material together with a colleague
- Coordinates the holding of the course as lead lecturer

Jul 2016, 2017
and 2018

Guest Lecturer

China University of Political Science and Law (CUPL), Beijing, China

- Devised and held a one-week block course on EU contract law
- Lectured as expert and keynote speaker at seminars and panel discussions

Feb 2014 to
Jan 2018

Researcher

University of Vienna

- Authored various articles in national and international legal journals
- Conceived, organized and held courses and lectures alone and with colleagues
- Organised and spoke at seminars and academic as well as networking events (including leisure program), often in cooperation with international institutions
- Was a member of the organizing team of the IACL World Congress 2014

Publications

- Attorneys' Fee Arrangement under Scrutiny – discussion of CJEU C-395/21 (published in German: Honorarvereinbarungen auf dem Prüfstand), AnwBl 2023 (forthcoming)
- Impecuniosity of a Party to an Arbitration – also discussion of OGH 18 OCg 1/22d (published in German: Mittellosigkeit einer Schiedspartei – Zugleich Besprechung von OGH 18 OCg 1/22d), ZfRV 2022, 279
- English Translation of Austrian Supreme Court 18 OCg 10/19y for the project of YAAP, VIAC and IUS MUNDI (forthcoming)
- Impecuniosity of the Respondent in Arbitration (published in German: Mittellosigkeit des Beklagten im Schiedsverfahren), SchiedsVZ 2022, 8
- World Café Report VAD 2021 – Model Clauses and Drafting for Construction Arbitration, Austrian Yearbook on International Arbitration 2022, 253 (together with Anna Förstel-Cherng and Rita Kaufmann)
- Drafting multi-tiered dispute resolution clauses, Kluwer Mediation Blog on 30 Nov 2021 (together with Sima Ghaffari)
- Entry only for vaccinated people? (published in German: Eintritt nur für Geimpfte?), Die Presse Rechtspanorama of 23 Aug 2021
- Commercial Arbitration and Criminal Law (published in German: Schiedsgerichtsbarkeit und Strafrecht), Springer (2021)
- Relativity of ordre public when setting aside arbitral awards (published in German: Glosse zu OGH 6.3.2020, 18 OCg 7/19g – Zur Berücksichtigung der Relativität des ordre public im Aufhebungsverfahren eines Schiedsspruchs), ecolex 2020/305

- Enforcing judgments outside the EU (published in German: Urteile außerhalb der EU leichter vollstreckbar), Die Presse Rechts panorama of 28 Jul 2019 (together with Rudolf Fiebinger)
- Anti-suit Injunctions in Arbitral and Judicial Procedures – National Report for Austria, IACL World Congress 2018
- Punitive Damages and Public Policy in the EU, Yearbook of Private International Law XIX 2017/2018, 509
- The subjective element in Art 25 Brussels Ia Regulation (published in German: Das subjektive Element in Art 25 Brüssel Ia-VO), ecolex 2018, 235
- Surrogacy abroad under Austrian law (published in German: Dogmatische Einordnung von ausländischen Leihmutterchaften in Österreich), IPRax 2018, 282
- Liability under the PRIIP Regulation (published in German: Die Haftung für verpackte Anlageprodukte und Versicherungsanlageprodukte nach der PRIIP-Verordnung), ÖBA 2017, 697 (together with Gernot Wilfling)
- Arbitration and EU Law (published in German: Internationale Schiedsgerichtsbarkeit und europäische Harmonisierung – unlösbare Friktion oder perspektivenreiche Zukunft?), in Behme/Ferves et al (Hrsg), Perspektiven einer europäischen Privatrechtswissenschaft, Yearbook of the GJZ 2016 (2017) 369
- Applicable law in collective enforcement cases (published in German: Anwendbares Recht bei der Kontrolle von AGB im Verbandsprozess), ZfRV 2016, 268 (together with Christian Dorfmayr)
- Validity of subordinated debt agreements (published in German: Alternative Finanzinstrumente im Lichte der AGB-Kontrolle – zivilrechtliche Zulässigkeit qualifizierter Nachrangdarlehen), ZFR 2016, 367 (together with Gernot Wilfling)
- National Report for Austria for the Helsinki Committee's Report on the Comparison on the Rights, Limitations and Procedures related to Public Gatherings and Demonstrations across Europe, July 2013 (together with Andreas Daxberger)

Lectures

- Discriminatory treatment of intermediaries by the Principal (held in German), annual Distribution Law Seminar of WKÖ – Sparte Handelsagenten, Jun 2022
- Let's talk about money – financial issues in Arbitration, YAAP Roundtable, May 2022 (together with Max Rieder)
- Dispute Resolution Clauses in Contracts (held in German), Webinar by Juristenverband, Jun 2021
- EU law, private law and commercial dispute resolution, Keynote speech at the Academic Evening Seminar of the China University of Political Science and Law, Jul 2018
- Applying Domestic Mandatory Rules in a Public International Law Context, Keynote speech for the Academic Luncheon (Brownbag Seminar) at the China University of Political Science and Law, Jul 2017
- Conferee and commentator on the panel “Legal Research on Adult Guardianship”, 5th University Students' International Forum on Public Interest Law, China University of Political Science and Law, Jul 2017
- What are the rights of the child? (held in German) Family Lecture at the University of Vienna, Nov 2016 (together with Agnes Balthasar-Wach)
- Arbitration and EU Law (held in German), 27th annual meeting of the Gesellschaft Junger Zivilrechtswissenschaftler in Munich, Sept 2016

University courses

- Distribution Law – An overview of the most important types of distribution contracts, ARS Academy

- European Business Law and Compliance Management, University of Applied Sciences Vienna (FH der WKW), each winter term since 2022 (together with Katharina Zwins and Ludwig Hastermann)
- Legal research in a cross-border context (held in German), University of Vienna, each term since 2017 (together with Christian Dorfmayr)
- EU Law's Influence on Commercial Contracts in Europe, China University of Political Science and Law, Jul 2016, 2017 and 2018
- European consumer protection law (held in German), University of Vienna, winter term 2017/18 (together with Katharina Huber)
- Judicial Cooperation in Civil Matters, University of Vienna, summer term 2017 (together with Agnes Balthasar-Wach)
- EU Law's Influence on Commercial Contracts, University of Vienna, winter term 2016/17