

THOUVENIN

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Areas of Practice

Litigation, Arbitration, Distribution and Competition Law.

Expertise and Recent Experience

Patrick Rohn has been a partner with Thouvenin Rechtsanwälte since 2013. He specializes in domestic and international commercial litigation and arbitration, with a particular focus on disputes relating to distribution, licensing, commercial and corporate transactions and relations. Patrick has advised and acted as counsel in international arbitrations under the ICC, UNCITRAL, WIPO and Swiss Rules for companies from various sectors, including the pharmaceutical, biotech, medical devices, technology, and trade sectors. Moreover, Patrick frequently represents parties in complex contractual, corporate (incl. post-M&A, joint venture, directors' liability, shareholder agreements) and insolvency related disputes up to the Appeal Court and the Federal Supreme Court, and he has considerable expertise related to cross-border asset tracing and recovery, and the enforcement of foreign judgments and arbitral awards.

In his preferred areas of practice, Patrick also regularly advises clients on non-contentious matters, and he frequently drafts and negotiates distribution, agency and license agreements.

Recent experience includes the following:

Arbitration:

- Representation of a major shareholder in a shareholder dispute under the Swiss Rules concerning the succession in a company
- Serving as party-appointed arbitrator in a Swiss Rules arbitration seated in Switzerland between European/Chinese parties from the automotive supply industry (applicable law: Swiss)

- Representation of a Kenyan agent in a Swiss Rules arbitration against a Swiss high-tech company for track and trace systems concerning a dispute over commissions
- Representation of an Australian company from the diagnostics and medical devices industry in a Swiss Rules arbitration against a Swiss target company concerning a pre-signing M&A dispute
- Representation of a Swiss company from the machinery industry in a Swiss Rules arbitration against a Turkish customer concerning a dispute arising out of deliveries and commissioning of machines
- Representation of a German technology company in a Swiss Rules arbitration against a Swiss/US multinational company concerning a dispute arising out of a framework supply agreement
- Serving as arbitrator in an ad-hoc arbitration under UNCITRAL Rules seated in Switzerland between parties from Saudi Arabia
- Representation of a Swiss entrepreneur in an ad-hoc arbitration concerning purchase rights and claims for transfer of properties
- Representation of a seller of a Swiss SME company in an arbitration against the buyer concerning a post-M&A dispute about misrepresentation, breach of warranty, and damages
- Representation of a major U.S. pharmaceutical company in a Swiss Rules arbitration against its former distributor from the Middle East concerning a dispute arising out of the termination of a drug distribution agreement
- Representation of a Brazilian football player against FIFA in proceedings for the annulment of an arbitral award before the Federal Supreme Court. The proceedings resulted in a landmark decision in which the Federal Supreme Court - for the first time in history - annulled an arbitral award for violation of substantive public policy
- Representation of a major pharmaceutical company in an arbitration under the WIPO Rules concerning a dispute over the scope of supplementary protection certificates for a biological product which arose in connection with the termination of a license agreement
- Representation of a U.S. pharmaceutical company in a fast track arbitration under the Swiss Rules concerning a dispute arising out of the termination of a drug distribution agreement for the U.S. market
- Representation of a German high-tech company in an ICC arbitration concerning patent infringement and recovery of royalty payments
- Representation of a major U.S. med-tech company in an ICC arbitration seated in Vienna against its distributor from the Middle East concerning a dispute arising out of the termination of a distribution agreement which also involved issues of illicit payments made under the UN Oil For Food Program
- Representation of a U.S. material handling company in an ICC arbitration against its former distributor concerning a dispute arising out of the termination of a distribution agreement
- Representation of a major German automotive supplier of high-tech components in an ICC arbitration against a South Korean car manufacturer

- Representation of an Austrian process plant supplier for the semiconductor industry in an ICC arbitration concerning a dispute over the ownership of intellectual property rights which arose in connection with a collaboration agreement concluded with a U.S. partner and customer
- Representation of a UK investment company in a Swiss Rules arbitration concerning a dispute arising out of a share purchase agreement
- Representation of a private aviation jet company in an arbitration under the UNCITRAL rules concerning a dispute arising out of a share purchase and consultancy agreement

Litigation:

- Representation of a real-estate investor against a real-estate investment company in civil proceedings concerning the recovery of very substantial withholding tax amounts
- Representation of a Swiss company against a Panamanian creditor and alleged shareholder regarding the annulment of general meeting and board resolutions and the entry in the share register (background is a long-standing feud of a Greek billionaire family)
- Representation of a well-known food production company in proceedings against an engineering firm concerning a dispute arising from a fire at the production facility
- Representation of an Abu Dhabi based hospitality company and investment firm against a Swiss based real estate development company concerning a dispute arising from a hotel acquisition and failed transaction.
- Representation of a sales agent for health insurance policies against a major health insurer concerning a dispute over goodwill indemnity and commission payments
- Representation of an international mailing equipment and business process automation company in a commercial dispute against a former business partner
- Representation of a group of more than 80 (former) shareholders in a complex post-M&A litigation against the acquiring companies from Hong Kong and Cayman Islands
- Representation of a Swiss licensor against a retail co-operation in a dispute arising from the termination of a license agreement
- Representation of a Bahraini asset management firm in a fraud-related litigation against a Swiss company and Turkish individuals relating to sharia compliant investments
- Representation of a seller of a Swiss SME company in a post-M&A dispute about misrepresentation, breach of warranty, and damages
- Representation of a Swiss holding company in a complex litigation concerning restitution claims and damages against former shareholders and mandated (external) managers that follows the restructuring of the group
- Representation of a Swiss holding company (seller) in a post-M&A dispute concerning the payment of an additional purchase price arising from subsequent price adjustments
- Representation of the Swiss estate of a Jersey company in recovery and professional liability actions against the parent company and a former director of the Jersey company
- Representation of a UK hotel/resort developer and operator in proceedings against its joint venture partners

- Representation of a Danish online trading company in an unfair competition investigation and litigation against the Swiss State Secretariat for Economic Affairs (SECO)
- Representation of a high tech breeder company for sugar beet varieties in an asset tracing exercise and proceedings regarding the freezing of assets and enforcement of an arbitral award
- Representation of a Belgian trade company in a litigation following the termination of a distribution agreement and subsequent enforcement of judgment
- Representation of an Italian wine producer in interim relief proceedings and follow on damages litigation arising from a defamation campaign conducted by former business partners and wine dealers
- Representation of a real estate developer in a litigation arising from the sale of a hotel and casino complex to a real estate investment company
- Representation of a South Korean trade company in a commercial and bankruptcy-related dispute against a Swiss bank
- Representation of a clean energy company before the Supreme Court in a litigation arising from the termination of agency and distribution agreements
- Representation of a private investment company in a dispute arising from a share purchase and share pledge agreement
- Representation of one of the Big Four auditors in a professional liability litigation
- Representation of an American outdoor apparel and gear company in a litigation following the termination of an agency and distribution agreement
- Representation of an international telecommunications company and network provider in a commercial litigation against a reseller of telecommunication services
- Representation of a German commercial agent for software based hotel distribution systems / booking engines in a litigation following termination of an agency agreement
- Representation of a Greek power supply and network company in connection with the recognition and enforcement of freezing orders
- Representation of a sustainable investment company in an unfair competition litigation against a German media house
- Representation of a financial service provider in proceedings against a Swiss bank
- Representation of a major insurance company in an asset tracing exercise and proceedings regarding the freezing of assets
- Representation of a provider of headhunting services in a trademark case against a Swiss media house

Credentials

Legal500 recommends Patrick for litigation ("*brilliant mind*", "*Exceptional analyst and tactician*"). Who's Who Legal Litigation recognizes Patrick as 'Future Leader' in the category Partner ("*exceptional analytical and strategic skills*", "*I would recommend him in a heartbeat*"). Leaders League recommends Patrick for commercial litigation and international arbitration. Patrick is

also listed by the Swiss Chambers' Arbitration Institution and the International Distribution Institute as arbitrator with specific experience in distribution (IDArb list of specialized arbitrators).

Professional Experience

2013 Partner, Thouvenin Rechtsanwälte KLG
2011 - 2012 Associate, Thouvenin Rechtsanwälte KLG
2008 - 2011 Associate, Schellenberg Wittmer, Zurich
2007 - 2008 Associate, Debevoise & Plimpton, London
2006 - 2007 Associate, Schellenberg Wittmer, Zurich
2005 Junior Associate, Thouvenin Rechtsanwälte
2004 - 2005 Court clerk, District Court of Zurich
2001 - 2004 Teaching assistant, Law School of the University of Zurich

Legal Education / Bar Admission

2006 Admitted to the Zurich Bar (all Swiss courts)
2004 University of Zurich, J.D. (Dr. iur.)
2000 University of Zurich, Master of Law (lic. iur.)

Memberships in Professional Associations

Swiss and Zurich Bar Association
Swiss Arbitration Association
International Distribution Institute (IDI) - country expert for Switzerland
Anwaltskooperation Wirtschafts- und Vertriebsrecht
Deutsche Gesellschaft für Vertriebsrecht

Languages

German, English and French (read)

Selected Publications

Articles and Monographs:

- GAR - The Guide to M&A Arbitration, Switzerland Chapter 2018 to 2022 (together with Michael Bösch)
- Global Legal Insights - International Arbitration, Switzerland Chapter 2019, 2020 and 2021 (together with Michael Bösch and Simon Hohler)
- The Law Reviews - The Complex Commercial Litigation Law Review, Switzerland Chapter 2019, 2020 and 2021

- Die Handelsvertretergesetze (*The Laws on Agency*), 3rd Ed. (2021), Switzerland Chapter
- Recht der internationalen Distribution - rechtliche Einordnung und vertragliche Gestaltungsmöglichkeiten, in: Handbuch Internationales Handels- und Wirtschaftsrecht, 2015
- Drafting arbitration clauses for IP agreements, *Journal of Intellectual Property Law & Practice*, 2012, Volume 7, Number 9 (together with Philipp Groz)
- Discovery is sneaking into Swiss litigation, *IBA International Litigation News*, May 2012
- Dissenting Opinions: Can they Fulfil a Beneficial Role?, in: *Arbitration International, The Journal of the London Court of International Arbitration*, Volume 25 Number 3, 2009 (together with Peter Rees QC)
- Preisbestimmung und Preisanpassung in langfristigen Energielieferverträgen, in: *Liber Amicorum* für Heinrich Honsell, 2007
- Neue Wettbewerbsregeln im Automobilssektor - Auswirkungen der Bekanntmachung der Weko über den Automobilvertrieb und der Verordnung (EG) Nr. 1400/2002 im schweizerischen Automobilmarkt, in: *sic! Zeitschrift für Immaterialgüter-, Informations- und Wettbewerbsrecht*, 11/2005 (together with Patrick von Arx)
- Zivilrechtliche Verantwortlichkeit der Internet Provider nach schweizerischem Recht, in: *Zürcher Studien zum Privatrecht*, vol. 187, Zürich 2004 (288 pages)

Newsletters:

Patrick regularly publishes THOUVENIN's Distribution and Competition Law Newsletters which provide periodic alerts to new developments in distribution and competition law. The newsletters can be found in the publications section at www.thouvenin.com.