

Prof. Dr. Nathalie Voser

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Nathalie Voser is a founding partner of rothorn legal. She has acted as counsel and arbitrator in a vast number of arbitrations under many major institutional rules. She has also advised and represented clients in arbitration related state court matters (such as setting-aside proceedings before the Swiss Supreme Court) and in complex multi-jurisdictional disputes before Swiss or foreign state courts.

Nathalie Voser is well known for her expertise in engineering and construction, (renewable) energy related projects, oil and gas, pharmaceutical and automotive industries. She has considerable experience in research and development, distribution and license agreements, joint ventures as well as mergers and acquisitions. She is appointed as arbitrator in both commercial and investment treaty arbitrations.

Who's Who Legal Arbitration 2023 says, that Nathalie is "A hugely impressive arbitrator" and "An obvious choice for complex and technical disputes", that "Nathalie is strategic, efficient and thorough" and she is identified as "a leading individual" in the market. Who's Who Legal Switzerland 2022 quotes that Nathalie is "very experienced as counsel and arbitrator", that she is highly recommended for her "strong academic background" and "extensive skill and experience in construction disputes". According to Who's Who Legal Arbitration 2022, Nathalie is identified as "highly experienced" and an "extremely knowledgeable practitioner with extensive construction arbitration experience". WWL ranked her as Thought Leader Global Elite for "Arbitration 2023" and "Construction 2023" as well as Thought Leader "Commercial Litigation 2022".

Nathalie Voser is actively involved in the work of arbitration institutions: she is a current member of the ICC Arbitration Commission for the Swiss ICC National Committee, an immediate Vice President of the London Court of International Arbitration (LCIA), and was the president of the European User's Council of the LCIA. She is an immediate past board member of the Swiss Arbitration Association and of the Vienna International Arbitration Chamber (VIAC), and was also a member of the board of the Swedish Arbitration Institute (SCC).



Nathalie has assisted in a significant way in various arbitration related projects, such as the 2004 IBA Conflict of Interest Guidelines, the 2012 ICC Arbitration Rules revision, and the 2017 SCC Rules revision. Until early 2022 she was co-heading the Taskforce of the IBA Arbitration Committee entrusted with the revision of the IBA Rules on the Taking of evidence.

Finally, Nathalie is the author of many arbitration-related articles and of a leading textbook in arbitration which appeared in its 4th edition in March 2021. The 5th edition is currently in preparation.

Experience (Excerpt)

- Representing an Australian real estate group in an arbitration brought by an architectural firm. The dispute concerns the alleged unauthorized use of the claimant's project designs for a A\$1 billion building construction project
- Representing an internationally renowned constructor in multiple complex construction disputes (including both litigation and arbitration proceedings) against both the owner and the subcontractor concerning structural defects in a cooling tower of a currently active power station
- Representing an internationally renowned seller of turbines for offshore electricity production in a dispute regarding alleged delays, defects, and further shortcomings in the context of the construction of a large offshore oil platform
- Representing an Israeli company (and its international parent company) in several arbitration acting as EPC contractor of a large scale solar thermal power station in an ICC arbitration regarding a dispute against one of its subcontractors concerning mechanical, electrical and piping erection work
- Representing a German company in ICC arbitration against a Kazakh company in a dispute under a series of supply and engineering contracts related to the design, delivery of equipment and related ancillary services concerning a ferrochrome smelting facility
- Co-arbitrator in ad hoc UNCITRAL arbitration concerning a dispute over the exercise of an option right in a long-term natural resources delivery contract governed by Dutch law with seat in Zurich.
- Presiding arbitrator in ICC arbitration regarding a complex, multi-party high stake joint venture dispute governed by Chilean law regarding an airport infra-structure project with seat in Geneva
- Presiding arbitrator in ad hoc UNCITRAL arbitration, concerning a dispute between an owner and an EPC contractor regarding validity of two contract terminations and infringement of intellectual property rights in connection with an incinerator project, seat in the Netherlands, law of the Netherlands applicable
- Co-Arbitrator in ICC arbitration relating to a construction dispute between the owner and the contractor regarding the construction of a multi-purpose complex located in an Eastern European state
- Co-arbitrator in ICC arbitration regarding the dispute between two public mobile network operators regarding the applicable tariff for international roaming services; Swiss seat and Swiss law applicable
- Presiding arbitrator in SCAI arbitration proceedings concerning unpaid steel delivered



under bills of exchange and insured by a credit insurance policy which the insurer, based on assignments, is claiming directly from the buyer; Swiss seat, English law applicable

- Presiding arbitrator in DIS Rules arbitration, involving two German companies in a dispute regarding price adaptation under a long-term gas storage agreement; German seat and German law applicable
- Co-arbitrator in ICSID arbitration involving insolvent German construction company and its claims against Turkmenistan under the Germany-Turkmenistan BIT
- Co-arbitrator in ad hoc arbitration under UNCITRAL Arbitration Rules 1976, multi-party arbitration involving a Eurasian state entity and a Eurasian state agency against a foreign investor in a contractual oil & gas dispute under a production sharing contract

Qualifications

Nathalie Voser graduated *summa cum laude* from the University of Basel, she was admitted to the bar in Switzerland in 1990. In 1992, she became a juris doctor with *summa cum laude* and in 1994 earned an LL.M. from Columbia University (New York) with honors. In 2005, she received the *venia docendi* for private law, conflicts of laws and comparative law and, in 2014, she was awarded the title of Professor in private law, arbitration law, private international law and comparative law by the University of Basel, where she regularly teaches courses in commercial arbitration and other areas of Swiss private law.

Publications (Excerpt)

- *International Arbitration – Comparative and Swiss Perspectives*, 4th, Zurich: Schulthess, Baden-Baden: Nomos, 2021 (co-authored with Daniel Girsberger)
- *The Consequences of Achmea on Arbitrations Seated in Switzerland*, in: *The future of Investment Treaty Arbitration in the EU: Intra-EU BITs, the Energy Charter Treaty, and the Multilateral Investment Court*, C. Baltag/A. Stanic (ed.), Wolter Kluwer 2020, pp. 115 – 142 (co-authored with Sebastiano Nessi)
- *Besonderheiten einiger wichtiger Jurisdiktionen – Schweiz*, in: Salger/Trittmann, *Internationalen Schiedsverfahren, Praxishandbuch*, 2019
- *Know How Construction Arbitration Switzerland 2018*, published by the Global Arbitration Review (GAR), 2018 (co-authored with Elliott Geisinger, Christopher Boog and Katherine Bell)
- “*Has Acting as Arbitrator Become a Risky Business?*”, 2018, E-Publication on conflict of interest in Arbitration, in Kluwer Arbitration Blog
- “*Schiedsverfahren und anwendbares Recht*”, in Hellwig Torggler et al (Hrsg) “*Handbuch Schiedsgerichtbarkeit*, 2nd ed, Verlag Österreich, 2017, pp. 249-278 (co-authored)
- *The Swiss Perspective on Parties in Arbitration: “Traditional Approach with a Twist regarding Abuse of Rights” or “Consent Theory Plus”*, in: *The Evolution and Future of International Arbitration*, International Arbitration Law Library Vol. 37, Alphen aan den Rijn: Kluwer Law International, 2016, pp. 161–181

