



Dr Elke Umbeck (born 1971 in Bielefeld, Germany)

Elke Umbeck is a German lawyer (*Rechtsanwältin*) and partner of the German independent law firm Heuking Kühn Lüer Wojtek (ranked among the top ten German law firms) with more than 400 lawyers and eight offices in Germany since 2008. Elke Umbeck is based in Hamburg and co-heads the law firm's litigation and arbitration practice group since 2008.

With over 20 years of experience Elke Umbeck regularly acts as arbitrator (sole arbitrator, party appointed arbitrator and presiding arbitrator) and counsel in national and international commercial arbitration (ad hoc, CEAC, DIS, ICC, SCC etc) and advises national and foreign clients in complex disputes. Having started her career in the corporate practice group of an international law firm she is dedicated in particular to corporate and post M&A disputes, but her area of practice also covers energy law (e.g. gas price revision and gas storage price revision disputes), construction and general commercial and trade law.

She has been a lecturer for international commercial law (*Internationales Wirtschaftsrecht*) at the Technical University in Hamburg for almost 10 years. She frequently publishes articles and regularly speaks on international arbitration law.

Recommendations

Elke Umbeck is listed in "*The Legal 500 EMEA 2020*" and "*Legal 500 Deutschland 2020*" (recommended in the fields of dispute resolution and arbitration including international arbitration), as "*National Leader*" in the field of arbitration by Who's Who Legal (WWL) and as a '*Frequently recommended lawyer*' in JUVE, Handbook for Corporate Law Firms, since several years. She is also recognized by Best Lawyers in the field of Arbitration and Mediation and International Arbitration.

Who's Who Legal says *Elke enjoys a stellar reputation for her significant experience in international arbitration*" (2021) and is '*a highly dedicated and experienced arbitrator*' who receives praise for being '*very thorough and analytic*' in her approach" (2020).

Languages

German, English, Italian and French (fluent) and Spanish (basic).

Current Position and Professional Activities

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| 2008 | Partner with <i>Heuking Kühn Lüer Wojtek</i> , an independent German full service law firm with more than 400 lawyers and eight offices in Germany |
| 2009-2018 | Visiting lecturer at the <i>Technical University Hamburg-Harburg</i> ("International Commercial Law") |
| 2001 - 2008 | (Principal) Associate with <i>Freshfields Bruckhaus Deringer LLP</i> , Berlin and Hamburg |
| 1996 -1999 | Research assistant, Institute for Foreign and International Private Law, University of Cologne (<i>Institut für internationales und ausländisches Privatrecht</i>) |
| 1993/1994 | Assistant at the European Parliament in the office of <i>Elmar Brok (MEP)</i> in Strasbourg and Brussels |
| Since 2009 | Organization of the (CAM CCBC) Hanseatic Premoot (in preparation of the Vis Moot) with student teams from around the world |
| Since 2010 | Board member of the <i>Hamburg Arbitration Circle e.V.</i> |
| Since 2019 | Vice president of the <i>Chinese European Arbitration Association e.V.</i> (shareholder of the Chinese European Arbitration Centre) |

Education

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| 2001 | Second State Exam at the Higher Regional Court of Düsseldorf |
| 1998 | Doctoral thesis (Dr jur) at the University of Munster on intellectual property law, supervisor Prof. Dr. Thomas Hoeren (<i>magna cum laude</i>) |
| 1996 | First State Exam at the Higher Regional Court of Cologne |
| 1990 - 1996 | Legal studies at the Universities of Bielefeld, Strasbourg (<i>Université Robert Schumann</i>) and Cologne |

Professional Memberships

- International Bar Association (IBA)
- Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)
- German Maritime Arbitration Association (GMAA)
- Hamburg Arbitration Circle (HAC)
- Chinese European Arbitration Association (CEAA)
- German-Italian Lawyers Association (DIJV)
- German Foreign Law Association

Selected Recent Mandates/References in the Field of Arbitration

- Enforcing remuneration claim for an international logistic company against a major aeronautics company based on a contractual price adjustment right (ICC Arbitration)
- Defending a German investment company against alleged claims for breach of a cooperation agreement alleged by a Czech Energy corporation (ICC Arbitration)
- Sole arbitrator in arbitration proceedings for damages resulting from the violation of intellectual property rights relating to the engineering of drones (DIS Arbitration)
- Advising Dutch offshore contractor against German employer regarding penalty payments and outstanding remuneration resulting from the construction of an offshore windpark (DIS arbitration)
- Presiding arbitrator in arbitration proceedings with Chinese and German parties about a claim for repayment and damages resulting from a purchase agreement of solar panels (CEAC Arbitration)
- Advising gas storage operator in relation to price adjustment claims of a customer under a long-term gas storage contract based on a hardship clause (DIS Arbitration)
- Sole arbitrator in arbitration proceedings for payment of the partially outstanding purchase price under a share purchase agreement (DIS Arbitration)
- Pleading payment claim of an US American entertainment company against a Belgian distributor on the basis of a distribution agreement (Ad hoc Arbitration)
- Presiding arbitrator in arbitration proceedings about repayment claims and claims for damages resulting from a convertible bridge loan agreement (DIS Arbitration)
- Enforcing loan repayment claims of a Swedish wind turbine producer against an Ukrainian company (DIS Arbitration)
- Sole arbitrator in arbitration proceedings with applicability of Chinese law regarding remuneration claims (CEAC Arbitration)
- Asserting nullity of a gas storage contract under antitrust law and in the alternative pleading claims for price adjustment in a dispute between two major energy companies (DIS Arbitration)
- Defending energy supplier against claims for additional time and costs by the supplier of foundations for an offshore windpark (Adjudication Proceeding)
- Party appointed arbitrator in a post M&A dispute relating to the breach of several warranties (DIS Arbitration)
- Presiding arbitrator in a dispute between ex-shareholders following the expulsion of one of the shareholders (DIS Arbitration)
- Defending Swedish energy supplier against the termination of a contract for the erection of an offshore accommodation platform for cause (Adjudication Proceedings)

- Enforcing claims of the purchaser under a share purchase agreement (warranty claims for false financial statements) against seller (DIS Arbitration)
- Asserting claims for price revision under a long-term gas supply contract based on a price revision clause for a gas wholesale company against a municipal utility company (Ad hoc Arbitration)
- Representation of a gas wholesale company against an industrial customer for price revision under a long-term gas supply contract based on a price revision clause (DIS Arbitration)
- Presiding arbitrator in a dispute relating to the termination of a service agreement for good cause and outstanding remuneration (DIS Arbitration)
- Party appointed arbitrator in a shareholder dispute upon termination of a partnership of lawyers (Ad hoc Arbitration)
- Enforcing claims of a Scottish windpark operator for breach of contract (lower availability) against a German wind turbine manufacturer (ICC Arbitration)
- Enforcing claims of the purchaser under a share purchase agreement (warranty claims for missing software licence) against seller (DIS Arbitration)
- Representation of a gas wholesale company against a gas storage operator for termination of a long term storage contract on the basis of antitrust law and civil law, and in the alternative claims for price reduction (DIS Arbitration)
- Representation of a gas storage operator against the lessor of cavern cavities for price adjustment under the cavern lease agreement (DIS Arbitration)
- Asserting claims of an Ukrainian Investment company against a German bank for repayment of the partially paid purchase price following the avoidance of an share purchase agreement based on misrepresentation and fraud (ICC Arbitration)
- Enforcement of price adjustment claims of a gas trader against a biogas supplier (Ad hoc Arbitration)
- Defending client against claims for compensation relating to a gas pipeline system built in the former GDR (Ad hoc Arbitration)
- Presiding arbitrator in an arbitration involving Swiss and Vietnamese parties relating to a claim for damages resulting from the nonfulfillment of a contract and counter claims (Arbitration according to the rules of the German Coffee Association)
- Party appointed arbitrator in a dispute between partners of partnership of lawyers (Ad hoc Arbitration)
- Motion to set aside a partial arbitral award in ICC arbitration proceedings concerning a post-M&A dispute and advice on defending against enforcement measures (Frankfurt Higher Regional Court)

Recent selected Publications and Speeches:

- *International Arbitration in Germany*, Chambers Global Arbitration Guide, August 2020
- *Dispute settlement in the times of the Covid-19 pandemic*, together with Dr. Jonas Pust
- *Legal Tech and its Impact on Litigation*, Speech at the 7th Litigation Summit on 28 February 2019 in Berlin
- *Modern Case Management*, together with Dr. Jonas Pust, ICC-Germany Magazin 9/19
- *Mass Litigation - A new threat for Companies?* - Speech at the 6th Litigation Summit on 27 February 2018 in Berlin
- *Schiedsgerichtsbarkeit: Herausforderung Mehrparteien-Verfahren*, together with Ulrike Gantenberg, ICC-Germany Magazin 5/17
- *Introduction to Dispute Boards and the ICC Dispute Board Rules 2015*, speech at the World Service Group Meeting in Warsaw, 17 June 2016
- *Dispute Boards – A better way of resolving disputes?* Speech at the Munich Summit on China Arbitration, 2016
- *Iura novit arbiter? Rights and Duties of the parties with regard to the assessment of the applicable law in arbitration proceedings* – speech at the Hamburg Arbitration Circle, 26 Mai 2016

Contact:

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