

**Mr Paulo Fohlin** (DoB. 1961, CV updated May 2016)  
**LL M, Advokat, Chartered Arbitrator (C.Arb), FCIArb, DiplCarb, FHKI Arb**  
**Partner Magnusson, Head of International Arbitration, [www.magnussonlaw.com](http://www.magnussonlaw.com)**

### **Areas of Practice**

Arbitrator, counsel and adviser in international arbitration, investment treaty disputes and court litigation in Sweden, Hong Kong and elsewhere. Experience of dispute resolution since 1988. Before joining the international firm *Magnusson* in 2015 and co-founding *Odebjer Fohlin* in 2011, a long-standing partner at Swedish firm *Vinge*. Experience of disputes relating to a multitude of industry sectors and types of contract, such as inter alia international sale of goods, aircraft, ships and trains, supply and installation of plant and machinery, joint ventures, shareholders' agreements, cooperation agreements, agency and distributorship agreements, transfer of know-how and technology, license and royalty agreements, mergers and acquisitions, product liability, professional negligence, accounting and auditing standards, *etc.*

Included on the Panels/Rosters of Arbitrators of:

- Hong Kong International Arbitration Centre (HKIAC) (Arbitrator and Emergency Arbitrator)
- International Centre for Dispute Resolution (ICDR) of American Arbitration Association (AAA)
- Korean Commercial Arbitration Board (KCAB)
- Kuala Lumpur Regional Centre for Arbitration (KLRCA) (Arbitrator and Emergency Arbitrator)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Beijing Arbitration Commission (BAC)
- Shanghai International Arbitration Centre (SHIAC)
- Weihai Arbitration Commission
- CIArb Panel of Arbitrators

### **Education and Professional Career**

- Scholarship studies in contracts, torts and constitutional law at University of Minnesota Law School, USA, 1985
- LL M, Uppsala University Faculty of Law, Sweden, 1988
- Teacher in, *inter alia*, contracts, sales and commercial papers at Uppsala University Faculty of Law, Sweden, 1987-1988
- Associate at *Vinge* 1988-1997
- Admitted to the Swedish Bar Association 1994
- Partner of *Vinge* 1997-2010
- Co-founder and partner of *Odebjer Fohlin* 2011-
- Partner of *Magnusson* in association with *Odebjer Fohlin* 2015-

### **Examples of Cases as Arbitrator**

- Tribunal chairman in an International Chamber of Commerce (ICC) arbitration in Singapore between parties from South Korea and India re. a long term cooperation agreement on infrastructure projects governed by the UNIDROIT Principles of International Commercial Contracts,
- Tribunal chairman in a Stockholm Chamber of Commerce (SCC) arbitration in Stockholm between parties from South Korea and Russia involved in the energy industry re. the delivery of

equipment to a power plant,

- Tribunal chairman in an ad hoc multi-party arbitration in Stockholm re. an international sale and purchase contract and guarantee between parties from South Korea and Russia,
- Co-arbitrator in an arbitration in Hong Kong between parties from Singapore and mainland China under the HKIAC Administered Arbitration Rules re. a contract for the international sale of goods governed by Hong Kong law,
- Co-arbitrator in an HKIAC arbitration in Hong Kong between Hong Kong companies re. a shareholders' agreement and transfers of shares governed by Hong Kong law,
- Tribunal chairman in an HKIAC arbitration in Hong Kong re. a contract on business operations in mainland China governed by Hong Kong law between parties from Europe and Hong Kong,
- Sole arbitrator in an ICC arbitration in Singapore between Singaporean companies re. a cooperation agreement governed by Singaporean law,
- Tribunal chairman in an ad hoc arbitration in Hong Kong under the UNCITRAL Rules re. a share transfer contract governed by mainland Chinese law between parties from Europe and China,
- Sole arbitrator in an ICC arbitration in Hong Kong between Asian companies re. contracts for the sale of steel governed by CISG,
- Co-arbitrator in a KCAB arbitration in South Korea re. contracts for the international sale of goods governed by Korean law,
- Sole arbitrator in an ad hoc arbitration in Sweden re. software cooperation contracts,
- Co-arbitrator in an ad hoc arbitration in Sweden re. the sale of a hotel business,
- Co-arbitrator in an ad hoc arbitration in Sweden re. the sale of a manufacturing business.

### **Examples of Cases as Counsel: Commercial Disputes**

- Counsel to a Hong Kong company in an ad hoc arbitration in Hong Kong against an Indian company re. contracts for the sale of electronics governed by Hong Kong law,
- Managing on behalf of European clients, their representative office in mainland China and their Hong Kong subsidiary a dispute and negotiations with employees and contractors in mainland China re. breaches of confidentiality and non-compete clauses governed by mainland Chinese law and Hong Kong law,
- Counsel to a Hong Kong company in an ad hoc arbitration in Hong Kong against an Italian company re. contracts for the sale of electronics governed by Hong Kong law,
- Adviser to a Western supplier of nuclear fuel technology to an Asian nuclear power company in a dispute re. a contract governed by Swedish law and providing for SCC arbitration,
- Counsel in an arbitration under the SCC Rules for Expedited Arbitrations re. the design, delivery and installation of a production line system,
- Counsel to a Swiss company in the textile industry in an ad hoc arbitration in Sweden against a Swedish company,
- Counsel to a Chinese buyer in a pre-arbitration dispute against a Danish supplier of machinery under a contract governed by CISG,
- Adviser to a Swedish seller of production lines for the defence industry in a dispute against a sovereign state-owner of a buyer under a contract governed by French law and providing for ICC arbitration in Paris,

- Counsel to an African buyer/seller in two pre-arbitration disputes against a European manufacturer and a Chinese end user re. the manufacture, purchase and sale of several aircraft under contracts governed by Swedish law,
- Adviser to an international law firm acting as counsel in a dispute re. the sale, construction and delivery of several ships against a sovereign state-owner of a buyer under a contract governed by Swedish law and providing for ad hoc arbitration in Sweden,
- Counsel to a Norwegian shipping company in an ad hoc arbitration in Sweden against a Swedish company re. a long term submarine communications cables maintenance contract,
- Counsel to a Swedish purchaser of an Asian company in the rubber manufacturing industry under contracts governed by English law in a London Court of International Arbitration (LCIA) arbitration in London against Australian sellers,
- Counsel in a dispute re. a contract for the mapping of the seabed between mainland Malaysia and Sarawak for the purpose of laying submarine cables in connection with a major Malaysian power plant project providing for arbitration in Sweden,
- Counsel to a European manufacturer of trains in two ICC arbitrations against a European buyer and partner re. contracts governed by Swedish law,
- Counsel in an international ad hoc arbitration in Sweden re. a contract for the bunkering at sea governed by English law,
- Counsel in an ad hoc arbitration in Sweden re. a royalty agreement concerning an invention within the chemical industry,
- Counsel in an ad hoc arbitration in Sweden between an inventor and a multinational company re. an invention within the indoor climate industry and a long term license and royalty agreement.

#### **Examples of Cases as Counsel: Investment Treaty Disputes**

- Counsel to Spanish investment funds holding American depository receipts in the Russian oil and gas company Yukos in challenge proceedings brought by the Russian Federation to an arbitral award made in Stockholm under the Spain-Russia investment treaty,
- Counsel to Spanish investors in the Russian company Yukos in separate Swedish court proceedings brought by the Russian Federation to obtain a negative declaration on arbitral jurisdiction under the Spain-Russia investment treaty,
- Adviser to an international law firm acting as counsel to Spanish investors in the Russian company Yukos in an SCC investment treaty arbitration against the Russian Federation (*Renta 4*),
- Adviser to an international law firm acting as counsel to a mining company in an SCC investment arbitration against Uzbekistan (*Newmont Mining v Republic of Uzbekistan*),
- Counsel to a UK investor in the Czech telecommunications industry in a court challenge against the Czech Republic to an arbitral award made in Stockholm under the UK-Czech investment treaty (*Nagel v Czech Republic*),
- Counsel to a Dutch investor in the Czech television broadcast industry resisting a court challenge by the Czech Republic to an arbitral award made in Stockholm under the Dutch-Czech investment treaty (*CME v Czech Republic*).

#### **Examples of Cases as Counsel: Court Litigation**

- Counsel to a leading food retailer in Swedish court proceedings against the auditors of a financial institution re. liability for errors in the institution's financial statements,

- Counsel to the largest Latvian Bank at the time (*Banka Baltija*) on instructions from the Central Bank of Latvia in Swedish court proceedings against the bank's auditors re. liability for errors in the bank's financial statements and relating to the proper application of international accounting and auditing standards,
- Counsel to a leading financial institution in Swedish court proceedings re. the repayment of loans granted under project credit facilities,
- Counsel in Swedish court proceedings on instructions from the liquidator and the largest Swedish bank against the directors of a distressed major real estate group re. liability for transactions detrimental to the bank and other creditors,
- Counsel to an insurance company in Swedish court proceedings, including before the Supreme Court, against a business insurance agent re. questions of law as to the conditions for commission being payable.

### **Examples of Speeches**

- Approved Faculty List tutor and assessor at CIArb arbitration courses,
- Tutor and assessor at HKIArb arbitration courses,
- *Issues regarding res judicata and arbitral jurisdiction in international arbitration*, CIArb talk in Hong Kong, Nov 2015,
- *Ethical Issues in International Arbitration*, speech at the International Association of Defense Counsel (IADC) Asian Regional Meeting in Hong Kong, Oct 2015,
- *The Spanish Arbitration Act - a few brief observations*, speech at a Corte Civil y Mercantil de Arbitraje (CIMA) seminar in Hong Kong, Oct 2015,
- Panellist with other Nordic arbitrators on counsel advocacy from the viewpoint of the tribunal, at Young Arbitrators Sweden (YAS) Arbitration Day in Stockholm, Oct 2015,
- *Arbitration involving foreign vs Chinese parties*, speech at seminars on doing business and managing risks in China and Hong Kong organised by *Magnusson*, Hong Kong Economic and Trade Office London, West Sweden Asia Gateway, and InvestHK, in Stockholm and Gothenburg, Sep 2015,
- *Recognition and Enforcement of Awards*, CIArb lecture in Shenzhen, Dec 2014,
- *Making of the Award – Decision Making process*, CIArb lecture in Hong Kong, Dec 2014,
- *Arbitration in Asia with focus on South Korea*, speech at the Conference EU-Asia Perspective, organised by the Vienna International Arbitration Centre (VIAC) and the Korean Arbitrators Association (KAA) in Vienna, July 2014,
- *Svenska affärer i Kina – risker och möjligheter (Swedish business in China – risks and opportunities)*, speech at *Setterwalls* law firm seminar in Stockholm, Jun 2014,
- *Interesting & Important Differences Between National Arbitration Laws*, speech on res judicata and arbitral jurisdiction in international arbitration, Kuala Lumpur Regional Centre for Arbitration (KLRC), Apr 2014,
- *An introduction to investment treaty arbitration*, lecture at Hong Kong University, Mar 2014,
- *Hot Topics in Investor-State Arbitration*, panellist at American Bar Association's annual Moscow Conference on Dispute Resolution, Sep 2013,
- *The Constitution of the Arbitral Tribunal*, speech at an HKIArb arbitration course in Hong Kong, Feb 2013,
- Speech on arbitration at the conference *Doing Business in the PRC: Risks, Precautions and Dispute Resolution Options* organised by CIArb and the Shenzhen Court of International Arbitration in Hong Kong, Jan 2013,

- Speech on the UNCITRAL Arbitration Rules of 2010 and the ICC Arbitration Rules of 2012, at the conference *Contemporary Issues in Investment Arbitration* organised by City University of Hong Kong and the UN Conference on Trade and Development, Nov 2011,
- *Dispute Avoidance and Resolution*, panellist at a Society of Construction Law Hong Kong International Construction Law Conference, Dec 2010,
- Commentator on Hong Kong arbitration law at a Mock Arbitration organised by HKIAC for its 25<sup>th</sup> anniversary, Nov 2010,
- Speech on China's bilateral investment treaties at the seminar *Resolving Business Disputes in Today's China: A Case Study* co-hosted by CIETAC, HKIAC and SCC in Stockholm, Nov 2010,
- Speech on the investor's possibility to arbitrate liability and quantum under mainland China's investment treaties, at a *C5 Investment Treaty Arbitration Conference* in London, Sep 2010,
- *An introduction to investment treaty arbitration and its potential relevance to foreign investments in mainland China*, speech at a CIArb seminar in Hong Kong, Nov 2009,
- Speech on international arbitration in Hong Kong under the Arbitration Ordinance and Arbitration Bill, at a CIArb seminar under the Hong Kong Government Professional Services Development Assistance Scheme (PSDAS), Jul 2009,
- Demonstrator (counsel for claimant) in a CIArb/PSDAS Mock Arbitration Hearing, Jun 2009,
- Speech on setting aside and enforcement of international arbitral awards, at an Alumni Association of the Vis International Commercial Arbitration Moot conference, Mar 2009,
- Comparative speech on international arbitrations in Sweden, Hong Kong and mainland China, at seminars in Beijing and Shanghai organised by SCC and *Vinge*, Feb and Mar 2009,
- Speech on the UNCITRAL Model Law on International Commercial Arbitration, and tutor, at a BAC and CIArb course for Chinese arbitration practitioners, in Beijing, Oct 2008,
- Speech on international arbitration at an ICC Hong Kong lunch briefing in Hong Kong, 2008,
- Speech on international arbitration at a China Council for the Promotion of International Trade, Ningbo Sub-Council and CIETAC, Ningbo Sub-Commission seminar in Ningbo, 2007,
- Speech on arbitration at the Swedish VJS Foundation courses for arbitration practitioners in Stockholm, 2004 and 2005,
- Previous lecturer on contract law at Gothenburg University Faculty of Law, Sweden,
- Previous lecturer on dispute resolution at the Swedish Bar Association's exam course.

### **Examples of Publications**

- Chapters on *Hong Kong* and *HKIAC* in *Getting The Deal Through - Arbitration 2016 and 2015*,
- Chapters on *Hong Kong's Legal System* and *Swedish Arbitration* in *Acquisition International's Guide to Arbitration 2015*,
- Introductory paper to *2014's Most Regarded Litigators*, Acquisition International, Mar 2014,
- *Cross-border investors: do you know your (new) rights? Recent rulings by arbitration tribunals under bilateral investment treaties may give cross-border investors more rights than they realize*, *China Business Law Journal*, Volume 1, Issue 5, May 2010,
- *Hög tid för ett förslag till en svensk modellagsvariant om skiljeförfarande - Synpunkter mot bakgrund av lagstiftningen i modellagsländer*, Festskrift till Torgny Håstad, Iustus Förlag, Uppsala, 2010 (in Swedish, making a case for Sweden adopting the UNCITRAL Model Law against the background of comparisons with arbitration acts of 15 Model Law jurisdictions, in *liber amicorum* to Supreme Court Justice Torgny Håstad),
- *Comments on the Swedish Supreme Court's recent judgment on the so-called "Doctrine of Assertion" and the arbitrators' jurisdiction in investment disputes*, *Stockholm International*

Arbitration Review 2008:3 (publ. Oct 2009) and Investment Arbitration Decisions (ed. N. Rubins), JURIS 2012,

- *Understanding Arbitration in International China-related Matters*, Inside the Minds: ADR Client Strategies in Asia, Aspatore Books/Thomson Reuters, Oct 2009,
- *Litigation contra arbitration and other ADR in Sweden*, Inside the Minds: ADR Client Strategies in the EU, Aspatore Books/Thomson Reuters, Nov 2009,
- Swedish Chapter in *International Commercial Dispute Resolution*, Tottel Publishing, 2009,
- *A Case for a Right of Appeal from Negative Jurisdictional Rulings in International Arbitrations Governed by the UNCITRAL Model Law*, Asian Dispute Review, Oct 2008,
- *China/Sweden Arbitrations: Hong Kong and Sweden*, General Chapter in Global Legal Group's International Comparative Legal Guide to International Arbitration 2008,
- *Supreme Court Clarifies Doctrine of Assertion in Investment Arbitration*, International Law Office Newsletter (ILO News), 27 May 2008,
- *The doctrine of assertion and jurisdictional issues in investment arbitration*, Arbitraje comercial y arbitraje de inversión. El arbitraje en el Perú y el mundo, Instituto Peruano de arbitraje, 2008,
- *Supreme Court Sets Aside Arbitral Award Due to Lack of Impartiality*, ILO News, 18 Dec 2007,
- *Court of Appeal Ruling on Arbitrator's Impartiality and Mandate*, ILO News, 10 Jul 2007,
- *China/Sweden Arbitrations*, General Chapter in Global Legal Group's International Comparative Legal Guide to International Arbitration 2007,
- *The Swedish Arbitration Act of 1999, Five Years On: A Critical Review of Strengths and Weaknesses*, JurisNet, LLC 2006, 630 s., JT 2006-07 nr 3, s. 734 (in Swedish),
- *Is an Arbitration Institute Decision on Arbitrators' Fees Final?* ILO News, 6 Mar 2007,
- *Court of Appeal Rules on Arbitrator's Impartiality*, ILO News, 17 Oct 2006,
- *Court Rules on Doctrine of Assertion*, ILO News, 23 May 2006,
- *Court Rules on Forfeiture of Right to Rely on Arbitration Agreement*, ILO News, 2 May 2006,
- *Court of Appeal Partially Sets Aside Award*, ILO News, 24 Jan 2006,
- *Court Rules on Jurisdiction under Article 5(1) of Brussels Convention*, ILO News, 11 Oct 2005,
- *Court Rules on Waiver of Right to Arbitrate*, ILO News, 31 May 2005,
- *Final Decision on Arbitrator's Impartiality*, ILO News, 1 Feb 2005,
- *Court Confirms Narrow Application of Public Order*, ILO News, 26 Oct 2004,
- *Damage Estimation Applies to Arbitration*, ILO News, 13 Jul 2004,
- *Supreme Court Clarifies Interim Security Measures*, ILO News, 16 Mar 2004,
- *The Validity of Arbitration Clauses in Bankruptcy Proceedings*, ILO News, 31 May 2003,
- *Arbitration Award Incompatible With "Fundamental Principles"*, ILO News, 10 Dec 2002,
- *Avtalstolkning*, Iustus Förlag, Uppsala, 1989, a book (in Swedish) on the formation and interpretation of contracts under Swedish law.

### **Examples of Memberships, etc.**

- Chartered Arbitrator (C.Arb) and Fellow Chartered Institute of Arbitrators (FCI Arb),
- Fellow Hong Kong Institute of Arbitrators (FHKI Arb),
- Member Committee of CI Arb (East Asia Branch) (2008-2012),
- Chairman Professional Development Sub-Committee of CI Arb (East Asia Branch) (2010-2012),
- Member International Association of Defense Counsel (IADC),

- Member Editorial Board of *Asian Dispute Review* (2008-2011),
- Member ICC Hong Kong Arbitration and ADR Committee,
- Member International Bar Association (Arbitration and Litigation Committees),
- Member International Council for Commercial Arbitration (ICCA),
- Member Swedish Arbitration Association,
- Member Swedish Bar Association,
- Foreign lawyer Hong Kong Law Society,
- Member Club Español del Arbitraje (CEA),
- Member Chinese European Legal Association (CELA).

### **Examples of Accolades and Awards**

- *Foreign Expert (for Sweden) in China Arbitration*, Chambers Global 2016,
- *National Expert in Hong Kong Arbitration*, 2015 and 2016, Getting The Deal Through,
- *Litigation Lawyers, Hong Kong*, 2014, 2015 and 2016 Legal Media Group Expert Guides
- *International Arbitration Law Firm of the Year in Hong Kong*, Corp Intl 2016,
- *Hong Kong International Arbitration Law Firm of the Year*, ACQ Law Awards 2016,
- *Hong Kong Lawyer of the Year (Litigation & Dispute Resolution)*, ACQ Global Awards 2015,
- *Recommended Attorney, International Arbitration, Hong Kong*, 2015, Global Law Experts,
- *International Arbitration Law Firm of the Year in Hong Kong*, 2015, Global Law Experts,
- *Dispute Resolution Law Experts, Hong Kong*, 2015,
- *International Dispute Specialist of the Year: China*, Acquisition International, 2014,
- *Arbitrator of the Year – Hong Kong*, Acquisition International, 2014,
- *Litigation & Dispute Resolution – Hong Kong*, Corporate Live Wire, 2014
- *Sustained Excellence in Commercial Arbitration - Hong Kong*, Acquisition International, 2013,
- *Commercial Arbitrator of the Year Hong Kong*, Acquisition International, 2012,
- *Overseas Boutique Dispute Resolution Law Firm of the Year - Hong Kong*, Corporate Intl 2010,
- Global Arbitration Review's *GAR 100* list, 2012 and 2013 (with *Odebjør Fohlin*),
- Global Arbitration Review's *GAR 30* list 2009, 2010 and 2011 (with *Vinge*),
- Recognised over the years, since 1999 in Euromoney Legal Media Group's *Guide to the World's Leading Litigation Lawyers*, in dispute resolution directories such as *Chambers and Partners*, *Legal 500*, *Best Lawyers*. According to *GAR 30* above, *[the client] gave his backing for the team, and in particular its partner in China, Paulo Fohlin. [The client] used the firm on a case requiring, he said, "intense research" to which the practice "responded unlike any firm I have seen". He said he was impressed with the degree to which his lawyers grasped the wider business dimension. "They provided excellent value and I'd definitely recommend them," he said, adding: "Paulo Fohlin was among the best lawyers I've ever dealt with."*

### **Languages**

Fluent English and Swedish. Some French, Spanish, Norwegian and Danish.