

Dr Gustavo Moser

(m): +44 7752 598932 (e): lgmmoser@gmail.com
Nationalities: Brazilian and Italian

EDUCATION / PROFESSIONAL QUALIFICATIONS

2021	Solicitor of England and Wales (expected) Portuguese Bar Admission (expected)
2017	University of Basel, Switzerland Ph.D in International Commercial Law Thesis title: " <i>Rethinking Choice of Law in Cross-Border Sales</i> " Supervisor: Professor Dr Ingeborg Schwenzer
2012	Federal University of Rio Grande do Sul, Brazil (UFRGS) LL.M in International Commercial Law
2009	Federal University of Rio Grande do Sul, Brazil (UFRGS) LL.M in Business Law
2008	Brazilian Bar Admission Georgetown University Law CLE Diploma in "Analyzing Common Law Contracts"
2008	Federal University of Rio Grande do Sul, Brazil (UFRGS) Bachelor of Law (LL.B)
2005	Certificat de Français Juridique (CFJ) – Paris, France

TEACHING/COACHING EXPERIENCE

May 2014 – Present	Swiss International Law School (SiLS) – in collaboration with the Faculty of Law at Bond University, Australia <u>Course Leader – Intellectual Property Law</u> <u>Responsibilities:</u> <ul style="list-style-type: none">• Structuring course modules on international dispute resolution and intellectual property, and teaching responsibilities connected with these subjects;• Providing teaching support and management for online students, including supervising students in their dissertation papers;• Working on general administrative responsibilities relating to student participant and module evaluations;• Handling students enquiries and grading formative and summative assessments;• Preparing feedback on all aspects of the course to support learning and finalize all module grades;• Moderating and participating in online discussion boards, conducting live weekly webinars and following up discussions via an online forum; and• Providing feedback to course administrators regarding course content and associated literature.
April 2016 – Aug 2016	Queen Mary University of London – London, UK <u>Research Fellow in International Arbitration, School of International Arbitration</u>

Responsibilities:

Lead researcher for the *2016 International Dispute Resolution Survey 'An insight into resolving Technology, Media and Telecoms Disputes'*, one of the largest industry-sector empirical survey ever conducted in international arbitration. The 2016 Survey report and key findings are available at: <http://www.arbitration.qmul.ac.uk/research/2016>.

Jan 2016 –
Aug 2016

Anglia Ruskin University – Cambridge, UK
Associate Lecturer

Responsibilities:

Structuring modules on Agency & Sale of Goods (LLB level) and Transnational Commercial Law and International Arbitration (LLM level) and teaching responsibilities for these subjects.

2008 – 2011

Federal University of Rio Grande do Sul, Brazil
Coach of the Federal University of Rio Grande do Sul (UFRGS) team 16th – 18th Willem C. Vis International Commercial Arbitration Moot/Vienna, Austria

Responsibilities:

Prepared and taught intensive courses on international arbitration and CISG, including advocacy skills focused primarily on pre-moots and the Vis Moot.

2008 – 2009

Federal University of Rio Grande do Sul, Brazil
Teaching Assistant to Dr. Véra Jacob de Fradera
International Commercial Contracts Course (focus on CISG and International Arbitration)

Responsibilities:

Prepared tutorials, assisted the professor in teaching the general course on CISG and international arbitration, including identifying the necessary legal and practical materials, participated in the preparation and grading of examinations, assisted students with queries, including educational recommendations.

WORK EXPERIENCE

Jul 2016 – Present

London Court of International Arbitration (LCIA) – London, UK
Legal Counsel – International Arbitration Practice

Responsibilities:

Oversaw and managed 300+ expert determinations, adjudications, arbitrations and mediations under the LCIA Rules (1998 and 2014) and *ad hoc* proceedings (including UNCITRAL Rules), and across various industries: energy and resources; healthcare and hospitality; construction and engineering; intellectual property; banking and finance; shipping and commodities; and sports and entertainment. 25+ applicable laws but predominantly contracts governed by the laws of England and Wales.

Apr – Aug 2015

Shearman & Sterling LLP
Trainee Associate – International Arbitration Practice

Representative cases:

- Oil & gas state-owned companies as Claimants in two multi-

billion US dollar commercial arbitrations, conducted under the ICC Rules and CRCICA Rules, arising out of the termination of long-term gas supply contracts. English law applied;

- Financial investment companies and individuals as Claimants in a multi-billion US dollar, conducted under the ICC Rules, in relation to the revision and breach of a settlement agreement. Brazilian law applied;
- Shareholder as Claimant in a multi-million US dollar, conducted under the ICC Rules, in relation to corporate share evaluation arising out of a memorandum of understanding signed between major shareholders. French and Brazilian law applied;
- Middle Eastern businessman in a c. USD 2.5 billion dispute, conducted under the ICC Rules, in relation to the dissolution of a family partnership. Law of a Gulf State applied;
- Legal assistance to victims in a case before the International Criminal Court against a Southeast Asian ruling elite accused of perpetrating crimes against humanity.

Representative project:

- Assisted in updating materials relevant to the 1958 New York Convention Guide (<http://www.newyorkconvention1958.org/>).

Jun 2011 –
Feb 2015

World Intellectual Property Organization (WIPO) – Geneva, Switzerland

Associate Legal Officer – WIPO Arbitration and Mediation Center

Responsibilities:

- Oversaw and managed 450+ arbitration (expedited), mediation and domain name cases, which included intellectual property and information technology disputes across various industries, including online gaming, construction, life sciences and pharmaceuticals. Applicable laws: New York, Delaware, German, French, English and Swiss law;
- Supervised 15 junior lawyers in their daily case management of domain name dispute resolution mechanisms;
- Participated as a WIPO representative in conferences and seminars.

Oct 2008 –
May 2011

Court of Appeals of Rio Grande do Sul, Brazil

Law Clerk

Responsibilities:

- Assisted in drafting, editing and reviewing over 600 court decisions, injunctions and orders under Brazilian law involving, *inter alia*, commercial litigation, and arbitration-related state court proceedings (notably interim measures and challenges and enforcement of arbitral awards).

Oct 2006 –
Oct 2008

Trigueiro Fontes Advogados (Law Firm), Brazil

Associate

Representative cases:

- Advised on an *ad hoc* dispute resolution clause in a USD 30 million distribution contract between a French tyre manufacturer and a leading Brazilian company;

- Advised on an ICC dispute resolution clause (foreign parties, parallel contracts, and emergency provisions) in a USD 50 million acquisition of a Brazilian company (renewable energy);
- Advised on an ICC dispute resolution clause in a license agreement between a US pharmaceutical company (licensor) and a Brazilian company (licensee).

Jan 2006 –
Sep 2006

Silveiro Advogados (Law Firm) S/C, Brazil
Legal Assistant

Representative cases:

- Advised on a dispute resolution clause in a USD multi-million sales agreement of aircrafts between Brazilian companies;
- Advised on a USD multi-million settlement agreement involving Brazilian companies in the technology sector.

Jan 2004 –
Dec 2004

Ruy Rosado de Aguiar Jr. Advogados (Law Firm), Brazil
Legal Assistant to Ruy Rosado de Aguiar Jr., Retired Minister of the Brazilian Superior Court of Justice

Responsibilities:

Legal research, focusing primarily on arbitration, international and comparative law.

LANGUAGES

Portuguese	native
English	full professional proficiency
French	full professional proficiency
Spanish	full professional proficiency
Italian	reading knowledge
German	elementary understanding

SELECTED PUBLICATIONS (50+)

Full list of publications available on request

Books:

- *Negotiating International Commercial Contracts: Practical Exercises*. The Hague: Eleven International Publishing, 2020 (expected).
- *Rethinking Choice of Law in Cross-Border Sales*. The Hague: Eleven International Publishing, 2018.
- *Comentários à Convenção de Viena sobre contratos internacionais de venda de mercadorias* (“*Commentary of the United Nations Convention on Contracts for the International Sales of Goods*”). São Paulo: Atlas, 2015.
- *Arbitragem e Mediação em Propriedade Intelectual, Esportes e Entretenimento* (“*Arbitration and Mediation in Intellectual Property, Sports and Entertainment*”). Curitiba: Appris, 2014.
- *Panorama da Arbitragem no Rio Grande do Sul* (“*Panorama of Arbitration in Rio Grande do Sul, Brazil*”). São Leopoldo: Unisinos, 2012.
- *A compra e venda internacional de mercadorias – Estudos sobre a Convenção de Viena de 1980* (“*International Sales of Goods – CISG Studies*”). São Paulo: Atlas, 2011.

Book chapters:

- José Moreno Rodríguez & Alejandro Garro (Eds.), *La compraventa internacional y la "CISG": una perspectiva iberoamericana*, 2019. Chapter: 'O medo do desconhecido' – o papel das emoções nas cláusulas de opt-out da CISG (*"The fear of the unknown – the role of emotions in the CISG opt-outs"*).
- Petra Butler et al. (Eds.), *Integration and International Dispute Resolution in Small States*, Springer International Publishing, 2018. Chapter: *International Arbitration and Domestic Laws: a Symbiotic Interaction?*
- Ingeborg Schwenzer (Ed.), *35 Years CISG and Beyond*, Eleven International Publishers, 2016. Chapter: *Choice of Law in Practice – A Global Empirical Survey*.
- Arnaldo Wald (Ed.), *Doutrinas Essenciais: Arbitragem e Mediação* (*"Essential Doctrines: Arbitration and Mediation"*, Revista dos Tribunais, 2014. Chapters: *Conflitos no âmbito da Propriedade Intelectual e a via da Mediação* (*"IP Disputes and Mediation"*) and *Vícios e abusividade do compromisso arbitral?* (*"Nullities and abuse of an arbitration agreement?"*).
- Ingeborg Schwenzer et. al. (Ed.), *A CISG e o Brasil: a Convenção das Nações Unidas para os contratos de compra e venda internacional de mercadorias*, Marcial Ponts, 2015. Chapter: *O recurso aos usos e costumes na CISG: uma análise econômica* (*"Trade usages under the CISG: an economic analysis"*).
- Silvio de Salvo Venosa et al. (Eds.), *A Convenção de Viena de sobre Contratos de Compra e Venda Internacional de Mercadorias*, Atlas, 2015. Chapter: *A Análise Econômica do Direito Contractual na CISG* (*"Economic Analysis of Contract law under the CISG"*).
- Ingeborg Schwenzer & Lisa Spagnolo (Eds.), *The Annual MAA Peter Schlechtriem CISG Conference: Globalization versus Regionalization*, Eleven International Publishing, 2013. Chapter: *Brazil's Adhesion to the CISG - Consequences for Trade in Latin America and China*.

Articles:

- *Inside contracting parties' minds: the decision-making processes in cross-border sales*, Journal of International Dispute Settlement, Vol. 8, Issue 2, 2017, pp. 250-279.
- *Arbitration and Choice of Law in Cross-Border Transactions: a Potential Interplay?*, ASA Bulletin, Vol. 34, Issue 1, 2016, pp. 95-111.
- *Parties' Preferences in International Sales Contracts: An Empirical Analysis of the Choice of Law*, Uniform Law Review, Vol. 20, Issue 1, 2015, pp. 19-55. This article has reached over 15,000 abstract/extract views since publication. It has been consistently ranked within the top 3 most-cited papers among all Uniform Law Review articles.
- *Conflitos no âmbito da propriedade intelectual e a via da mediação* (*"IP disputes and the Mediation option"*), Revista de Arbitragem e Mediação, São Paulo, Vol. 40, jan./mar. 2014, pp. 313-324.
- *O Uso da Mediação para a Resolução de Disputas de Propriedade Intelectual – A Experiência Internacional* (*"The use of mediation in IP disputes – The International Experience"*), Revista Brasileira de Arbitragem, Edição Especial: Arbitragem e Mediação em Matéria de Propriedade Intelectual, September 2014, pp. 36-51.
- *An Overview of the 2014 WIPO Arbitration, Mediation and Expert Determination Rules*, Revista de Arbitragem e Mediação, Vol. 11, n. 43, 2014, pp. 15-20.
- *A Convenção de Viena sobre Compra e Venda Internacional de Mercadorias (CISG) em perspectiva de uma Análise Econômica* (*"Economic Analysis of the CISG"*), Revista de Arbitragem e Mediação, Vol. 10, n. 37, 2013, pp. 239-258.
- *How to Resolve Internet Domain Name Disputes?*, Revista Brasileira de Arbitragem, Vol. 33, 2012, pp. 122-135.
- *Albert H. Kritzer, the 1980 UN Convention (CISG), and the Vis Moot: An Inseparable Relationship*, Pace International Law Review, Vol. XXIV, Number 1, Winter 2012, pp. 101-108.
- *Impartiality and Independence of Arbitrators: the Swiss Federal Tribunal Approach - A critical review of Valverde Case*, Revista Brasileira de Arbitragem, Vol. 34, 2012, pp. 153-163.
- *Arbitration proceedings and a party's supervening bankruptcy: the approach of the Brazilian Courts*, ASA Bulletin, Vol. 26, Issue 4, 2008, pp. 826-828.

- *Arbitration clause and acceptance: the role of silence and fair dealing in L' Aiglon S.A. v. Têxtil União S.A – A Brazilian experience*, Vindobona Journal of International Commercial Law and Arbitration, Vol. 11, 2007, pp. 305-309.

Blog posts:

- [*Cognitive Errors and Thinking Aids: Rationalising Choice of Law and Arbitration Clauses*](#) (Kluwer Arbitration Blog: 28 January 2019)
- [*Choice of Law, Brexit and the 'Ice Cream Flavour' Dilemma*](#) (Kluwer Arbitration Blog: 14 November 2018)
- [*Brexit, Cognitive Biases and the Jurisdictional Conundrum*](#) (Kluwer Arbitration Blog: 15 December 2018)
- [*2016 Queen Mary International Dispute Resolution Survey: Unveiling Technology, Media and Telecoms \(TMT\) Disputes*](#) (Kluwer Arbitration Blog: 15 December 2016)

SELECTED PRESENTATIONS (30+)

Full list of presentations available on request

Conference / Seminar /Symposium

- **Rethinking Choice of Law in International Contracts**
Roundtable, Vienna, Austria (2019)
- **The weight of evidence in International Arbitration**
Conference - International Commercial Law, Guadalajara, Mexico (2019)
- **International Arbitration in Practice**
Federal University of Rio Grande do Sul - LLB Course, Porto Alegre, Brazil (2018)
- **IA and AI**
Seminar - Court of Appeals of Rio Grande do Sul, Porto Alegre, Brazil (2018)
- **Arbitrators v Robots**
The Annual MAA Peter Schlechtriem CISG Conference, Hong Kong, SAR (2018)
- **The use of ADR in the Arts Industry**
Federal University of Rio Grande do Sul, Seminar, Porto Alegre, Brazil (2017)
- **The role of emotions in CISG opt-outs**
The Annual MAA Peter Schlechtriem CISG Conference, Vienna (2016)
- **Arbitration and Mediation of IP Disputes**
Coventry Law School Seminar, United Kingdom (2016)
- **Choice of Law in Practice**
Conference University of Basel, Switzerland (2015)
- **Arbitration and Mediation of IP Disputes**
Coventry Law School Seminar, United Kingdom (2015)
- **Law & Economics of International Commercial Contracts**
Seminar, Curitiba, Brazil (2014)
- **Brazil's Adhesion to the CISG - Consequences for trade in Latin-America and China**
The Annual MAA Peter Schlechtriem CISG Conference, Hong Kong, SAR (2012)

- **Arbitration, Law & Economics and the Judicial system**
Seminar - Pontifical Catholic University of Rio Grande do Sul, Porto Alegre, Brazil (2010)

Short-term courses

- **Alternative Dispute Resolution in Practice**
WIPO IP Academy, Geneva, Switzerland (2014)
- **Arbitration and Mediation in IP Disputes**
WIPO IP Academy, Geneva, Switzerland (2013)
- **ADR in IP Disputes: the experience of the WIPO Arbitration and Mediation Center**
Unisinos, LLM Business Law Course, Porto Alegre, Brazil (2012)
- **CISG in Practice**
*Federal University of Rio Grande do Sul, LLM International Law Course
Porto Alegre, Brazil (2012)*
- **Arbitration: back to the basics**
Federal University of Rio Grande do Sul, Undergraduate programme, Porto Alegre, Brazil (2010)
- **New trends in Private International Law**
Federal University of Rio Grande do Sul, Undergraduate programme, Porto Alegre, Brazil (2010)
- **New perspectives of Arbitration in Rio Grande do Sul**
Brazilian Bar Admission Commission, Porto Alegre, Brazil (2010)
- **Introduction to Arbitration in Brazil**
Brazilian Bar Admission Commission, Porto Alegre, Brazil (2009)