

Dr. David Tebel

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David Tebel advises and represents clients in complex proceedings before arbitral tribunals and state courts, both domestic and international. He has broad experience with industrial product liability cases – particularly governed by international sales law, large-scale infrastructure projects and corporate disputes. David has acted as counsel and arbitrator in proceedings governed by DIS, ICC and ICSID rules as well as in ad hoc proceedings.

His clients include leading industrials and technology companies with a focus on corporates from the energy, automotive and oil & gas sectors.

Prior to co-founding rothorn legal, David was a member of Freshfields Bruckhaus Deringer's International Arbitration Group for several years. At Freshfields, David also was part of the innovation think-tank Freshfields Lab and interfaced between legal operations and the practice group dispute resolution. His endeavour to increase efficiency through optimisation and innovation is also what drives him at rothorn legal.

David is a member of the VIAC Legal Tech Think Tank and served as a rapporteur to the CISG Advisory Council. He teaches as founder and Director of the Moot Academy and before that as lecturer at the Swiss International Law School and at the University of Basel international sales law and introduces young jurists to advocacy. He is co-founder of the German chapter of the initiative Energy Related Arbitration Practitioners (ENERAP) and co-coordinator of the Frankfurt chapter of the initiative Legal Hackers. He regularly publishes and speaks on topical issues of arbitration and international sales law.

David is fluent in English and German.

Experience (Excerpt)

- Representing the insolvency administrator of an industrial company in an ICC arbitration against its former international parent company concerning corporate law claims
- Representing an investor in a DIS arbitration against a Romanian renewable energy company
- Advising an international automotive supplier in disputes with a customer and a material supplier relating to a cross-border recall of defective parts



- Representing a company in a dispute with a bank for claims relating to loan and commission agreements
- Advising a biotech company in a dispute with an international pharma company concerning a licensing and distribution agreement
- Representing providers of gas storage caverns in arbitration proceedings against construction companies and lessees of the caverns
- Representing a leading industrial in several ICC arbitrations against suppliers of defective material
- Representing a German listed technology company in a post-M&A arbitration
- Representing the State General Reserve Fund of the Sultanate of Oman in ICSID arbitration proceedings against the Republic of Bulgaria arising out of the collapse of one of Bulgaria's largest banks
- Representing a large Thai conglomerate in two parallel ICC proceedings in the field of renewable energies

Qualifications

- Rechtsanwalt, Germany
- Moot Academy, Germany (founder, Director)
- Swiss International Law School, Switzerland (lecturer, Moot Academy Director)
- Higher Regional Court Frankfurt on the Main, Germany (second juridical state exam; legal traineeship i.a. with Freshfields Bruckhaus Deringer LLP in Frankfurt und Singapore)
- University of Basel, Switzerland (Ph.D.; lecturer; coach of the winning team in the 20th Willem C. Vis International Commercial Arbitration Moot)
- Albert Ludwig University of Freiburg, Germany (first juridical exam; coach of the winning team in the 18th Willem C. Vis International Commercial Arbitration Moot)

Publications (Excerpt)

- CISG-AC Opinion No. 22, *The seller's liability for goods infringing intellectual property rights under Article 42 CISG, 2022* (as Rapporteur to the CISG Advisory Council)
- *Geltendmachung von Kosten aus einem Schiedsverfahren in einem folgenden zweiten Verfahren nach Aufhebung des ersten Schiedsspruchs*, in: Daniel Greineder/Karl Pörnbacher/Stefan Vogenauer (eds.), *Schiedsgerichtsbarkeit und Rechtssprache – Festschrift für Volker Triebel zum 80. Geburtstag*, C.H.Beck, 2021, 333-346 (with Prof. Dr. Rolf Trittman, LL.M.)
- *Liability for Infringing Goods – An Analysis of the Seller's Liability Under Article 42 CISG*, Dissertation Basel 2019 (planned 2022)
- 41-44 CISG, in: Christoph Brunner/Benjamin Gottlieb (eds.), *Commentary on the UN Sales Law (CISG)*, 1st edition, Kluwer Law International, 2019
- 41-44 CISG, in: Christoph Brunner (Hrsg.), *UN-Kaufrecht – CISG, Kommentar zum Übereinkommen der Vereinten Nationen über Verträge über den internationalen Warenkauf*, 2nd edition, Stämpfli, 2014
- *Suspicious, Mere Suspicious: Non-Conformity of the Goods?*, 19 *Uniform Law Review* (2014), 152-168 (with Prof. Dr. Ingeborg Schwenzer, LL.M.)
- *Das Wort ist nicht genug – Schieds-, Gerichtsstands- und Rechtswahlklauseln unter dem CISG*, in: Peter Mankowski/Wolfgang Wurmnest (eds.), *Festschrift für Ulrich Magnus zum 70. Geburtstag*, Sellier, 2014, 319-333 (with Prof. Dr. Ingeborg Schwenzer, LL.M.)
- *The Word is not Enough – Arbitration, Choice of Forum and Choice of Law Clauses under the CISG*, 31 *ASA Bulletin* (2013), 4, 740-755 (with Prof. Dr. Ingeborg Schwenzer, LL.M.)

