

Lukas Wyss

Dr.iur.,
Attorney-at-Law, Partner
Co-Head Arbitration

LANGUAGES:

German
English
French

OFFICE:

Berne

PHONE:

+41 58 258 16 00

E-MAIL:

lukas.wyss@bratschi.ch

TO THE ONLINE PROFILE:



Vita

Lukas Wyss specializes in complex national and international litigation and arbitration as well as alternative dispute resolution mandates. He also advises clients on drafting and negotiating contracts, in particular construction, manufacturing, supply, research and development, agency, distribution and license agreements. He has published in these areas for many years and is a regular speaker.

Professional background

- Partner, Bratschi Ltd. (since 2004)
- Attorney at Law, Bratschi Emch & Partner (1998-2004)
- International audit company
- Litigation cases in Switzerland and abroad, corporate, contract and liability law, group and claims services, national and international Swiss insurance company
- LL.M. International Commercial Projects and Transactions, Georgetown University Law School, Washington, D.C. (2001/2012)

Training

- Arbitration Practitioner (ArbP), Swiss Arbitration Academy, Zurich/Geneva (2009)
- Thesis, University of Berne (2005)
- Master of Law, international Legal Studies, Georgetown University Law Center, Washington, D.C. (2002)

Reference cases

- Advising and litigating for various national and international general contractors in TU, GU and planning matters before state courts and national and international arbitration tribunals, in particular in defect liability and damages as well as settlement proceedings;
- Advising a leading Swiss technology company on the negotiation of contracts with the Bill & Melinda Gates Foundation;
- Legal advice to a listed international company regarding the construction of a EUR 160 million production plant in Turkey;
- Legal advice to an international hotel chain on financing and contract drafting for the construction of a CHF 150 million hotel and conference centre in Zurich;
- Legal advice to an international group of companies on the financing and construction of a USD 100 million solar plant in Spain
- Support of a general contractor in the drafting and negotiation of a contract for the redevelopment of a former commercial property (project volume approx. CHF 10 million);
- Drafting of international distribution structures and contracts for various Swiss companies
- Out-of-court and judicial support in various complex construction damage cases for various Swiss general contractors before the cantonal courts and the Federal Supreme Court
- Legal advice to a global engineering group in technology law matters for more than 20 years (in particular regarding contract and intellectual property law)
- Legal advice to an internationally active company on occupational safety and compliance in the field of pipeline construction
- Various national and international party representative and arbitrator mandates under the ICC Rules, the Swiss Rules and in ad hoc arbitration proceedings, inter alia, in the areas of building construction, plant construction, R&D, joint ventures, international sales law, post-M&A disputes, distribution contract law, licence contract law, etc.; in particular:
- Conducting two arbitration proceedings concerning the construction, expansion of two luxury hotels in Istanbul and related claims of the parties under a contract for work and services;
- Conducting arbitration proceedings regarding the early termination of a long-term supply contract for aircraft components;
- Conducting a Swiss Rules post-M&A arbitration for a Spanish company regarding

- enforcement and valuation of a call option;
- Conducting an ICC arbitration for a European crane manufacturer regarding a claim for damages in connection with transshipping activities;
- Conducting an ICC arbitration for an international fertiliser producer against the equipment manufacturer (amount in dispute approx. CHF 30 million);
- Conducting international arbitration proceedings for a Danish company regarding damages arising from breach of contract in the area of wind power plant construction;
- Conducting international arbitration proceedings for a listed Swiss company in the area of patent licence agreements for medical devices
- Conducting international arbitration proceedings regarding claims resulting from an agency agreement related to the delivery of a dyeing and fabric treatment factory in Egypt;
- Conducting an international arbitration under the Swiss Rules concerning the delivery of solar panels, non-performance of the contract;
- Conducting a national arbitration between two banks concerning contract interpretation;
- Conducting over 140 liability and responsibility proceedings before Swiss cantonal courts and the Swiss Federal Supreme Court since 1993 including various lawsuits in the areas of auditors', lawyers' and asset managers' liability, plant owners' liability, personal injury, etc;
- Conducting complex national and international recourse cases, in particular in the areas of contract for work and labour, liability and insurance law;
- Various trademark and unfair competition proceedings before Swiss courts;
- Product liability law expert opinion on legal issues in connection with a EUR 120 million product recall in the rail vehicle sector

Other activities

- Member of the Court of the Swiss Arbitration Centre (formerly SCAI)
- Member of the liability and insurance group of the Bernese Bar Association
- Co-Organizer of the yearly Conference on International Arbitration of the Europe Institute of the University of Zurich (EIZ)
- Various presentations and conferences on arbitration, liability and negotiation topics
- Former lecturer at the ZfU International Business School for contract and business law and legal risk management
- Various board of directors' mandates (since 1998)

Awards

- recommended for «Arbitration» by Who's Who Legal Switzerland (2024)
- recommended for «Dispute Resolution - Litigation» by Legal500 (2021)
- recommended for «Product liability defence» by Who's Who Legal (2019)
- recommended for «Dispute Resolution - Litigation» by Legal500 (2018)

Memberships

- Swiss Bar Association (SAV)
- Bern Bar Association (BAV)
- Zurich Bar Association (ZAV)
- Swiss-Chinese Chamber of Commerce
- Europe Institute at the University of Zurich (EIZ)
- Schweizerische Gesellschaft für Haftpflicht- und Versicherungsrecht (SGHVR)
- International Bar Association (IBA)
- Swiss Arbitration Association (ASA)
- Swiss Arbitration Centre

Expertise

Construction Law, Company Law, Commercial Law, Intellectual Property Law, Conflicts of Laws, IT Law, Legal Risk Management, Litigation, Arbitration, Technology Law, Liability and Insurance Law, Contract Law

Practice Groups

Litigation and Debt Collection, Arbitration

Industry groups

Construction, Real Estate and Hotels, International Practice

Publications

15. Schweizerische Tagung für Zivilverfahrensrecht: Knackpunkte der ZPO-Revision

Wyss Lukas, in: Panelist at the CIVPRO Conference on Civil Procedure Law on the revision of the Swiss Code of Civil Procedure, Berne, 06 September 2024

Erfolgreich verhandeln! Lehren und Erkenntnisse aus der Verhandlungspraxis

Wyss Lukas together with Secretary of State Marie-Gabrielle Ineichen-Fleisch and Deputy Director Prof. Dr. Felix Addor of the Swiss Institute of Intellectual Property [IGE]), in: presentation on successful negotiations before the Bernese Chamber of Commerce, 22 January 2024

Knacknüsse in Vergleichsverhandlungen – und wie wir erfolgreich damit umgehen

Wyss Lukas, in: Presentation on successful negotiations before the Mediation Group of the Zurich Bar Association (ZAV), 24 May 2023

Die Kunst der Verhandlungsführung

Wyss Lukas, 2. Auflage, Basel 2023

arbitration blog: Legal and practical considerations on the use of cut-off dates – and ChatGTP to write Blogs

Wyss Lukas, in: bratschi arbitration blog, August 2023

arbitraton blog: Chances and limits of bifurcation as a means to control time and cost in international commercial arbitrations – some practical considerations

Dr. Wyss Lukas, in: bratschi arbitration blog, September 2022

real estate blog: Die revidierte Bauarbeitenverordnung – erste Erfahrungen und Herausforderungen

Wyss Lukas mit Abt Tobias, in: Bratschi Allgemeiner-Newsletter, Juni 2022

arbitration blog: Form and Scope of an arbitration clause – Swiss Supreme Court confirms and specifies requirements

Dr. Wyss Lukas, in: bratschi arbitration blog, April 2022

arbitration blog: If you don't get what you claimed – a brief review of recent Swiss Supreme Court decisions in ultra, infra or extra petita cases and its consequences

Dr. Wyss Lukas, in: bratschi arbitration blog, January 2022

Can the (non-)substitution of an arbitrator and the right to a properly constituted arbitral tribunal be reconciled under Swiss law?

Dr. Wyss Lukas and Salihu Sami, in: bratschi arbitration blog, October 2021

The new Swiss Arbitration Centre and the revised Swiss Rules of International Arbitration

Dr. Wyss Lukas and Merkt Emile, in: bratschi arbitration blog, June 15, 2021, administered by Renninger Silvia

The revised IBA Rules 2020 – What arbitration practitioners need to know

Dr. Wyss Lukas and Jud Daniel, in: bratschi arbitration blog, May 15, 2021, administered by Renninger Silvia

Res judicata before an arbitral tribunal in Switzerland – Recap of the principles

Dr. Wyss Lukas and Renninger Silvia, in: bratschi arbitration blog, February 15, 2021, administered by Renninger Silvia and Bahner Liv

Die Kunst der Verhandlungsführung – Strategie, Taktik, Konfliktlösung

Wyss Lukas, 1. Auflage, Basel 2021

The New ICC Rules 2021 – Change for the better or the worse?

Dr. Wyss Lukas and Jud Daniel, in: bratschi arbitration blog, November 15, 2020, administered by Renninger Silvia and Bahner Liv

Rechtliche Voraussetzungen der Untermiete bei Airbnb-Verhältnissen

Wyss Lukas zusammen mit Wechsler Oliver, in: Bratschi Immobilien Newsletter, August 2020

arbitration blog: Legitimate «nationality planning» or «treaty abuse» – the Swiss Federal Tribunal passes the ball back to the arbitral tribunal in its very first decision setting aside an investment treaty arbitral award

Dr. Wyss Lukas and Aliotta Elisa, in: bratschi arbitration blog, July 15, 2020, administered by Renninger Silvia and Bahner Liv

International arbitration as frontrunner in virtual hearings and the use of online case management platforms

Dr. Wyss Lukas and Renninger Silvia, in: bratschi arbitration blog, May 15, 2020, administered by Renninger Silvia and Bahner Liv

The impact of the GDPR on arbitral proceedings – a gateway for new conflicts?

Wyss Lukas and Bahner Liv, in: bratschi arbitration blog, October 15, 2019, administered by Renninger Silvia and Bahner Liv

Die Mehrforderung – Anlass zu steten Auseinandersetzungen im Bauwerkvertragsrecht

Wyss Lukas, in: Bratschi Immobilien Newsletter, September 2019

Nomination of arbitrators in multi-party arbitration – convergence of rules

Wyss Lukas and Thibault Fresquet, in: bratschi arbitration blog August 21, 2019, administered by Renninger Silvia and Bahner Liv

arbitraton blog: Efficiency in Arbitration revisited - Can we have it all?

Wyss Lukas and Renninger Silvia, in: bratschi arbitration blog July 15, 2019, administered by Renninger Silvia and Bahner Liv

arbitraton blog: Independence and Impartiality of Arbitrators under Swiss Law - Update and Outlook

Wyss Lukas and Zürcher Noémie, in: bratschi arbitration blog April 16, 2019, administered by Renninger Silvia and Bahner Liv

arbitraton blog: How high does the Swiss Supreme Court in BGE 4A_277/2017 raise the bar – and the risk – to obtain an independent expert opinion in international arbitration?

Wyss Lukas and Renninger Silvia, in: bratschi arbitration blog January 16, 2019, administered by Renninger Silvia and Bahner Liv

The Prague Rules on the Taking of Evidence – all that is new is good?

Wyss Lukas and Zürcher Noémie, in: bratschi arbitration blog December 17, 2018, administered by Renninger Silvia and Bahner Liv

Switzerland - Enforcement of Money Judgments

Wyss Lukas, in: Lawrence W. Newman (Hrsg.), Enforcement of Money Judgements, Huntington N.Y. 2017

Best Practice in International Arbitration: The Swiss Perspective

Wyss Lukas, in: Arbitration Newsletter BWB, November 2017

Expedient and Efficient Arbitrations Need Strong Arbitrators - But How "Strong" Should and May Arbitrators Get? Some Thoughts on Best Practice in International Commercial Arbitration Part II

Wyss Lukas, in: Int. A.L.R., Issue 3, 2017, p. 79-90

Expedient and Efficient Arbitrations Need Strong Arbitrators - But How "Strong" Should and May Arbitrators Get?

Wyss Lukas, in: Int. A.L.R., Issue 2, 2017, p. 69-71

Damages in international arbitration - do the parties get what they expect?

Wyss Lukas, in: Arbitration Newsletter BWB, September 2016

Judicial review of arbitral awards in Switzerland - balancing procedural flexibility and compliance with fundamental procedural rights

Wyss Lukas, Arbitration Newsletter BWB, February 2016

Verhandlungsführung für Anwältinnen und Anwälte

Wyss Lukas, Präsentation vor der Gruppe junger Anwältinnen und Anwälte (GjA) am 13. Oktober 2015

Aktuelle Zuständigkeitsfragen – wenn Schiedsklauseln zu Fussangeln werden

Wyss Lukas, in: EuropaInstitut Seminar Schiedsgerichtsbarkeit: Hot Topics, Präsentation vom 25. Juni 2015

Kollektiver Rechtsschutz in der Schweiz - Quo vadis?

Wyss Lukas, Newsletter BWB, Mai 2015

Mehrparteienverfahren und kollektiver Rechtsschutz vor Zivilgerichten in der Schweiz

Wyss Lukas, in: Jusletter vom 16. Februar 2015 (discussing multi-party court proceedings as well as actual and future instruments of collective redress in Switzerland)

Switzerland - Interim Measures in International Arbitration

Wyss Lukas, in: Lawrence W. Newman/Colin Ong (Hrsg.), Interim Measures in International Arbitration, Huntington N.Y. 2014, S. 729 ff.

Multi-party contract and multi-party arbitration proceedings in Switzerland: What commercial users should know

Wyss Lukas, Newsletter BWB, August 2014

Switzerland - Enforcement of Money Judgments

Wyss Lukas und Herren Tobias, in: Lawrence W. Newman/Colin Ong (Hrsg.), Enforcement of Money Judgments, Huntington N.Y. 2014

Arbitration as a flexible and efficient dispute resolution mechanism

Wyss Lukas, Newsletter BWB 03/2013

Compliance - Welche Faktoren begünstigen oder erschweren die nachhaltige Umsetzung im Unternehmen?

Wyss Lukas, Newsletter BWB 02/2013

Komplexe Bauprojekte durch juristisches Risk Management absichern

Wyss Lukas, Newsletter BWB 04/2012

Aktuelle Zuständigkeitsfragen in Zusammenhang mit internationalen kommerziellen Schiedsgerichten mit Sitz in der Schweiz

Wyss Lukas, in: Jusletter vom 25. Juni 2012, S. 35

Interim Measures and Hearing of Evidence - a Swiss Perspective on the Role of State Judges in International Arbitration Procedures

Wyss Lukas, in: International Arbitration Law Review (Int. A.L.R.) 3/2012, S. 67-74

Effiziente Kontrolle rechtlicher Risiken durch systematisches Legal Risk Management

Wyss Lukas, Newsletter BWB 02/2012

Teilrevision des Immobiliarsachen- und Grundbuchrechts - Moderate Revision des Bauhandwerkerpfandrechts

Schneeberger Andrea und Wyss Lukas, Newsletter BWB 01/2012

Vorsorgliche Maßnahmen und Beweisaufnahme – die Rolle des Staatlichen Richters bei Internationalen Schiedsverfahren aus Schweizer Sicht

Wyss Lukas, in: Die neue Zeitschrift für Schiedsverfahren (SchiedsVZ) 9/2011, S. 194 ff.

Trends in Documentary Evidence and Consequences for Pre-arbitration Document Management

Wyss Lukas, in: International Arbitration Law Review (Int. Arb.L.R.) 3/2010, S. 111-125

Streitbeilegung durch Mediation und Schiedsverfahren

Wyss Lukas, Newsletter BWB 01/2010

Neue Schweizerische Zivilprozessordnung (ZPO) - Schiedsgerichtsbarkeit

Wyss Lukas, BWB-Einführungstagung, Präsentation vom 6. Mai 2010

How to Protect Business Secrets in International Commercial Arbitration

Wyss Lukas, in: The International Arbitration Law Review (Int. Arb.L.R.) 06/2009, S.158-167

Die negative Feststellungswiderklage - eine legitime Antwort auf die Teilklage

Wyss Lukas, in: Haftung und Versicherung (HAVE) 1/2008, S. 77-81

Supreme Court Rejects Claim Based on the Perte d'une Chance Theory

Wyss Lukas, in: International Law Office, Newsletter vom 20. September 2007

Das IKS und die Bedeutung des (Legal) Risk Management für VR und Geschäftsleitung im Lichte der Aktienrechtsreform 2007

Wyss Lukas, in: Schweizerische Zeitschrift für Wirtschafts- und Finanzmarktrecht (SZW) 1/2007. S. 407-421

Beweislast und Beweisanforderungen im schweiz. Produkthaftpflichtrecht

Wyss Lukas, in: Haftung und Versicherung (HAVE) 2/2007, S. 173 ff.

Product Liability Implications of New Auditing Requierements

Wyss Lukas, in: International Law Office, Newsletter vom 14. Dezember 2006

Product Safety Regime in Switzerland

Wyss Lukas, in: International Law Office, Newsletter vom 2. Februar 2006

Risikobewältigung im Unternehmen

Wyss Lukas, in: CH-D Wirtschaft 5/2006, S. 10-11

Liability of Board Members and Management in Product Liability Cases in Switzerland

Wyss Lukas, in: International Law Office, Newsletter vom 4. Mai 2006

Swiss Product Liability and Product Safety Regimes in Context of Harmonization

Wyss Lukas, in: European Product Liability Reporter, 2006, S. 39 f.

Technische Normen im Spannungsfeld zwischen Haftpflicht- und Produktsicherheitsrecht

Wyss Lukas, in: Aktuelle Juristische Praxis (AJP) 1/2006, S. 53 ff.

Juristisches Risk Management und Hedging als Mittel zur Risikokontrolle im Rahmen von internationalen Wirtschaftstransaktionen und -projekten

Wyss Lukas, Diss. Bern 2005

Bundesgericht bestätigt Kapitalisierungszinsfuss von 3.5% für die Berechnung von Personenschäden im Haftpflichtrecht

Wyss Lukas, in: Aktuelle Juristische Praxis (AJP) 4/2005, S. 494-496

Risk Management und Hedging als Aufgaben des Wirtschaftsanzwaltes

Wyss Lukas, in: recht 3/2005, S. 86-104

Rechtliche Risiken in den Griff bekommen - juristisches Risk Management gewinnt an Bedeutung

Wyss Lukas, in: Office Suisse d'Expansion Commerciale (Heute: Switzerland Global Enterprise), Zürich 2002

Gefordertes juristisches Risk Management - Absicherung des Unternehmens gegen externe Faktoren

Wyss Lukas, in: Neue Zürcher Zeitung vom 22. Oktober 2002

China's Socio-Economic and Legal System in Transition - an Overview of the Status Quo and Risk Allocation and Mitigation Strategies for Foreign Investors

Wyss Lukas, Graduate Paper, Georgetown University Law Center, Washington D.C. 2002

"Verschwundene Fahrzeuge" - ein Phänomen in der Versicherungslandschaft

Wyss Lukas, in: Festschrift des Nationalen Versicherungsbüros Schweiz und des Nationalen Garantiefonds Schweiz, Basel 2000, S. 591 ff., S. 607 ff. <div class="para">

Neue Tendenzen in der Berechnung von Invaliditäts- und Versorgerschäden

Wyss Lukas, in: Pierre Tercier (Hrsg.), Kapitalisierung - Neue Wege, Freiburg 1998, S. 105 ff.

Revision Umwelthaftpflichtrecht - Umweltschäden und Ölschäden im besonderen

Wyss Lukas, in: Schweiz. Versicherungskurier 5/1997, S. 34 ff.

Kausalitätsfragen unter besonderer Berücksichtigung der hypothetischen Kausalität

Wyss Lukas, in: Schweizerische Juristen-Zeitung (SJZ) 93/1997, S. 313 ff.

Der Fehlerbegriff im schweizerischen Produkthaftpflichtgesetz (PrHG) vom 18. Juni 1993

Wyss Lukas, in: recht 3/1996, S. 108 ff.

Kommentierung: "Hebebühne"-Urteil

Wyss Lukas, in: Schweiz. Versicherungskurier, 3/1996, S. 26 ff. und 4/1996, S. 34 ff.

News

Who's Who Legal Switzerland Report 2024

We are pleased to inform you that Bratschi Ltd. has received multiple awards in the Switzerland Report 2024 of the renowned «Who's Who Legal» ranking.

06.06.2024

