



CATRICE GAYER

COUNSEL

[Germany](#)

Catrice Gayer is an international dispute resolution specialist and Counsel based in our Düsseldorf office.

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BACKGROUND

Catrice graduated from the law school of the Johannes-Gutenberg University Mayence. She holds a *Mîtrise en DROIT* from the Université de Paris XII (dual-degree program of the Université franco-allemande). Further, she holds a Postgraduate Certificate and Diploma in Laws with specialisations in International Dispute Resolution and International Business Law from Queen Mary/UCL (London). She completed her legal traineeship with the regional court of Düsseldorf and was admitted to the bar in Germany in 2010. Prior to joining Herbert Smith Freehills LLP in 2016, Catrice worked for more than six years in the international arbitration team of a former member of the ICC Court of Arbitration.

MEMBERSHIPS/POSITIONS

- ICC Commission on Commercial Law and Practice - Appointed Member
- ASA Below 40 - Groupe ASA des Jeunes Praticiens de l'Arbitrage - Co Chair
- Young CEAC - Chinese European Arbitration Centre - Co Chair
- AIJA - International Association of Young Lawyers - Member of the Executive Committee

- DIS Deutsche Institution für Schiedsgerichtsbarkeit (German Institution of Arbitration) – Fomer Regional Chair of the DIS 40
- CEPANI40 – Belgian Centre for Arbitration and Mediation Young Professionals
- CFA40 – Comité Français de l'Arbitrage
- ICC YAF – ICC Young Arbitrators Forum
- IBA – International Bar Association
- YAAP – Young Austrian Arbitration Practitioners (arb aut)
- YIAG – Young International Arbitration Group (LCIA)
- YSIAC – Young Singapore International Arbitration Centre

KEY SERVICES

Commercial Arbitration
Dispute Resolution

KEY SECTORS

Manufacturing and Industrials
Technology, Media and Telecommunications

EXPERIENCE

Catrice has broad experience as counsel in national and international arbitration proceedings under the auspices of various arbitration institutions (ICC, SIAC, DIS etc.) and ad hoc, at multiple seats and under different governing laws. She is particularly renowned and experienced in implementing cost-efficient strategies and handling voluminous and technically complex cross-border litigation and arbitration cases. Her particular fields of industry are energy, construction/engineering, intellectual property/TMT (including FRAND compliant licences), commercial (agency, distribution, international sale) and corporate including post-M&A disputes. She also sits as an arbitrator.

Her track record also includes advising and representing national and foreign clients before the German courts in all types of commercial disputes, including in arbitration-related matters and in enforcement of foreign judgments. She has also acted as co-counsel in arbitration-related matters before foreign courts and has extensive experience as administrative secretary to the tribunal. Further, Catrice has advised clients in share and asset deals, compliance matters, and has advised on and drafted a broad range of commercial agreements.

Catrice is recognised for her arbitration and dispute resolution work in leading directories. She has been recommended as a Rising Star (Commercial Arbitration) in Expert Guides (2017, 2018 and 2019) and is ranked in Who's Who Legal's Future Leaders in Arbitration (2018, 2019 and 2020). She has been praised by peers for her “great deal of experience in arbitration” and is highly recommended for her “profound knowledge and commercially minded approach”. Further, peers add that she “is an excellent strategist with a great attention to detail”, and stress that “she has very strong knowledge of international arbitration law and practice.”

She is an appointed member of the ICC Commission on Commercial Law and Practice, which has published the 2020 ICC Force Majeure/Hardship Clauses. She is a co-chair of ASA below 40 and Young CEAC and was a regional chair of the DIS40 Rhine/Ruhr (2015-2018). Catrice is a guest lecturer at the Swiss Arbitration Academy. She regularly speaks on international arbitration, construction and energy law at conferences and publishes on international arbitration, cross-border litigation and corporate matters. She is fluent in English, French and German and has reading knowledge of Spanish.

Catrice's experience includes:

- advising a multinational company in an ICC arbitration regarding damage claims for defects of network facilities in the TMT sector
- acting as counsel for a multinational company in a DIS arbitration arising out of a share sale and purchase agreement in the electric vehicles sector
- acting as counsel for a multinational company in an ICC arbitration in Switzerland arising out of a contract of sale for highly sophisticated production facilities in the beverage industry
- acting as counsel for a multinational company in an ICC arbitration in London arising out of a IP/share sale and purchase agreement
- advising a multinational company in the public transport sector against a vehicle producer regarding the delayed delivery and defects of various trains
- acting as counsel for a multinational general contractor in an ICC arbitration in Germany concerning damage claims under an EPC contract for a coal fired power plant
- advising a multinational company in court proceedings regarding defects of busses
- acting as president of the tribunal in a DIS arbitration between shareholders regarding

the validity of a termination notice and information rights

- acting as co-arbitrator of the tribunal in an ad hoc arbitration between shareholders regarding the correctness of annual accounts
- acting as president of the tribunal in an ad hoc arbitration regarding damage claims arising out of a franchise agreement
- advising a major energy multinational in a DIS arbitration concerning damage and compensation claims regarding the construction of a nuclear power plant*
- acting as counsel in an ICC arbitration in Germany concerning a (FRAND) dispute arising out of a license agreement against a multinational global technology company and in several parallel arbitration and litigation proceedings abroad (including disclosure proceedings in the US)*
- acting as counsel in a SIAC arbitration in Singapore concerning claims arising out of an agency agreement*
- acting as counsel in an EUR 40 million ICC arbitration regarding the rescission of a power supply contract in Germany (EFET)*
- acting as counsel for a multinational cooperation in an EUR 120 million ICC arbitration in Switzerland regarding claims arising out of share sale and purchase agreements*

**prior to joining Herbert Smith Freehills*

ACCOLADES

- Who's Who Legal Arbitration 2018, 2019, 1020: Future Leaders - Non-partners
- Expert Guides 2017, 2018, 2019: Rising Star in Commercial Arbitration

KEY PUBLICATIONS

- Mondaq, German chapter in the Comparative Guide to Enforcement of Foreign Judgments, January 2020
- German chapter in Global Legal Insights (GLI) to International Arbitration, 2020, 2019 and 2018
- [Enforcement of foreign judgments in Germany](#), ICLG, jointly with Sören Flecks, 2018 and 2019
- Schnelle und effiziente Lösung von internationalen Rechtsstreiten, Nachrichten für den Außenhandel, March 2018 [Quicker and more efficient solution of cross-border disputes]
- "[The DIS Rules of Arbitration of 2018](#)", Kluwer Arbitration Blog, February 2018
- Austrian Yearbook on International Arbitration 2018, [Small Claim and Expedited Proceedings](#), January 2018
- Kluwer Arbitration Blog, Arbitration and Money Laundering: [What are the obligations placed on counsel and arbitrators and what risks do they face?](#), jointly with Patricia Nacimiento and Tilmann Hertel, November 2017
- Brexit and the enforcement of judgments, Nachrichten für den Außenhandel, November 2016
- Arbitration and Insolvency: Life after Elektrim/Vivendi in: The Practice of Arbitration: Liber amicorum for Hans van Houtte, Hart publications, 2012, pages 133 - 144, Dr. Kühn, Wolfgang (contributed to writing)

KEY PRESENTATIONS

- Speaker, ASA below 40, "Arbitration Proceedings in times of COVID-19", 29 May 2020, Webinar
- Speaker, DIS40 Frankfurt, "ICC Force Majeure Clause", April 2020, Webinar

- Speaker, "Arbitration and Sustainability", AIJA 57th Annual Congress, 3 - 7 September 2019, Rome
- Speaker, "Challenges in arbitration proceedings regarding EPC contracts", LEA, University of Heidelberg, Expert Workshop, 12 April 2019, Heidelberg
- Speaker, "The Prague Rules", DIS40 Rhine/Ruhr Event, 26 February 2019, Cologne
- Moderator, "New Rules! Die neue DIS-Schiedsgerichtsordnung - Fireside Chat mit dem DIS-Rat und dem Case Management Team", DIS40 Rhine/Ruhr Event, 16 October 2018, Düsseldorf [The New DIS Rules - Fireside Chat with the DIS Council and the DIS Case Management Team]
- Moderator, "Sachverständige in internationalen Schiedsverfahren/Herausforderungen und Chancen - eine Fallstudie", DIS40 Rhine/Ruhr Event, 18 September 2018, Cologne [Experts in international arbitrations - Dos and Dont's]
- Speaker, "Confidentiality vs Transparency in International Arbitration: Selected Issues", YIAG, 1 September 2017, Zurich
- Speaker, "After the Final Award - A new Battle on the Horizon?" 9th AIJA Annual Arbitration Conference Stockholm (jointly with the SCC), 15 -17 June 2017, Stockholm
- Moderator, "Arbitrating IP Disputes", DIS40 Frankfurt Event, 14 March 2017, Frankfurt
- Speaker, "Repositioning Arbitration - Small Claims and Accelerated Proceedings", Vienna Arbitration Days, February 2017, Vienna
- Speaker, "How to fashion license and distribution contracts - Arbitration clauses and awards vs. mandatory provisions: Are they really mandatory?", AIJA Half-Year Conference, 23 - 26 November 2016, Verona