

Benjamin Malek

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Nationality: German, Permanent Resident of the United States of America

Languages: English, German, Romanian (Native)
Spanish, French (Fluent) Italian, Hebrew (Proficient)
Mandarin (Basic)



Benjamin Malek has over a decade of arbitration experience, having worked at Magic Circle law firms and leading institutions.

He has been involved in matters involving private entities and states in commercial, investor-state, and state-to-state arbitration proceedings under ICC, ICDR, AAA, LCIA, SIAC, HKIAC, CPR, IACAC, THAC, ICSID, UNCITRAL Arbitration Rules, and ad hoc arbitrations. Benjamin has worked in several jurisdictions, including the USA, Latin America, and Central and Eastern Europe, and is well-versed in civil and common law proceedings.

Before his career as an arbitrator, Benjamin worked in the Arbitration team at Big Law and boutique law firms (including White & Case), where he was responsible for various commercial arbitration cases involving US and international clients. He was also an integral part of the case management teams at leading institutions, AAA-ICDR and CPR, where he had first-hand experience administering and coordinating arbitration procedures domestically and internationally.

Benjamin is also the Chair of the Silicon Valley Arbitration and Mediation Center AI Task Force, where he drafted the SVAMC Guidelines on the Use of AI in Arbitration, along with other members of the Drafting Subcommittee.

Benjamin is a national of Germany and a permanent resident of the United States of America. He speaks five languages fluently and two languages proficiently.

Sector Expertise

- Investment Treaty Disputes
- Commercial Dispute Resolution
- Energy, Natural Resources & Renewable Energy
- Environmental
- Food, Beverage & Agriculture
- Pharma & BioPharma
- Aviation & Aerospace

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- Space
- Intellectual Property
- Web3, NFT, Cybersecurity, Blockchain & Cryptocurrency
- Construction
- Automotive
- Maritime

Investment Treaty Disputes

He has advised on several investment treaty disputes under ICSID and UNCITRAL rules. These have involved agriculture, mining, oil and gas, bankruptcy, Construction, and expropriation.

- [Gabriel Resources Ltd. And Gabriel Resources \(Jersey\) v. Romania \(ICSID Case No. ARB/15/31\)](#)
- [Moti Ramot and Rami Levy v. Republic of Bulgaria \(ICSID Case No. ARB/18/47\)](#)
- [Webuild S.p.A. \(formerly Salini Impregilo S.p.A.\) v. Republic of Panama \(ICSID Case No. ARB/20/10\)](#)
- Analysed several potential Investment cases against Romania

Commercial Dispute Resolution

He has a wealth of experience in commercial disputes across various industry sectors, including energy, oil and gas, construction, joint ventures, financial services, Web3, NFT, cybersecurity, blockchain and cryptocurrency, telecommunications, intellectual property, and sale of goods.

Extensive experience in general commercial disputes, both as counsel and arbitrator. Has been involved in cases dealing with food, beverage, agriculture, environment, distribution, transport, automobiles, pharmaceuticals and biopharma, aviation, aerospace, space, automotive, maritime, cybersecurity, real estate, and sales and purchase agreements.

Energy, Natural Resources & Renewable Energy

- ICSID arbitration under the Canada Romania and Romania-United Kingdom BITs between a Canadian mining company and Romania arising out of the allegedly discriminatory measures relating to the approval of an environmental impact assessment and the issuance of an environmental permit required to start exploitation of the claimant's mining project.
- HKIAC arbitration between a PRC company and a Hong Kong company regarding a joint venture dispute regarding natural gas supply.
- ICC arbitration between a US company and an Angola company agreement regarding offshore oil exploration.

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- SIAC arbitration between a Singapore company and a Thai company relating to the supply agreement for wind turbines.
- SCC arbitration between a German company and a Russian-owned Swedish subsidiary regarding a requested revision of the contract price provisions for the long-term supply of gas.

Environmental

- ICSID arbitration under the Canada Romania and Romania-United Kingdom BITs between a Canadian mining company and Romania arising out of the allegedly discriminatory measures relating to the approval of an environmental impact assessment and the issuance of an environmental permit required to start exploitation of the claimant's mining project.
- Ad hoc arbitration between a Japanese company and a South Korean company relating to carbon offset.
- SIAC arbitration relating to environmental liability between a Malaysian company and a Singapore company.

Food, Beverage & Agriculture

- LCIA arbitration between a US company and a French company relating to a beverage manufacturing and supply dispute.
- DRC arbitration between a French company and a Chinese company regarding a supply agreement in the food & beverage industry.

Pharma & BioPharma

- SIAC arbitration between a German company and a US company relating to a drug treatment and testing dispute.
- ICC arbitration between a German and a US company relating to the supply of vaccines.
- DIS arbitration between a German company and a French company relating to a dispute arising out of a license agreement regarding a chemical compound used in proprietary medical products and drugs.

Aviation & Aerospace

Benjamin was involved in an ICC arbitration between a Singaporean company and a French company regarding aircraft manufacturing and supply contracts.

His aviation disputes experience includes:

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- Aircraft manufacturing and supply contracts
- Procurement issues
- Certification issues
- Aircraft joint venture, syndicate, and partnering disputes
- Aircraft sale, leasing, and financing agreements
- Aviation insurance and reinsurance claims
- Warranty and repair claims
- Aircraft crash investigations
- IP and licensing-related claims

Space

- Ad hoc arbitration between a Canadian company and a Chinese company regarding a satellite collision.
- CETAC arbitration between a Canadian company and a Chinese company regarding a satellite collision between an orbiting satellite and an allegedly derailed satellite.

Intellectual Property

- AIAC arbitration between a Malaysian company and a US company relating to the alleged use of proprietary technology and copyright infringement.
- SIAC arbitration between a Korean company and a German company regarding the proprietary use and patent registration of Light-Emitting Diode (LED) technology.
- HKIAC arbitration between a Singapore company and a Latin American company relating to a patented coding mechanism in communications technology.

Web3, NFT, Cybersecurity, Blockchain & Cryptocurrency

- THAC arbitration between a Malaysian company and a Thai company regarding the ownership and sale of an NFT property.
- Advised on the enforceability of a Cryptocurrency arbitration award in Cambodia.

Construction

- IACAC arbitration between a US company and a Puerto Rican company regarding a joint venture agreement for the engineering and construction of a 4-ha tourist resort in Puerto Rico.
- ICDR arbitration between a German company and a Russian-owned Swedish Subsidiary regarding the development of an oil pipeline.

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- ICC arbitration between a Spanish company and an Argentine company regarding the construction of a powerplant.

Automotive

- Numerous cases before the German courts regarding diesel emission technologies.
- Several ICC and DIS arbitrations between German companies, UK companies, and US companies regarding diesel emission technologies.

Maritime

- UNCITRAL arbitration between a US shipping company and a Latin American sovereign relating to the allegedly illegal docking and fuelling in the sovereign's territory.
- ICDR arbitration between a US cruising company and a Latin American sovereign regarding the allegedly illegal docking in the sovereign's waters.
- International Tribunal for the Law of the Sea arbitration between a US cruising company and a Latin American sovereign regarding the allegedly illegal docking in the sovereign's waters.

Academic & Professional Qualifications

Academic

- University of Miami School of Law, Coral Gables, Florida
LL.M. in International Arbitration, May 2018
Honors: International Arbitration Institute Scholarship
- Ecological University Bucharest Faculty of Law, Bucharest, Romania
LL.B. (J.D. equivalent), July 2017
- University of Medicine "Carol Davila" Bucharest, Bucharest, Romania
License Diploma in Dentistry, September 2013

Professional Experience

- T.H.E. Chambers: Arbitrator & Tribunal Secretary, March 2022 – Present
- White & Case LLP: International Arbitration Advisor, April 2021 – March 2022
- American Arbitration Association – International Centre for Dispute Resolution: ICDR Director, October 2019 – April 2021
- CPR Institute for Conflict Prevention & Resolution: Case Manager, July 2019 – September 2019
- Shutts & Bowen LLP: Legal Intern, September 2017 – December 2017
- BDO Legal Romania: Law Clerk, April 2017 – July 2017

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Professional Associations & Recognitions

- Asian International Arbitration Centre (AIAC) – Panel Arbitrator
- Thailand Arbitration Center (THAC) – Panel Arbitrator
- American Bar Association (ABA) – Member of the International Law and Dispute Resolution Section and Vice-Chair of Communications for the International Energy and Environmental Law (IEEL) Committee
- California Arbitration (CALARB) – Member of the Marketing Committee and Programming Committee
- Chartered Institute of Arbitrators (CIARB) – Fellow of the Chartered Institute (FCI Arb)
- International Bar Association (IBA) – Member of the Arbitration Committee
- International Council for Commercial Arbitration (ICCA) – Member
- New York City Bar Association (NYC BAR) – Member of the Arbitration Committee and Member of the International Commercial Disputes Committee
- Rising Arbitrators Initiative (RAI) – Member
- Silicon Valley Arbitration & Mediation Center (SVAMC) – Chair of the SVAMC AI Task Force, Co-Lead of the Working Group on ODR, Member of the SVAMC Initiative on Arbitration, Blockchain-Based Transaction Task Force, and Member of the North American Group
- Space Generation Advisory Council (SGAC) – Member of the Space Law & Policy Project Group and Member of the United States Task Force
- Young European Federation for Investment Law and Arbitration (EFILA) – 2022-2024 Secretary General of the Young Practitioners Group of EFILA (Under 40)
- Young Romanian Arbitration Practitioners (YRAP) – Member and Buddy in the 2022/2023 Mentoring Program

Publications, Articles & Thought Leadership

- International Chambers of Commerce (ICC), 100 Years Commemorative Magazine, “Third Party Funding: Conflict of Interest and Privilege Issues,” September 2019
- 40 under 40 in International Arbitration, by Carlos González-Bueno 2021 Edition, “Cybersecurity in Times of Virtual Hearings,” (Co-author) May 2021
- Second edition of the ARBANZA Arbitration School, Course on oral arguments entitled “Interrogation of Witnesses and Experts,” (Co-presenter) November 2022
- Digital Law Center of the University of Geneva, AI Tech & Policy Talks (AITPT), Speaker, “The Use of Artificial Intelligence in International Arbitration: Will Transparency Make the Algorithm Fair?” December 2023
- Mayer Brown & Silicon Valley Arbitration & Mediation Center (SVAMC), Speaker, “Using AI in US and International Arbitrations,” February 2024
- ICC Panamá, Speaker, “Desayuno Arbitral: Las cuestiones de ética en el empleo de la inteligencia artificial generativa,” March 2024

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- Paris Arbitration Week 2024, Speaker, “Fast & Furious Q&A – Technology: The Future of Disputes or the Disputes of the Future?” March 2024
- Queen Mary University of London, University of London Institute in Paris, Speaker, “Exploring the Use of Artificial Intelligence in Arbitral Award Writing,” March 2024
- Paris Arbitration Week 2024, Speaker, “Using AI in Arbitration Proceedings: An Update on the SVAMC AI Guidelines,” March 2024