



Curriculum Vitae **Petr Mrázek**

Attorney at Law and owner/partner at Associated Law Firm Vítek & Mrázek in Prague and member of the Czech Bar Association. Country expert for the Czech Republic of The International Distribution Institute (IDI) for commercial agency and distribution.

Address:

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Education

Graduated from the Law School of Charles University in Prague, 1986.

Postgraduate degree – doctorate (JUDr.), 1987

UK study programme organised by the Queen Mary and Westfield College in London, 1991 (*LLM lectures and seminars focused on international trade law and company law and a short-term attachment at international law firm Freshfields*).

Special course on Business Mediation (60 hours – Project of Czech and Brussels Bar Association, 2012).

Foreign languages: Czech, Slovak and English

Professional experience

Attorney at law and owner/partner at Associated Law Firm Vítek & Mrázek in Prague, 1994.

Arbitrator of the Arbitration Court attached to the Czech Chamber of Commerce and the Agricultural Chamber of the Czech Republic in Prague.

Arbitrator of the Arbitration Court at the Czech and Moravian Commodity Stock Exchange of Kladno.

Registered mediator on the list of mediators of Ministry of Justice.

Past experience - **In-house lawyer** - the Deputy Head of Legal Department in the major Czech Export Import company

Practise areas

Commercial law including international trade law and international transportation, with focus on agency and distribution

Litigations and arbitration

Insolvency

Development projects

Admissions

- **Czech Bar Association, 1994**
- Czech Competition Law Association
- Section of the Czech Bar Association for Insolvency law
- List of arbitrators at the Arbitration Court attached to the Czech Chamber of Commerce and the Agricultural Chamber of the Czech Republic in Prague
- List of arbitrators at the Arbitration Court at the Czech and Moravian Commodity Stock Exchange of Kladno
- List of registered mediators at the Ministry of Justice of the Czech Republic

Other

- Czech Bar Association, member of the Board
- **International Distribution Institute (IDI) – country expert for agency and distribution, 2006**
- Examiner for the Bar (Attorney) admission exams in Commercial law
- Examiner for Ministry of Justice exams in mediation
- Prev. external teacher of international commercial law at the College of Applied Law in Prague
- Head of the team of authors of a written management course “Legal issues in automotive industry” organized by Institute for International Research
- Prev. member of Executive Committee and Chairman of Legislative Committee of Czech Rugby Union

Specific experience in distribution

Drafting agreements, practice as in-house-lawyer, counsel, arbitrator, registered mediator.

Advising and representing clients including dealers, distributors and manufacturers, from automotive industry, agricultural machinery, heating products, food and beverages etc. Representing clients at civil courts and arbitrations.

Previously several years **in-house lawyer** - the Deputy Head of Legal Department in the major Czech Export Import company dealing with machinery - cars, tractors, bikes, motorcycles, agricultural machinery from the Czech Republic to all continents. This company had in place more than two hundred distributor and agency agreements in various countries of the world (in Europe, Africa, South and North America Canada, Asia and Australia).

Representative cases

1. German subsidiary of Japanese manufacturer of machinery terminated distributorship with Czech distributor and concluded new distributor agreement with another Czech company. Several months later German company (Principal) filed a lawsuit at the German court for payment of unpaid invoice for deliveries of products to the above mentioned terminated distributor. However the distributor raised counterclaim for indemnity due to termination of its distributorship. Later this distributor also filed lawsuit at the Czech court against German company (Principal) as well as against new Czech distributor for damages/lost profit allegedly caused by unfair competition/unfair activities of both defendants against him. The case involves several issues including jurisdiction of German or Czech courts, governing law, claim for indemnity of the distributor or damages due to unfair competition etc.
2. The Belgium subsidiary of US company distributed products in the Czech Republic and Slovakia on the basis of the distributor agreement governed by the law of one of US States. Despite the distributor agreement expired the parties continued in its performance and the Principal supplied the products as if the distributor agreement was renewed. Two years later the Principal proposed prolongation of the distributor agreement but the distributor raised some claims and required conditions unacceptable for the Principal. This matter involves various legal issues including question whether the Principal is still bound by the original agreement being prolonged tacitly and whether there are any obligations or commitments resulting from de facto distribution. The main legal issue was whether the distributor agreement was prolonged tacitly, whether there is any distributorship relation and which law is applicable to relations between the parties.
3. The Czech manufacturer of radiators exporting its products to various countries including UK, terminated its commercial agent entrusted with non-exclusive agency for territory of UK. At the same time the principal requested repayment of overpaid commission for business that was not done but the commission was paid in advance and prior to termination. The commercial agent raised counterclaims for unpaid commission, indemnity for termination as well as some other claims. There was main issue how the indemnity for termination, if any, is correctly calculated. The parties agreed on arbitration but at the end they concluded settlement agreement.
4. The Czech manufacturer of products for lightning industry decided to terminate his exclusive commercial agent in the territory of USA and Canada without serious reasons and rejected to pay any indemnity. The agency contract was governed by Czech law and contained the clause excluding any claims for indemnity for termination. Moreover the principal challenged all conditions for existence of such claim refusing that the agent brought new customers and/or extended the business with existed customers and that he continued in doing business with such customers etc. He also challenged the calculation of indemnity. A reasonable settlement based on calculation of indemnity under the principles used in Germany was reached at the end.
5. The Czech manufacturer and supplier of heating products and Croatian subsidiary of the Czech company entered in long term distributor relation for deliveries of products to Croatia. After several years of cooperation the relation resulted in substantially different views on business strategy and Croatian company did not meet expectations and goals of the Czech Principal. Finally the distributor even rejected to pay for the delivered goods and the Principal filed the lawsuit at the Arbitration court in Prague where the distributor raised some counterclaims including damages from breaches of distributor agreement. At the end the Croatian distributor was committed to pay its debt and the distributorship was terminated.

Other

6. Advising in dispute at the Chamber of Patent disputes in Moscow regarding an unlawful registration of the trade mark of Czech manufacturer.
7. Advising French manufacturer and exporter in dispute from unlawful registration of trade mark at the Czech Patent Office by its agent.
8. Advising to the Australian subsidiary of the Czech company distributing tractors in Australia in dispute with Scandinavian manufacturer resulting from termination of distributor.
9. Advising to the Czech company exporting tractors in dispute with Norwegian distributor of tractors in Norway resulting from termination of distribution.
10. Counsel for defendant in dispute at the International Arbitral Centre of the Austrian Federal Economic Chamber in Vienna between the Czech producer and supplier of equipment for production of plastic products in the plant of Polish buyer.
11. Counsel for the claimant in dispute at the Municipal Court in Prague amounting to 200 million CZK (7,5 million EUR) for remuneration of intermediary relating to delivery and construction of railway in Taiwan (Taipei).
12. Cooperation with French counsel for the Claimant in dispute at the French court in Paris between Czech exporter and French buyer for unpaid deliveries of agricultural machinery and tractors.
13. Cooperation with Russian Counsel for Claimant in dispute at the Arbitration Court in Moscow amounting to USD 3,5 million USD between the Czech exporter of products and Russian distributor for unpaid deliveries to Russia.
14. Lawyer in lawsuit for unpaid deliveries to Albania at the Arbitration court in Tirana.
15. Lawyer in lawsuit for unpaid deliveries at the Arbitration court in Moscow.
16. Arbitrator in dispute at the Arbitration Court in Prague amounting to 1 million EUR resulting from supplies of the Czech manufacturer exporting equipment for production of glass to Russia.
17. Arbitrator at the Arbitration Court in Prague in dispute amounting to 500.000 EUR between the Czech exporter and its financing company for unpaid loan and insurance relating to export of equipment to Ukraine Republic and to Russian Federation.
18. Arbitrator in dispute exceeding 10 million EUR from guarantee for loan provided to foreign company for financing of construction in Slovakia.
19. President of arbitration tribunal in dispute between the factor and the supplier resulting from unpaid receivables assigned to the factor at the Arbitration Court in Prague amounting to 25 million CZK (1million EUR).
20. Arbitrator in dispute at the Arbitration Court in Prague between the Contractor and Principal amounting to 30 million CZK (1,1 million EUR) resulting from the contract for work.
21. Counsel for defendant in dispute regarding lease agreement and unpaid rent at the International Court of Arbitration of ICC amounting to 1,3 million CHF.