



Daniel Eisele, LL.M.

Partner (born 1966)

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Languages

German, English, French, Italian

■ **Areas of Practice**

Daniel Eisele specializes in large and complex litigation and arbitration proceedings, commercial contracts and international business transactions in all kind of industries, in particular in connection with trade and commerce, finance and banking and sports.

He has represented clients in more than 200 arbitration, court and other proceedings in various countries, mainly in connection with commercial contracts (e.g. purchase, deliveries, production, licensing, construction, M&A, finance, security, marketing, television, agency) and other disputes.

Daniel Eisele has almost 20 years of professional experience. He regularly advises Swiss and foreign companies as well as individuals in relation to major business projects, in particular in connection with all types of agreements. He is very experienced in drafting and negotiating legal documents.

He has special legal knowledge in the sports industry. He has been involved in many major international sports events taking place over a period of more than 25 years, namely in relation to television, other media, marketing, sponsorship, licensing, ticketing, hospitality and event organisation.

Daniel Eisele won the ILO Client Choice Awards for "Litigation Switzerland" three times in a row, in the years 2014, 2015 and 2016. Legal 500 lists him as "leading individual" in the area of Litigation Switzerland. Chambers Global and Chambers Europe highly recommend him as leading lawyer for both litigation and arbitration. Who's Who Legal ranks him as one of the world's leading practitioners in litigation. He is listed in Best Lawyers (leading lawyer for dispute resolution).

■ **Professional Career**

2004 – Partner, Niederer Kraft & Frey

1997 – 2003 Associate, Niederer Kraft & Frey

1995 – 1996 Associate, Carrard, Paschoud, Heim & Associés, Lausanne

1994 – Part time Assistant of Prof. Rotunda, University of Illinois, Urbana-Champaign, USA

1992 – 1993 Junior Associate, Lenz & Staehelin Ltd., Zurich

■ **Education**

1995 – Master of Laws (LL.M.), University of Illinois at Urbana-Champaign, USA

1994 – Admitted to the Bar (*Rechtsanwalt*)

1992 – Licentiatius Juris, University of Zurich

■ Recent Experience

Daniel Eisele has been involved in arbitration and court proceedings in Switzerland, Germany, USA, England, France, Netherlands, Luxembourg, Spain, Croatia, Belgium, Romania, Israel, Argentina, Australia, China, Hong Kong, Guatemala and Italy with parties coming from Switzerland, USA, England, Germany, Italy, Greece, France, Spain, Austria, Netherlands, Finland, Luxembourg, Romania, Bulgaria, Croatia, Ukraine, Russia, Canada, Mexico, Argentina, Brazil, Kenya, Israel, China, Hong Kong, Japan, Australia and a number of other countries.

He has acted as counsel in international and national arbitration proceedings conducted pursuant to the Swiss Rules, the ICC Rules and the TAS/CAS Rules. He has been involved in civil, administrative and criminal proceedings in twelve different Cantons of Switzerland. He also regularly represents clients before the Swiss Federal Court and before other Swiss federal courts and bodies.

The following is a selection of major recent arbitration and litigation cases of Daniel Eisele:

- Representation of an English company against a German company in a dispute which is governed by Swiss law
- Representation of a German manufacturer against a Swiss company regarding a manufacturing agreement
- Representation of a Swiss organisation in an arbitration proceeding against a counterparty from Guatemala
- Representation of a Russian company in relation to an arbitration proceeding in Switzerland against a German company
- Representation of a Swiss company in connection with a court proceeding in the US initiated by a US counterparty
- Representation of a Swiss industrial company in a dispute related to a manufacturing project in Switzerland
- Representation of a German company against another German company in relation to a dispute concerning a manufacturing and delivery agreement for a project in Russia
- Representation of a Swedish health care company in a dispute against a biotechnology firm in Switzerland
- Representation of a Swiss entity in connection with evidence collection for proceedings in Mexico
- Representation of client in a case regarding construction rights in connection to industrial real property in Switzerland
- Representation of client in relation to proceeding concerning the work for major entertainment complex to be built in France
- Representation of client in proceeding regarding delivery contract for complex airport communication system for airport in Eastern Europe
- Representation of client in proceeding concerning production and delivery of telecommunication goods in factory in Poland
- Representation of client in proceeding regarding loans for power plant and other industry project in Eastern Europe
- Representation of Hong Kong client in proceeding regarding major steel deliveries from Russian plant to Taiwan and Korea
- Representation of Russian client in proceeding concerning loan and real property in the USA
- Representation of Swiss client in relation to proceeding concerning exploitation of production rights in England
- Representation of Chinese client in Swiss proceeding concerning illegal actions against bank in China
- Advising of European client in relation to proceeding concerning major water pipeline burst
- Representation of Swiss client in connection with major proceeding concerning industrial equipment
- Representation of client in proceeding concerning production of telecommunication products in Germany
- Representation of Swiss client in proceeding concerning industrial deliveries to Germany
- Representation of Swiss company in a leading case related to the exercise of shareholders' rights
- Representation of foreign clients in relation to various judicial assistance proceedings in Switzerland regarding bank matters
- Representation of Swiss bank in relation to numerous highly publicized proceedings concerning M&A transaction
- Representation of Italian client in proceeding regarding production issues
- Representation of a world wide active company in different administrative proceedings initiated by the Swiss Minister
- Representation of client in proceedings which involve witness hearings in the US and in Canada
- Representation of client in arbitration proceeding concerning contractual issues related to sports event
- Representation of a major bank in civil proceedings against Swiss company regarding contractual issues
- Representation of Greek company against foreign company in an arbitration proceeding regarding contractual claims
- Representation of a telecom company against a US company in civil proceedings regarding the delivery of telecommunication products
- Representation of a client in two different arbitration proceedings against Swiss and foreign entities
- Representation of various foreign individuals and companies in connection with judicial assistance proceedings

- Representation of a client in civil proceedings regarding shadow directorship claims
- Representation of a client in connection with the enforcement of a judgement rendered by a UK court
- Representation of a German company regarding the enforcement of a judgement of a German court
- Representation of a client in civil and administrative proceedings regarding dispute between shareholders
- Representation of a client in civil proceedings against Spanish and Japanese manufacturer
- Representation of a company in proceedings against French company regarding delivery of technical goods
- Representation of a foreign company in arbitration proceeding regarding corporate and contractual matters
- Representation of a client in a civil proceeding relating to the construction/financing of a major sports facility

Daniel Eisele has broad experience in relation to all kind of national and international commercial contracts, in particular regarding loans, security, financing, banking, manufacturing, production, sales and distribution, M&A, service, license, work, architecture, art, agency and partnership contracts.

Another key expertise of Daniel Eisele is sports law. In this area, he has advised clients in connection with television, media, marketing, sponsorship, licensing, merchandising, agency, ticketing, hospitality, stadium, sports event organisation, host city and other commercial agreements for numerous major international football events on a worldwide basis. He has also been involved in legislative processes concerning sports legislations for sports events in three different foreign countries. In addition, he represented clients in connection with national and international sailing events, major ice hockey tournaments, car racing championships and horse racing.

■ Professional Memberships

Swiss Bar Association; Zurich Bar Association; Vaud Bar Association; Swiss Arbitration Association; Association Suisse de Droit du Sport; American Bar Association; International Bar Association; Defense Research Institute.

■ Admission

All Swiss courts

■ Legal Publications

- Global Guide to Arbitration: Switzerland
by Daniel Eisele, Tamir Livschitz, Anja Vogt, in: The Legal 500 & The In-House Lawyer Comparative Legal Guide, 2017
- The Dispute Resolution Review: Chapter on Switzerland
by Daniel Eisele, Tamir Livschitz, Anja Vogt; in: Law Business Research, 9th edition 2017, p. 529-630
- The Dispute Resolution Review: Chapter on Switzerland
by Peter C. Honegger, Daniel Eisele, Tamir Livschitz; in: Law Business Research, 8th edition 2016, p. 631-649
- Global Guide to Arbitration: Switzerland
by Daniel Eisele, Tamir Livschitz, Anja Vogt, in: The Legal 500 & The In-House Lawyer Comparative Legal Guide, 2016
- Security for Costs in Swiss International Arbitration
by Daniel Eisele, Tamir Livschitz; in: Swiss Arbitration – Practical Aspects and New Developments, NKF Dispute Resolution Team, Publication 19, Zurich 2015, p.48-62
- The Dispute Resolution Review: Chapter on Switzerland
by Peter C. Honegger, Daniel Eisele, Tamir Livschitz; in: Law Business Research, 7th edition 2015, p. 631-648
- Chambers Legal Practice Guides Litigation Switzerland 2014, Trends & Developments
by Ernst Felix Schmid, Daniel Eisele, Tamir Livschitz; in: Chambers & Partners, p. 1262-1266
- The Dispute Resolution Review: Chapter on Switzerland
by Peter C. Honegger, Daniel Eisele, Tamir Livschitz; in: Law Business Research, 6th edition 2014, p. 737-754
- The Impact of Cross-border Insolvency on International Arbitration: A Swiss View
by Daniel Eisele, Tamir Livschitz; in: Expert Guide Litigation & Dispute Resolution 2013, Corporate LiveWire, p. 34-37
- Vermarktung und Organisation von Sportanlässen
by Peter C. Honegger, András Gurovits, Daniel Eisele; in: Sport und Recht, Vermarktung und Organisation von Sportanlässen, NKF-Schriftenreihe Band 11, Zürich 2006, p. 7-73
- Praktische Überlegungen zum Fernsehvertrag für Sportanlässe von weltweiter Bedeutung
by Peter C. Honegger, Daniel Eisele; in: Sport und Recht: Vertragsgestaltung im Sport, Europa Institut Zürich, Zürich 2004, p. 71-124

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■ Further Publications

- Interesse des unbekanntenen Individuums - Plädoyer für den Ersatz des öffentlichen Interesses
by Daniel Eisele; in: Robert Nef – Kämpfer für die Freiheit, Luzern 2012
- Kapitalismus und Altruismus
by Daniel Eisele; in: Schweizer Monat, Ausgabe 989, September 2011

■ Other Activities

- Past and current member of the board of directors of Swiss companies
- Chairman of the Board of Trustees of Liberales Institut, Zurich, the oldest free market think tank in Switzerland
- Served in the Swiss mountain infantry during three years (including as company commander and platoon leader)
- Acquired tennis instructor diplomas of the Swiss Tennis Association (STA) and of United States Professional Tennis Registry (USPTR)

■ Market Perception

“...Daniel Eisele, who has ‘extraordinary tactical and legal skills’...” (Legal 500 2017 - Arbitration)

“...Daniel Eisele is a ‘skilled advocate’...” (Legal 500 2017 - Litigation)

“Daniel Eisele is an expert in litigation and arbitration, where he frequently acts as counsel. He is most active in cases involving the fields of banking, pharmaceuticals, technology and sport. Clients say he is ‘a litigator and arbitrator with a lot of strategic skills.’” (Chambers Global 2017)

“Daniel Eisele is a highly regarded litigator and arbitration counsel. He represents clients from the world of sport, as well as the telecoms, banking and pharmaceutical industries.” (Chambers Global 2016)

“Daniel Eisele is ‘an outstanding litigator’ and ‘smart and pragmatic.’” (Legal 500 2016)

“Daniel Eisele handles both litigation and arbitration mandates, particularly banking and sports disputes. ‘He has shown exceptional strategic thinking; he is a highly practical lawyer with a clear understanding of, and focus on, the critical issues of a dispute,’ enthuse clients.” (Chambers Global 2015)

“Daniel Eisele is particularly active in trade, banking and sports disputes. His ‘responsive’ and ‘hands-on approach’ endears him to his clients.” (Who’s Who Legal 2015)

“At Niederer Kraft & Frey, Daniel Eisele specialises in complex litigation and arbitration proceedings. He has earned a ‘brilliant reputation’ with regards to his work in the marketing, sponsorship, licensing and organisation of international sports events.” (Who’s Who Legal 2015)

“Daniel Eisele is ‘admired for his fighting spirit.’” (Legal 500 2015)

“Daniel Eisele is an excellent litigator with a pragmatic and efficient approach.” (Client Choice International 2015)

“He is retained for difficult and sensitive litigation work; I can recommend him for his excellent service, short response times and very good legal knowledge.” (Client Choice International 2015)

“I was highly impressed by Daniel Eisele’s precision, persistence and diligent work.” (Client Choice International 2015)

“His legal and tactical skills in both litigation and arbitration are extraordinary.” (Client Choice International 2015)

“Daniel Eisele ‘leads cases in a very structured manner. He has an excellent understanding of what it takes to get to the end goal,’ affirm sources.” (Chambers Global 2014)

“The legal assessments of Daniel Eisele were always excellent and have resulted in a 100% success rate.” (Client Choice International 2014)

“He is very responsive, has extraordinary tactical skills and provides excellent legal work. He deserves the highest grades in all relevant areas.” (Client Choice International 2014)

“He is a brilliant litigator with extraordinary tactical skills, and is very responsive and committed.” (Client Choice International 2014)

“Daniel Eisele is a very experienced litigator and handles disputes in a business-oriented and cost-efficient matter.” (Client Choice International 2014)

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"Daniel Eisele is 'a skilled and mindful litigator with an extraordinary commitment to his clients.' He is active in international and domestic disputes." (Chambers Europe 2013)

"Daniel Eisele is highly rated for his 'stunning, sophisticated trial tactics'. He is 'precise, professional and experienced'."
(Legal 500 2013)

