

## CURRICULUM VITAE

LAST UPDATED JANUARY 2018

### Personal Data

Name: Mag. Dr. iur. Dominik Kocholl (Ph.D)  
born 1975 in Bregenz/Austria, married to Dr. med. univ. Christine Kocholl

Citizenship: Austria

Languages: German, English, French; used to different legal cultures and agreements when dealing with international arbitration or litigation

### Professional Experience

2014-Present **Arbitrator** at the Court of Arbitration for Sport (CAS/TAS) in Lausanne/  
Switzerland and DIS-Sportschiedsgericht (Deutsche Institution für  
Schiedsgerichtsbarkeit eV in Cologne/Germany, starting 2016)

regularly **Lecturer** on Sports Law, Contract, Commercial, Corporate and  
Private International Law/Conflict of Laws at various Universities

Aug 2011-Present **Attorney-at-Law, Founder and Owner of KOCHOLL LAW**  
(2012 – 2018 also Equity Partner of a bigger lawfirm)

Jul 2011 – Dec 2016 **Assistant professor**, Institute for Civil Law, European Private Law, Private Comparative Law  
and Private International Law at the University of Innsbruck; Lecturer since 2008

2012 - 2014 Lecturer at the Master degree program Sports, Culture & Event Management at the  
University of Applied Sciences, Kufstein, Tyrol

2007 - 2011 Associate at prestigious law firms both in Vienna and Innsbruck - specializing in litigation and  
arbitration (Binder Grösswang, Baier Böhm, Prof. H. Schumacher)

2007-Present CEO of consulting business – legal based risk management - alprimo KG, a spin-off started in  
Nov 2005 as **Head of the Research Unit on Mountain Sports Law** at the University of  
Innsbruck (third-party-funded projects)

2002 - 2007 **Assistant professor** at the University of Innsbruck (Post Doc)

2001 and 2007 Judicial clerkship at district and provincial courts

1993 - 2004 Manager/Helmsman of the Olympic Sailing Team Kocholl / Kocholl (470, 49er)



### Selected CAS/TAS Cases – Member of the Arbitration Panel

- Football (League Licensing together with Insolvency issues; Termination of Employment Contracts – with or without just cause in relation to players and coaches), Transfer Agreements – Club v. Club, Club v. Association, Coach v. Association
- Anti-Doping, Re-Test regarding Summer Olympic Games 2008
- Athletics (IAAF)

### Sports Experience

- Competitive athlete/sailor in various Olympic classes since 1991, **Austrian National Sailing Team** (1993-2004): Helmsman (49er, 470, Laser), several years in the World Cup circuit (including Gold fleets competing in various

European and World Championships, ISAF World Championships). At the end of his Olympic Campaign for the Sydney 2000 Olympic Games, although qualified internationally, no Austrian 49er was sent by the ÖOC (NOC) to those Olympic Games; the last national qualification race (being held at the World Cup in Hyères) was clearly won by Kocholl/Kocholl. The Austrian Sailing team achieved 2 Gold Medals in Sydney. Four times Austrian Champion (1996, 2000, 2001, 2004) in Olympic classes, Bronze Medal at Junior Europeans, Gold Medal as unified partner at Special Olympic Summer Games; 2012: winning an offshore race across the Atlantic Ocean; 2013: competing at Austrian Olympics (2.); 2014: competing at Austrian Offshore Championships; 2017: competing at Barcolana/ITA

- 1986 – 1990: Competitive swimmer (FINA - Butterfly, Breaststroke, Medley)

#### Enjoys Sports including teaching/coaching etc:

Windsurfing, Sailing, Climbing (Rock, Ice, Mixed), Mountaineering, Ski-Mountaineering; certified sport climbing instructor and Mountain guide; umpiring, teaching and coaching in Sailing (Olympic classes etc)

Member of the National Appeal Committee (Regelausschuss) and the Judicial Commission (Fachausschuss Rechtsfragen und Sportrecht) of the Austrian Sailing Federation; Race Official (Umpire and Judge)

#### **Academic Work**

- Publications – more than 60: monograph, many contributions to books, articles on Private Law, Private International Law/Conflict of Laws, Arbitration, Dispute Resolution, Sports Law, foreign law and comparative law
- Teaching experience – about 50 lectures (University of Innsbruck, University of Wales/Cardiff etc; about 30 presentations at international conferences and seminars (regularly in Switzerland) etc
- Co-Editor of “Causa Sport“, a scientific journal on international sports law and economy founded in 2004, Boorberg, Dike, Jan Sramek, Zürich - [www.causasport.ch](http://www.causasport.ch)
- Academic Projects (three competitive research grants) on Sports Law, Private International Law/Conflict of Laws, International Civil Procedure and Arbitration

#### **Work as a Legal Expert Witness for Courts in England and Germany**

#### **Professional Memberships**

- Austrian Arbitration Association
- Association Suisse de Droit du Sport (ASDS) – Swiss Sports Law Association
- Deutsche Vereinigung für Sportrecht (DVSR) – German Sports Law Association
- Member of the Legal Experts Working Group of the International Climbing and Mountaineering Federation (UIAA)
- Tiroler Bergsportführerverband – Association of Professional Mountain Guides in Tyrol
- Tiroler Rechtsanwaltskammer – Austrian Bar Association
- Member of the exclusive list of arbitrators of the Court of Arbitration for Sport (CAS/TAS)
- Member of the exclusive list of arbitrators for doping matters and the general list of arbitrators of the German DIS-Sportschiedsgericht

#### **Education and Training**

ongoing	various trainings and seminars in arbitration and international sports law
2016/2017	Certificate in “ <b>Doping and Doping Prevention</b> ”, Prof. W. Schobersberger, UMIT
Feb 2017	Graduate Diploma in “ <b>Arbitration Rules in Practice</b> ” (primarily ICC and VIAC, Austrian Arbitration Academy, University of Vienna)
June 2011	Bar exam (after the five years training and all seminars foreseen)
2002 and 2003	St. Mary’s University San Antonio/Texas Summer School on World Legal Problems
1995 - 2001	Diploma and Doctoral studies of Law at the University of Innsbruck and the University of Wales/Cardiff (9 month); Doctor iuris summa cum laude – equivalent to Ph.D.
1993 - 1995	Business School/Handelsakademie (Diploma after 2 years, English and French)

## Selected Bibliography

- 1) „Internationales Sportrecht und Sportregelgeltung vor Verbands- und Sportschiedsgerichten im Gegensatz zu nationalen Gerichten“ in DACH Schriftenreihe 49 der Europäischen Anwaltsvereinigung, Rechtsfragen rund um den Sport (2017) 107-151 (Tagungsband zur 57. DACH-Tagung Europäischen Anwaltsvereinigung von 21.-23.09.2017 in Feldkirch)
- 2) „Bergsportunfälle mit Auslandsbezug, anwendbares Recht und Zuständigkeit vor Gerichten bzw Schiedsgerichten sowie Gestaltungsmöglichkeiten“ in Büchele/Ganner/Khakzadeh-Leiler/Mayr/Reissner/Schopper (Hrsg), Aktuelle Fragen des Bergsportrechts (2016) 91-209
- 3) „Schiedsklauseln im internationalen Sport – gewollt oder nicht?“ Causa Sport 2015, 311-321
- 4) “Strict liability der Clubs und weitere strittige Haftungszurechnungen bei Fehlverhalten von Zuschauern und Fans”, in Grundei/Karollus (Hrsg), Berufssportrecht VI (2014) 1-4
- 5) Book Chapter „Events, the Law and Risk Management“ in: Beech/Kaiser/Kaspar (Hrsg), The Business of Event Management, Pearson Prentice Hall (2014) 181-203
- 6) “Olympic values, Olympic media and arbitration - awards in Olympic sailing events and to safeguard IF’s sport formats”, Abstract in Booklet for the 5<sup>th</sup> International Sport Business Symposium - Birkbeck University of London, held during the Olympic Games in London 2012
- 7) „Doping: Lebenslange Olympiasperre ungültig und nicht durchsetzbar – CAS-E USOC v. IOC“, ecolex 2012, 294 ff
- 8) „Sportregeln als Wert und Risiko für Veranstalter und Verbände – die rechtliche Sicht“ im Abstract-Band des 4th International Sport Business Symposium/2. Innsbrucker Sportökonomie & -management Symposium in Innsbruck am Tag vor der Eröffnung der Olympischen Jugendwinterspiele (Deutsch/Englisch)
- 9) „Doping und Selbstmedikation - Lauteres und Unlauteres im Bergsport“, Causa Sport 2011, 348-358
- 10) „Zur Makrodogmatik der Verschuldenshaftung“ in Barta/Radner/Rainer/ Scharnreitner (Hrsg.), Analyse und Fortentwicklung im Arbeits-, Sozial- und Zivilrecht, Festschrift für Martin Binder (2010) 103-116
- 11) „Expeditionen und Trekkingreisen: Wie schwer wiegt das jeweilige Recht im Rucksack? Rechtsprechung, Reiseveranstalterhaftung, Rechtswahl, Freizeichnung und Gesellschaftrecht“ in: Österr. Kuratorium für Alpine Sicherheit, Sicherheit im Bergland 2009, 92-106
- 12) „Adäquanz – Anforderungen an die Vorhersehbarkeit: Adäquanzschwellen-Matrix statt Pseudofilter“, ÖJZ 2009, 583-591
- 13) „Mountain sports law in multiple changed adventure tourism – consumer desire and global warming“, in Borsdorf/Stötter/Veulliet (Hrsg.), Managing Alpine Future, Proceedings of the Innsbruck Conference 2007 (Österreichische Akademie der Wissenschaften, 2008) 397-408
- 14) „Geistiges Eigentum am Wesensmerkmal des Sports – seinen Regeln: Urheberrecht an Sportregeln olympischer und America’s Cup Regatten, der UEFA EM und dem Bergsport“ CausaSport 2008, 150-159
- 15) „Die Haftungsfreizeichnung bei Personenschäden“, ZVR (Zeitschrift für Verkehrsrecht) 2006, 512-523
- 16) „Punitive damages in Österreich: Über Schadensprävention und Privatstrafe im Zivilrecht“ (rechtsvergleichend mit England & Wales, USA, EU); Wien: Neuer Wissenschaftlicher Verlag, 2001), Neue juristische Monografien, Band 2, ISBN 3-7083-0006-8

## **Selected Presentations, Seminars and Media**

- 1) „The World Anti-Doping Code plus the Court of Arbitration for Sport – Fit for Purpose for today’s Doping Problems?“, University of Innsbruck, 1 March 2018
- 2) „Art 17 Ad hoc CAS Rules - iura novit arbiter OR ultra posse nemo tenetur?“, 15 April 2016 at ASDS Academic Forum with Prof. U. Haas, Prof. L. Handschin, Prof. A. Rigozzi at the University of Basel/SUI
- 3) „Freedom of Association, Party Autonomy, *ius cogens* and the law applicable to the merits in international sports arbitration and before state courts“, 17 April 2017 at ASDS Academic Forum with Prof. Haas, Prof. Handschin, Prof. Rigozzi at the University of Zurich/SUI
- 4) „Field-of-play-decisions in Sport: Borderline cases e.g. in Sailing at the Olympic Games and the America’s Cup“, 17 April 2017 at ASDS Academic Forum with Prof. Besson, Prof. Handschin, Prof. Rigozzi at the University of Neuchâtel/SUI
- 5) “Strict liability der Clubs und weitere strittige Haftungszurechnungen bei Fehlverhalten von Zuschauern und Fans” im Rahmen der Tagung „Aktuelle Rechtsfragen des Berufssports“ im Dachgeschoß des Juridicums der Universität Wien
- 6) “Olympic values, Olympic media and arbitration - awards in Olympic sailing events and to safeguard IF’s sport formats” at the 5th International Sport Business Symposium – Birkbeck University of London, during the Summer Olympic Games in London 2012