

Pierre KOBEL

Avocat | Attorney-at-Law
LL.M. Trade regulation
(New-York University)
Médiateur FSA

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1988 Bar admission

Current position

- 2021 ATHENA Avocats | Attorneys-at-Law, founding partner
- 2014 Deputy judge with the Geneva Appellate Civil Court (Cour de justice) (prev. with Tribunal de Première instance, 2011-2014)

Past positions

- 2016 – 2021 Kobel Avocat, Geneva – founder
- 2014 – 2016 de Weck, Zoells, Kobel – partner
- 2001 – 2004 Hirsch Kobel, Geneva – partner
- 1995 – 2001 SITA s.c., General Counsel, Legal advisor Europe, Middle-East & Africa, Geneva
- 1992 – 1995 Schellenberg & Haissly, Geneva – associate
- 1992 – 1993 Swiss Cartel Commission (nowadays Competition Commission), Bern – part-time associate
- 1990 – 1991 Lenz & Staehelin, Lausanne, (prev. Comina Favre & Payot) – associate
- 1989 Arnold & Porter, Washington D.C. – foreign associate

Areas of expertise

Business law and general practitioner in civil and administrative law
Specialist in Competition law, intellectual property, unfair competition, IT law
Sport law
Independent expert-arbitor in moral harassment cases in private undertakings and public administrations
Dispute resolution (litigation, mediation, arbitration)
Contract drafting and negotiation

Education

- 1991 LL.M. in Trade regulation, New-York University
- 1986 Master in Sociology of law, Geneva University
- 1983 Bachelor in Law, Geneva University

Languages

French, English, German, Italian



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Other para-professional activities

Founder OFS Ombud Finance Switzerland, a Swiss Foundation dedicated to mediation services in financial activities as per the terms of the Federal Act on Financial Services 2020, www.ombudfinance.ch

Teaching activities as part of the Geneva "Ecole d'Avocature", Geneva University, Law Faculty
Accredited Mediator with CSMC (1998), Swiss Bar Association (2002), FSM

Affiliations

as of 2016	Member of the AIPPI permanent committee on the Commercialisation of intellectual property
2011 – 2013	General Rapporteur of the International League of Competition Law, member of the Board and member of the Bureau
as of 2009	Member of the Board of the Swiss competition law association (ASAS) 2009 - (President 2004 until 2009)
2004 – 2013, as of 2021	Member of the Swiss Attorneys Federation Special Commission on Mediation
2006 – 2014	Member of the Geneva State Commission supervising accredited civil mediators
2004 – 2007	President of Association MédiationS (nowadays Fédération genevoise des MédiationS)

Member of ASA, AROPI, AGDA, CSMC and other professional associations
Geneva Bar Association (OdA)
Swiss Bar Association (SAV/FSA)

Publications

- 2021** Competition Law Analysis of Price and Non-price Discrimination & Abusive IP Based Legal Proceedings, Springer 2021, Kobel Pierre, Kilpatrick Bruce, Këllezi Pranvera, (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- La confidentialité de la médiation à l'épreuve de l'escroquerie au procès : une perspective transversale, Jusletter 22 février 2021 https://jusletter.weblaw.ch/jusliissues/2021/1056/la-confidentialite-d_96adff4863.html_ONCE&login=false
- 2019** Liability for Antitrust Law Infringements & Protection of IP Rights in Distribution, Springer 2019, Author of chapter 25, Protection of intellectual property rights in distribution in Switzerland, Këllezi Pranvera, Kobel Pierre, Kilpatrick Bruce, (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- 2018** Clauses multi-tiered et la fenêtre de médiation, in Laurent Hirsch/Christophe Imhoos (ed.) Arbitrage, médiation et autres modes pour résoudre les conflits autrement, Genève/Zurich 2018, Schulthess, p. 143 et seq.
- Les tribunaux civils peuvent-ils avoir recours à des caucus ? Contribution à une réflexion sur le recours à des caucus en médiation et en procédure civile, Jusletter, Novembre 5, 2018 <https://jusletter.weblaw.ch/fr/jusliissues/2018/956.html>
- Sanction des accords de médiation par le juge civil, in Revue Suisse de procédure civile (RSPC) 5/2018, p. 423 et seq.
- Antitrust Analysis of Online Sales Platforms & Copyright Limitations and Exceptions, Springer 2018 ; Kilpatrick Bruce, Kobel Pierre, Këllezi Pranvera (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- 2017** Un arrêt très attendu en droit des cartels: la décision du Tribunal fédéral dans l'affaire Gaba, Jusletter, June 19, 2017, <https://jusletter.weblaw.ch/fr/jusliissues/2017/896.html>



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Publications (continued)

- 2017** Antitrust in Pharmaceutical Markets & Geographical Rules of Origin, Springer 2017; Kobel Pierre, Këllezi Pranvera, Kilpatrick Bruce, (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- Abuse of Dominant Position and Globalization & Protection and Disclosure of Trade Secrets and Know-How Springer 2017; Këllezi Pranvera, Kilpatrick Bruce, Kobel Pierre, (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- 2016** Jurisprudences européennes et étrangères, Chroniques, Concurrences N° 2-2016 pp. 220-24 Concurrences - Revue des droits de la concurrence - Competition Law Review <http://www.concurrences.com/Journal/Issues/No-2-2016/Chroniques-1827/Suisse-Le-Tribunal-administratif?lang=en>
- Compatibility of Transactional Resolution of Antitrust Proceedings with Due Process and Fundamental Rights & Online Exhaustion of IP Rights, Springer, 2016, Bruce Kilpatrick, Pierre Kobel, Pranvera Kellëzi (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- 2015** The Swiss Competition Commission adopts a new Communication regarding the assessment of vertical arrangements in the motor vehicle sector, in Concurrences 4-2015 pp. 225 et seq. <https://www.concurrences.com/Journal/Issues/No-2-2016/Chroniques-1827/Suisse-Le-Tribunal-administratif?lang=en>
- The European Union and Switzerland agreement concerning the application of their competition laws is entering in force on the 1st of December 2014, Revue Concurrences No 2-2015, No 73234, pp. 210-214
- Antitrust in the Groceries Sector & Liability Issues in Relation to Corporate Social Responsibility, Springer, 2015, Pierre Kobel, Pranvera Kellëzi, Bruce Kilpatrick (ed.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.
- The Private Action Package: the End or the Beginning of ADR in Antitrust?, XI Treviso Antitrust Conference, 15-16 May 2014, in Antitrust between EU and National Law, E.A. Raffaelli Ed., Bruylant-Giuffrè, 2015
- 2014** The cooperation agreement between the European Union and Switzerland concerning the application of their competition laws is in force since the 1st of December 2014, Bulletin e-Competition, December 2014, No 72450
- Le parasitisme en droit suisse: entre Nachahmungsfreiheit, Verwechslungsgefahr et Rufausbeutung, in Intellectual Property - Propriété intellectuelle 7, Challenges of Unfair Competition Law, Jacques de Werra ed., Schulthess, 2014
- Antitrust for Small and Middle Size Undertakings and Image Protection from Non-Competitors, Springer, 2014, Pranvera Kellëzi, Pierre Kobel, Bruce Kilpatrick (ed.).
- 2013** Convention de médiation in Recueil de contrats commerciaux, Marchand S., Chappuis Ch., Hirsch L., Helbing Lichtenhahn, 2013, Basel
- La Commission suisse de la concurrence sanctionne un fabricant européen de véhicules automobiles pour avoir restreint les exportations de véhicules de l'EEE vers la Suisse (BMW), Concurrences, No 1-2013, No 50784, pp. 218-221.
- 2012** The Swiss Competition Commission fines car manufacturer for preventing parallel imports by prohibiting its authorized dealers within the EEA from selling new cars to customers located in Switzerland (BMW), May 7, 2012, e-Competition, No 49633
- 2011** Election de for et consommateurs : La Cour de justice prend position mais ne tourne pas la page, Actualités du Centre de droit bancaire et financier de l'Université de Genève, Février 18, 2011



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Publications (continued)

- 2009** La pratique de l'avocat 2009 : Mediation, Walter Fellmann and Tomas Poledna (Ed.), Stämpfli, Berne 2009, pp. 1212-1232, Jurisprudence, Questions pratiques avec le renvoi en médiation, La médiation fait-elle partie de la profession d'avocat ?, Changements dans la pratique de l'avocat.
- 2008** Le nouveau règlement médiateur FSA/ médiatrice FSA, Revue de l'avocat 3/2008, pp. 99 et seq.
- 2007** Ambush Marketing: Too Smart to be Good?, International Report to the International League of Competition law, Catania Congress September 29, 2007
- 2005** Dix questions concernant les directives FSA pour la médiation, Revue de l'avocat 11-12/2005, pp. 447 et seq.
Confirmation par la Cour de la pratique de la Commission en matière de calcul d'amendes, Newsletter Center for European Legal Studies, July 2005.
- 2004** Sanctions de droit des cartels et problèmes de droit administratif pénal, AJP/PJA 9/2004, pp. 1150 ss.