Benjamin Malek, FCIArb

Email: contact@thearbitration.org

Nationality: German, United States of America
Languages: English, German, Romanian, Spanish, French, Italian, Arabic (Basic)

Benjamin Malek is an international arbitration professional with experience across law firms, arbitral institutions and independent arbitral appointments.

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, the MENA Region, 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 a Member of the Board of Directors of the Silicon Valley Arbitration and Mediation Center and was the Inaugural Chair of the Silicon Valley Arbitration and Mediation Center AI Task Force, where he led the drafting of the SVAMC Guidelines on the Use of AI in Arbitration, along with other members of the Drafting Subcommittee.

Benjamin is a dual citizen of Germany and the United States of America. He speaks five languages fluently, Italian at working proficiency, and Arabic at a basic level.

Sector Expertise

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

- Aviation & Aerospace
- Space
- Intellectual Property
- Artificial Intelligence, 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 treaty claims involving 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 international commercial disputes through arbitration advisory, institutional case-management, tribunal-secretary and arbitrator roles. 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 Angolan company regarding an agreement for offshore oil exploration.

- 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

- The Canada-Romania / Romania-United Kingdom BIT mining arbitration described above concerned the environmental impact assessment and environmental permit required for exploitation of the 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.

Finance

- ICC arbitration between US companies and a Venezuelan company relating to a shareholder dispute.
- ICC arbitration between a Swiss bank and its Mexican subsidiary relating to a shareholder agreement and the disbursement of options.

Food, Beverage & Agriculture

- LCIA arbitration between a US company and a French company relating to a beverage manufacturing and supply dispute.
- Arbitration under the Fruit and Vegetable Dispute Resolution Corporation (DRC) Rules between a French company and a Chinese company concerning a supply agreement in the food and 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 licence agreement regarding a chemical compound used in proprietary medical products and drugs.

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Aviation & Aerospace

- ICC arbitration between a Singaporean company and a French company relating to aircraft manufacturing and supply contracts.

Benjamin's aviation disputes experience includes:

- 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

- Parallel ad hoc and CIETAC arbitrations between a Canadian company and a Chinese company arising from the same satellite-collision dispute.

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.

Artificial Intelligence, 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.

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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.
- ICC arbitration between a Spanish company and an Argentine company regarding the construction of a power plant.
- ICC arbitration between a Brazilian company and a Chinese manufacturer regarding the non-delivery of photovoltaic modules for the construction of a solar power plant in Brazil.

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 proceeding between a US cruising company and a Latin American sovereign regarding the allegedly illegal docking in the sovereign's waters.

Academic & Professional Experience

Academic

- University of Miami School of Law, Coral Gables, Florida
  LL.M. in International Arbitration, May 2018
  Honours: International Arbitration Institute Scholarship
- Ecological University of 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

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Professional Experience

- Malek Signature Group: Principal, 2024 – Present
- LexArb: Co-Founder & CEO, 2024 – Present
- T.H.E. Chambers: International Strategy & Commercial Advisory, March 2022 – December 2024
- 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

Professional Associations & Qualifications

- Asian International Arbitration Centre (AIAC) – Panel Arbitrator
- Thailand Arbitration Center (THAC) – Panel Arbitrator
- American Bar Association (ABA) – TechCred Program Ambassador and Faculty Member 2025
- Chartered Institute of Arbitrators (CIArb) – Fellow of the Chartered Institute (FCIArb)
- International Council for Commercial Arbitration (ICCA) – Member
- Silicon Valley Arbitration & Mediation Center (SVAMC) – Member of the Board of Directors, Inaugural Chair of the SVAMC AI Task Force, Lead, Drafting Subcommittee, SVAMC Guidelines on the Use of AI in Arbitration

Publications, Articles & Thought Leadership

- American Bar Association (ABA), TechCred Program, New York, USA:
    - Program Ambassador and Faculty Member 2025
    - “Session II: Evidence in the AI Era — Authenticity, Integrity, and Fairness” (Session Co-Leader), 17 October 2025
    - “Digital Forensics & Chain of Custody” (Speaker), 17 October 2025
    - “Managing AI Evidence: Principles Over Prescriptions” (Speaker), 17 October 2025
    - “AI and Evidence Across Jurisdictions” (Speaker), 17 October 2025
- Commercial Law Development Program (CLDP), Regional ADR Symposium, Colombo, Sri Lanka, Sri Lankan Judiciary Colloquium: “The Use of AI in Judicial and ADR Proceedings” (Speaker), 13 September 2025
- Miami Arbitration Week 2024: “Technology & Arbitration” (Speaker), 5 December 2024

- American Branch of the International Law Association (ABILA) International Law Week (ILW) 2024, Speaker, “David v. Goliath: Harnessing the Power of Artificial Intelligence in International Arbitration,” 26 October 2024
- LOVILL Law Firm, Personalised Workshop, Session Leader, “AI and The Law,” 23 May 2024
- 6th ICC PANARB 2024 Conference in Panama, Speaker, “Arbitration in The Digital Era: Challenges and Opportunities. Exploring How Technology and Artificial Intelligence Are Affecting and Transforming International Arbitration,” 22 May 2024
- Commercial Law Development Program (CLDP), International ADR Workshop, Sri Lanka, Session Leader, “Workshop: Key Provisions in Institutional Rules and Best Practices for Operation and Management of ADR Centers,” 16 May 2024
- Commercial Law Development Program (CLDP), International ADR Workshop, Sri Lanka, Session Leader, “Workshop: Arbitrator and Mediator Best Practices,” 16 May 2024
- FJ&G de Saram Law Firm, Personalised Workshop, Session Leader, “AI and The Law,” 15 May 2024
- Commercial Law Development Program (CLDP), Regional Alternative Dispute Resolution Symposium Colombo, Sri Lanka, Speaker, “AI and Arbitration,” 15 May 2024
- Commercial Law Development Program (CLDP), Regional Alternative Dispute Resolution Symposium Colombo, Sri Lanka, Speaker, “Arbitration and Mediation – When and Why,” 14 May 2024
- Columbia University, Columbia Law School, “The Integration of Artificial Intelligence in Arbitration and Legal Practice,” April 2024
- ICC Panamá, Speaker, “Desayuno Arbitral: Las cuestiones de ética en el empleo de la inteligencia artificial generativa,” March 2024
- 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
- Mayer Brown & Silicon Valley Arbitration & Mediation Center (SVAMC), Speaker, “Using AI in US and International Arbitrations,” February 2024
- “The Future of AI in Arbitration: A View Through the Eyes of the SVAMC AI Guidelines,” Article published by Jus Mundi, with Felix Kasseroler, 2024
- 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
- Second edition of the ARBANZA Arbitration School, Course on oral arguments entitled “Interrogation of Witnesses and Experts,” (Co-presenter) November 2022
- 40 under 40 in International Arbitration, by Carlos González-Bueno 2021 Edition, “Cybersecurity in Times of Virtual Hearings,” (Co-author) May 2021
- International Chamber of Commerce (ICC), 100 Years Commemorative Magazine, “Third Party Funding: Conflict of Interest and Privilege Issues,” September 2019