

5Gambit Disputes

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Leonid is admitted to practice in Switzerland, Germany, and (expected in 2025) England & Wales. He has more than 10 years of extensive experience advising corporations, sovereign states, private equity and venture capital funds, and high-net-worth individuals on resolving complex disputes. His expertise spans commercial and investment arbitration, data protection, and regulatory matters, with a particular focus on sectors including energy, construction, post-M&A, gaming, sports, and esports. Leonid represents clients in both state-court litigation and international arbitration, including ICSID, ICC, SAC, SIAC, DIS and ad hoc proceedings. He has acted as counsel, arbitrator, and secretary of the Tribunal in high-stakes cases across Europe, Asia, and beyond.

Leonid has a notable track record in international disputes, including the representation of European energy companies in high-value gas pricing disputes, and advising states and investors in investor-State arbitrations. He also has significant experience in sports arbitrations, currently serving as a judge of the Swiss Sports Tribunal.

Leonid is currently a Ph.D. candidate in Public International Law at Heinrich-Heine-University Düsseldorf and is completing his LL.M. studies at the Instituto Superior de Derecho y Economía (ISDE) in Madrid.

Leonid is regularly lecturing at prominent institutions such as the University of Hagen and Yaroslav Mudryi National Law University. He is also one of the founders of the NGO "United for Ukraine," which was shortlisted for the Financial Times Innovative Lawyers' Award in 2023 in the category of "Legal Department: Innovation in Operational Efficiency," recognizing its exceptional work in this area. Leonid is also a founding member to various esports initiatives and legal advisor to esports clubs and federations.

Leonid has been consistently recognized as a rising star in the legal field, being listed among the Lexology Index (formerly Who's Who Legal) Future Leaders in Arbitration and recommended by Legal500 for his expertise in international arbitration, dispute resolution, and sports arbitrations.

Career

- 2024 Counsel, 5Gambit Disputes, Zurich, Switzerland
- 2023 Senior Associate, Eversheds Sutherland, Zurich, Switzerland
- 2019 Mid-Level Associate, Peter & Kim, Geneva, Switzerland
- 2017 Associate, LALIVE, Geneva, Switzerland
- 2016 Associate, Kantenwein, Munich, Germany

Education

- 2024 LL.M. in Global Master in International Sports Law, Instituto Superior de Derecho y Economía (ISDE)
- 2024 PhD, Heinrich-Heine-University Düsseldorf, Germany
- 2024 MLaw, Distant University of Switzerland
- 2015 Ass. iur., Second State Examination, Appellate Court of Düsseldorf, Germany
- 2011 Dipl. iur., First State Examination, Heinrich-Heine-University Düsseldorf, Germany

Admissions

- Switzerland
- Germany

Market Perception

- „Leonid is very knowledgeable and responsive.“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2023)
- „He ensures an excellent grasp of issues in the case at hand.“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2023)
- „He is particularly experienced in CIS matters.“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2023)
- „Leonid is an outstanding arbitration practitioner with diverse experience and a broad network“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2022)
- „Leonid is multi-lingual, one of the recipes for success in international arbitration“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2022)
- „His broad expertise is only topped by his bright mind“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2022)
- „He is an innovative thinker and an expert in CIS and eSports disputes“ (Who’s Who Legal, WWL, Future Leaders - Non-Partners, 2022)

Experience

The following is a selection of matters in which Leonid Shmatenko was involved:

- Representation of a Turkish State-owned gas company in a USD 2 billion Stockholm-seated ad hoc arbitration against a State-owned gas company in a gas-pricing dispute
- Representation of a Singaporean investor in an USD 15 million ICSID arbitration against China
- Representation of a CIS businessman against a CIS State in a USD 200 million investor-State arbitration (UNCITRAL) arising out of the alleged takeover and seizure of a chocolate factory
- Representation of an Eastern European State against an Eastern European investor in a USD 100 million ICSID investor-State arbitration in a dispute arising out of the Government’s alleged misconduct concerning the tender process for a steel plant, and subsequent actions that allegedly rendered the plant unprofitable and caused its insolvency
- Representation of a German publishing house against a German newspaper publisher in a USD 5 million post M&A arbitration under the DIS Rules
- Representation of a Ukrainian gas trader against a Hungarian gas trader in a commercial arbitration concerning gas trading under the ICC-Rules, Zurich seat, and Swiss law applicable

- Acted as secretary to the Tribunal in an ICC-Case, Frankfurt seat, in a dispute between two German automotive suppliers arising out of a Supply Framework Agreement
- Acted as secretary to the Tribunal in an ICC-Case, Munich seat, in a dispute between two water meter manufacturers arising out of a Framework Agreement
- Representation of a Western African state in an ICSID investor-State arbitration in a dispute arising out of a termination of a Concession Agreement for a container terminal of a port, its expansion and the development of a railway station

Professional Memberships

Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)

Deutsche Initiative Junger Schiedsrichter (DIS-40)

Young ICCA

Ukrainian Arbitration Association (UAA)

Ukrainian Bar Association (UBA)

Young International Arbitration Group (YIAG)

ICC Young Arbitrators Forum (ICC YAF)

The Young Austrian Arbitration Practitioners (YAAP)

Düsseldorf Moot Association e.V. (DMA)

Publications

Articles and Book Chapters

- Evolution of the Lex Olympica and the Emergence of Esports Regulation
in: Special issue at International Sports Law Journal, to be published (co-authored with Anastasiia Dulcka)
- Esports and the Potential for Investor-State Disputes
in: Leonid Shmatenko, Rodolphe Ruffié-Farrugia, Oleksandr Volkov (Eds.), Esports: Law and Practice, Edward Elgar 2024, to be published (co-authored with Anastasiia Dulcka)
- The Bilateral Investment Treaty, the Free Trade Agreement between Turkey and Ukraine and the Russo-Ukrainian War
in: to be published (co-authored with Dr. Can Eken)
- ESport und Mediation
in: Thomas Wallentin (Ed.), Fokus Sport – Das Recht, 2022, pp. 181 - 248 (co-authored with Bernhard Campara-Kopeinig)
- Rechtliche Probleme des eSports und Schiedsgerichtsbarkeit als mögliche Lösung
in: Sport und Recht (SpuRt), 2022, pp. 2 – 10.
- eSports – “It’s in the Game”: The Naissance of a New Field of International Arbitration
in: Carlos González-Bueno Catalán de Ocón (Ed.), 40 under 40 International Arbitration 2021, 2021, pp. 393 – 412.
- “Is the Tariff Greener on the Other Side?” - An Analysis of the Ukrainian Green Tariff Changes and the Threat of Investment Treaty Claims
in: Periballon & Dikaio - Special issue “Hydrocarbons: end of an era?”, 2020, pp. 375 – 389. (co-authored with Anastasiia Dulcka)
- LNG Contract Adjustments in Difficult Times: The Interplay between Force Majeure, Change of Circumstances, Hardship, and Price Review Clauses
in: OGEL Special Issue on “Changing LNG Markets and Contracts”, 2020 (co-authored with Konstantin Christie und Mino Han)

- “Gesunde Regulierung?” – Lebensmittel und Alkohol im Einheitskleid – Zur Vereinbarkeit von verpackungsbezogenen Maßnahmen für ungesunde Lebensmittel und Alkohol mit Art 17 Abs 2 Charta der Grundrechte der Europäischen Union” in: Zeitschrift für Europarecht, Internationales Privatrecht und Rechtsvergleichung (ZfRV) 2018, pp. 244 – 258 (co-authored with Dr. David Shaverdov).
- Digitale Zahlungsmittel in einer analog geprägten Rechtsordnung – A bit(coin) out of control – Rechtsnatur und schuldrechtliche Behandlung von Kryptowährungen in: MultiMedia und Recht 2018, pp. 495 – 501 (co-authored with Stefan Möllenkamp).
- Packaging-Related Measures for Alcohol and Unhealthy Food and their Impact on Trademarks – The Perspective of Article 17(2) CFRE in: Zeitschrift für das gesamte Lebensmittelrecht (ZLR) 2018, pp. 315 – 335 (co-authored with Dr. David Shaverdov).
- Die Schliessung einer Betriebskrankenkasse sowie ihre Auswirkungen auf Schuldverhältnisse in: Neue Zeitschrift für Sozialrecht 2018, pp. 306 – 310.
- The Arbitrability of Corporate Disputes in Ukraine in: ASA Bulletin 2018, pp. 53 – 76 (co-authored with Prof. Dr. Svitlana Bezv).
- Corruption in Investor-State Arbitration – It Takes Two to Tango in: New Horizons of International Arbitration, A.V. Asoskov, A.I. Muranov, R.M. Khodykin (Eds.), 2018, pp. 150 – 179 (co-authored with Sergey Alekhin).
- Die Schiedsfähigkeit gesellschaftsrechtlicher Streitigkeiten in der Ukraine in: SchiedsVZ 2017, pp. 300 – 311 (co-authored with Prof. Dr. Svitlana Bezv).
- Arbitrability of Corporate Disputes in Ukraine in: The Ukrainian Journal of Business Law 2017, pp. 32 – 34 (co-authored with Prof. Dr. Svitlana Bezv).
- “Smells like Teen Spirit” – Zur Geruchsbelästigung durch Parfumemissionen des Einzelhandels in: Juristische Arbeitsblätter 2017, pp. 450 – 456 (co-authored with Eric Bremer und Dr. Lea Bosch).
- Der rechtliche Status der cGMP und der FDA-Guidances im amerikanischen Verwaltungsrecht in: Arzneimittel und Recht 2016, pp. 71 –76.
- Tobacco Control in Europe: The Potential for Plain Packaging in: Andrew Mitchell / Tania Voon / Cathrine Gascoigne (Eds.), International Legal Dimensions of Tobacco Control, Edward Elgar, 2014, pp. 187 – 208. (co-authored with Dr. Peter Henning)
- Einheitsverpackungen von Tabakerzeugnissen und die Charta der Grundrechte der EU in: ZfRV 2014, pp. 4 – 20.
- “Wer wird denn da gleich in die Luft gehen?” – Das neue Tabakgesetz der russischen Föderation in: Wirtschaft und Recht Osteuropas (WiRO) 2013, pp. 321 – 327 (part 1); in: WiRO 2013, pp. 367 – 373 (part 2).
- Die bilateralen Investitionsschutzabkommen Russlands in: eastlex 2013, pp. 100 – 104.
- Is lex mercatoria jeopardizing the Application of Substantive Law in International Arbitration? in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech (& Central European) Yearbook of Arbitration, Volume III, 2013, Borders of Procedural and Substantive Law in Arbitral Proceedings (Civil versus Common Law Perspectives), Juris Publishing, Inc., 2013, pp. 89 – 108.
- Regulatory Measures through Plain Packaging of Tobacco Products in the Light of International Trade Agreements in: Alexander J. Belohlávek / Nadežda Rozehnalova (Eds.), Czech Yearbook of International Law, Volume IV, 2013, Regulatory Measures and Foreign Trade, Juris Publishing, Inc., 2013, pp. 27 – 48.
- Schiedsverfahrensrecht der Republik Kosovo in: ZfRV 2013, pp. 132 – 141 (co-authored with Dr. Shpetim Bajrami).

- An Overview of Kazakhstan's Investment Laws and its Investor-state Arbitral Awards
in: XXX/4 International Law Quarterly (ILQ) 25 – 33 (2013).
- Verfassungsmäßigkeit von Einheitsverpackungen (Plain Packaging) bei Zigaretten
in: Juristische Ausbildung (JURA) 2013, pp. 74 – 81.
- Plain Packaging on its way to Europe – Competence Issues and Compatibility with European Fundamental Rights
in: TDM 5 (2012), www.transnational-dispute-management.com (co-authored with Dr. Peter K. Henning).
- Wirtschaftsgerichtsbarkeit und Schiedsgerichtsbarkeit in der Ukraine
in: JOR – "Jahrbuch für Ostrecht. Band 53 (2012), pp. 207 – 233 (co-authored with Julia Markov).
- Die Reform des ukrainischen öffentlichen Baurechts
in: eastlex 2012, pp. 107 – 110.
- "Piercing the Corporate Veil" is relative
in: 4 Young Arbitration Review, pp. 25 – 29 (2012).
- Die Voraussetzungen für den Abschluss eines Internationalen (Kauf-)Vertrages in der Ukraine
in: WiRO 2012, pp. 108 – 113.
- Die Arbeitsgerichtsbarkeit in der Ukraine
in: Osteuropa Recht (OER) 2011, pp. 397 – 402 (co-authored with Dr. Martin M. Blüm).
- Das ukrainische Individualarbeitsrecht
in: OER 2011, pp. 188 – 198 (co-authored with Dr. Martin M. Blüm).

Case Notes

- [Ukraine] Oberstes Handelsgericht - Entscheidung vom 2. Februar 2017 - Über die einseitige Aussetzung einer Schiedsklausel in der Ukraine
in: WiRO 2018, pp. 235 – 240.
- [Ukraine] Hohes Fachgericht für Zivil- und Strafsachen - Entscheidung vom 10. Oktober 2012 - Über die Vollstreckung ausländischer Schiedssprüche und die öffentliche Ordnung
in: Praxis des internationalen Privat- und Verfahrensrechts (IPRax) 2013, pp. 449 – 450 und 473 – 474.
- [Russia] Oberstes Handelsgericht - Entscheidung vom 19. Juni 2012 - Zur Gültigkeit von asymmetrischen und fakultativen Schiedsklauseln
in: WiRO 2013, pp. 60 – 62.
- [Russia] Verfassungsgerichtshof - Entscheidung vom 2. November 2011 - Zur Vollstreckungsfrist für ausländische Schiedssprüche
in: eastlex 2012, pp. 194 – 196.
- [Belarus] Verfassungsgerichtshof - Entscheidung vom 7. Juli 2011 - Zur Verfassungsmäßigkeit des Gesetzes «Über die Schiedsgerichtsbarkeit»
in: OER 2/2012, pp. 80 – 83.
- [Poland] Oberster Gerichtshof - Entscheidung vom 13. Juli 2011 - Über Nichtunterzeichner von Schiedsvereinbarungen
in: WiRO 2012, pp. 124 – 126 (co-authored with Dr. Martin M. Blüm).
- [Russia] Verfassungsgerichtshof - Entscheidung vom 26. Mai 2011 - Über die Zuständigkeit von Schiedsgerichten für die Entscheidung von Immobilienklagen
in: OER 2011, pp. 335 – 338.

Monographies, Editorships and Commentaries

- Art. 6-10 and Art. 50-53 WIPO Arbitration Rules
in: The WIPO Arbitration Rules, M. Arroyo (Eds.), Wolters Kluwer, 2024, to be published
- Esports Legal Wiki (<https://esportslegal.wiki>)
Co-editor with Dr. Despoina Farmaki, Stand: 28. May 2024
- Von Achmea und Komstroy: Zur Unionsrechtswidrigkeit von intra-EU-Investitionsschiedsgerichtsbarkeit, GRIN, 2024.
- eSports: Law and Practice
Co-editor with Oleksandr Volkov und Rodolphe Ruffié-Farrugia, Edward Elgar, 2024, to be published
- eSports
in: Handbuch Multimedia-Recht, T. Hoeren, U. Sieber, B. Holznagel (Eds.), 2024, to be published (co-authored with Dr. Valentin Horst)
- Blockchain und Kryptowährungen
in: Handbuch Multimedia-Recht, T. Hoeren, U. Sieber, B. Holznagel (Eds.), 2019 (co-authored with Stefan Möllenkamp).
- Die Rolle des Verfassungsgerichts in jungen Demokratien, insbesondere der Ukraine, GRIN, 2010.
- Der Beschädigungsbegriff des § 303 StGB, GRIN, 2008.

Miscellaneous

- Interview mit Digital Coffee Break in Arbitration: Arbitration in the Esports sector
See part 1 <https://www.digital-arbitration.com/edition-16-leonid-shmatenko-part1/> and part 2 <https://www.digital-arbitration.com/edition-16-leonid-shmatenko-part2/>
- Interview with «Stud. Jur.» Cryptocurrencies in German Law
see: <https://indd.adobe.com/view/97a0c495-c689-4baf-b677-3cfc02ea70c0>
- Jus Mundi Wiki Note «Continuous Nationality Rule»
see: <https://jusmundi.com/en/document/wiki/en-continuous-nationality-rule>
- Book Review: Jan Paulsson, Georgios Petrochilos, UNCITRAL Arbitration
in: ASA Bulletin 2018, pp. 799 – 801.
- Reconciliation of Economic Interests of Entities on the Energy Market
in: Journal of the Management and Marketing Faculty of the National Technical University of Ukraine “Igor Sikorsky Kyiv Polytechnic Institute” 2017 (co-authored with Dr. Uliana Bihun).
- Mögliche Auswirkungen der EU-Sanktionen gegen Russland auf die Schiedsgerichtsbarkeit
in: JUVE-Handbuch 2016 (co-authored with Marcus van Bevern).
- Interview with «The American Lawyer», “Cigarettes, (Un)Branded”, Intellectual Property, ALM Supplement, Fall 2014, pp. 22 – 28 (see: <https://www.law.com/corpcounsel/almID/1202669248576/Cigarettes-Unbranded%3Fmcode=1202669089804/>).
- Interview with “The Voice of Russia”, “If petition against Yanukovich gathers 100,000 signatures people might have to wait for month for official response from White House”, The Voice of Russia, 28 November 2013.

