



## David Vich Comas

Partner

Palma de Mallorca

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### Dispute Resolution: Litigation and Arbitration

Tourism and Hotels

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David Vich Comas is partner in the Litigation and Arbitration Department, where he practises in the areas of civil and commercial contracts, corporate disputes, unfair competition and construction law. He has extensive experience in advising on pre-litigation and litigation matters before numerous national courts and national and international arbitration tribunals. In addition, he is member of the Tourism & Hotels industry, advising, in the field of tourism in general and the hotel sector in particular, numerous national and international companies in this industry. He is chairman of the Tourism and Hotels working group of CIAM. He has been recognised with the "40 under 40" Award 2017 (Iberian Lawyer) as one of the 40 most outstanding lawyers under 40 in Spain and Portugal, and by the prestigious directory Best Lawyers List for Spain as one of the most outstanding litigators in Spain. Regarding to his specialization in the Tourism & Hotels industry, Who's Who Legal has recognized him as one of the most outstanding lawyers.

### Experience

David Vich Comas has been a partner in the Litigation and Arbitration department since 2017, having joined the firm in 2001. In his professional activity he has been involved in highly complex litigation, including:

- Litigation related to supervening alterations in long-term contractual relationships, force majeure and rebus sic stantibus.
- Litigation relating to unfair competition (acts contrary to good faith, acts of deception, taking advantage of another's breach of contract, taking advantage of another's efforts, etc.).
- Disputes relating to construction defects, settlement of complex works, etc.
- Disputes relating to breach of contract, defective performance of obligations, frustration of the purpose of the contract, etc.
- Litigation relating to corporate disputes, breach of the right to information, directors' liability, challenges to corporate resolutions, conflict of interest, etc.

- Requests for assistance from Spanish courts in relation to cross-border litigation, precautionary measures and enforcement of foreign judgments.
- Litigation related to the arrest of ships.

He also provides ongoing advice, both pre-litigation and litigation, on matters related to the tourism sector in general and the hotel sector in particular, including:

- Negotiation of hotel management contracts, hotel industry leasing, hotel franchising, asset management, sub-management of F&B spaces, etc.
- Litigation related to hotel sector contracting, including disputes regarding remuneration calculation, performance test, CapEx investments, FF&E reserve application, hotel disaffiliation, etc.
- Aeronautical contracting disputes (ACMI, wet lease, dry lease) and claims for damages for aeronautical incidents/injuries.
- Litigation related to consumer rights in the tourism sector, package tours, etc.

## Academic background

- Degree in Law, Universitat de les Illes Balears. Special Degree Prize.
- Specialist qualification in Court Procedural Law, Universitat de les Illes Balears.
- Associate's Degree in Ecclesiastic Law, Tribunal de la Rota Romana.
- Successfully completed the research period within the doctorate program organized by the Private Law department of Universitat de les Illes Balears.
- Specialist qualification in Online Intellectual and Industrial Property Law, Universitat Oberta de Catalunya and Universitat de les Illes Balears.

## Teaching activity

David is a regular speaker in specialised forums, highlighting his presentations related to contracting in the hotel sector both in sector forums (CAEB, CEHT, etc.) and in master's programmes on the subject (Master's Degree in Tourism Contracting - UIB and Master's Degree in Tourism Management - UIB). He has also taught at the University of the Balearic Islands, where he has also been the coach of the "Moot" team for several years. He is currently a member of the teaching team of the Forum Aranzadi Concursal Illes Balears.

## Memberships

- Balearic Isles Bar Association
- Club Español del Arbitraje.
- Chairman of the Tourism and Real Estate working group of CIAM

## Distinctions

- Special Mention "Young Jurist of the Year Award", 2004

- "40 under 40" Award 2017 (Iberian Lawyer)
- Best Lawyers List for Spain: Litigation
- Who's Who Legal: world's leading hospitality lawyer

## **Publications**

Author of "Renting Agreements" (\*), published by the Balearic Isles Bar Association in 2005. Miguel Frontera Legal Article Award.

(\*) originally published in Spanish. See Spanish version of CV for more information.