

International Commercial Arbitration Commentary And Materials

International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions Fourth Edition Dr Peter Binder This new edition of a classic text is so extensively revised and updated as to constitute a new book. It does, however, retain the tried and tested article-by-article structure of the previous three editions: it covers all the information needed when contemplating cross-border arbitration or mediation and enables a practitioner to ascertain what to expect in each jurisdiction. It remains the only book that provides a complete overview of all the adopting jurisdictions (now 111) at one glance, with a description of the legislation in these jurisdictions counterbalanced by court rulings to demonstrate how matters are dealt with in everyday practice. The popular adoption chart matrix unique to this book has been further enhanced and updated. Featuring the first full commentary on the newly released 2018 UNCITRAL Model Law on International Commercial Mediation (including its revolutionary regime for the enforcement of settlement agreements reached by means of mediation) and an update of all case law on UNCITRAL texts (CLOUT) to date, the fourth edition provides explicit expert guidance on such matters as the following: overview of each jurisdiction that has enacted the Model Laws; provisions in a particular national Model Law enactment to be watched out for; how a particular issue dealt with in a Model Law enacting jurisdiction has been handled by local courts; and which jurisdictions can be safely recommended in arbitration or mediation clauses in international commercial agreements. Both the Model Laws are reproduced in full in an appendix. With an examination of each provision's legislative history as well as national and subnational adoptions of the Model Laws, this work provides a complete picture of global practice in international arbitration and mediation as it exists today, taking full account of emerging trends in the enactment process and in case law. Business people who agree to arbitrate in one of the 111 recognized Model Law jurisdictions can rely on a secure minimum of rights in the arbitral proceedings and run less risk of being surprised by unwelcome peculiarities of local law. International litigation lawyers, arbitrators, and in-house lawyers who are considering arbitrating or mediating in one of the 111 jurisdictions analysed, academics in international ADL, and national government officials dealing with cross-border trade will benefit enormously from this new edition. This Commentary provides rich and detailed analysis both of the provisions of the UNCITRAL Model Law on International Commercial Arbitration (the Model Law), and of its implementation, including a comparative account of the operation of the Model Law in the numerous jurisdictions which have adopted it throughout the world. Key Features: Comparative and thorough analysis of the provisions of the Model Law Consideration of the interpretations of the Model Law adopted by courts, with references to numerous cases from common law jurisdictions (Singapore, Hong Kong, India, Australia, New Zealand, Canada), Germany and Austria, central Europe (Poland, Hungary, Bulgaria), Spain, South Korea and Egypt Insight into variations in the statutory implementation of the Model Law in various jurisdictions across Europe, Asia, the Middle East and Latin and North America, with the most common amendments identified and highlighted Discussion on whether the amendments adopted in Model Law jurisdictions should be persuasive in other Model Law jurisdictions Exploring how the Model Law is applied and interpreted in multiple jurisdictions, this practical and exhaustive commentary will be an essential resource for arbitrators and commercial litigators and will also appeal to scholars in the fields of arbitration, international dispute resolution, and international commercial law.

An examination of arbitral and alternative dispute resolution (ADR) processes in the African context.

Based on and includes revisions to : Trait é de l'arbitrage commercial international / Ph. Fouchard, E. Gaillard, B. Goldman. 1996-Cf. foreword.

Standard Clauses and Forms - Commentary

Commentary, Precedents, Materials

A Global Commentary on the New York Convention

Standard Clauses and Forms - Commentary

A Practical Guide to International Commercial Arbitration

The second edition of Gary Born's International Commercial Arbitration is an authoritative 4,408 page treatise, in three volumes, providing the most comprehensive commentary and analysis, on all aspects of the international commercial arbitration process, that is available. The first edition of International Commercial Arbitration is widely acknowledged as the preeminent commentary in the field. It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil, Gas, Mining and Infrastructure Dispute Management list serve in 2010. The first edition has been extensively cited in national court decisions and arbitral awards around the world. The treatise comprehensively examines the law and practice of contemporary international commercial arbitration, thoroughly explicating all relevant international conventions, national arbitration statutes and institutional arbitration rules. It focuses on both international instruments (particularly the New York Convention) and national law provisions in all leading jurisdictions (including the UNCITRAL Model Law on International Commercial Arbitration). Practitioners, academics, clients, institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work.

The second edition of International Commercial Arbitration has been extensively revised, expanded and updated, to include all material legislative, judicial and arbitral authorities in the field of international arbitration prior to January 2014. It also includes expanded treatment of annulment, recognition of awards, counsel ethics, arbitrator independence and impartiality and applicable law. Overview of volumes: Volume I, covering International Arbitration Agreements, provides a comprehensive discussion of international commercial arbitration agreements. It includes chapters dealing with the legal framework for enforcing international arbitration agreements, the separability presumption, choice of law, formation and validity, nonarbitrability, competence-competence and the allocation of jurisdictional competence; the effects of arbitration agreements; interpretation and non-signatory issues. Volume II, covering International Arbitration Procedures, provides a detailed discussion of international arbitral procedures. It includes chapters dealing with the legal framework for international arbitral proceedings; the selection, challenge and replacement of arbitrators; the rights and duties of international arbitrators; selection of the arbitral seat; arbitration procedures; disclosure and discovery; provisional measures; consolidation, joinder and intervention; choice of substantive law; confidentiality; and legal representation and standards of professional conduct. Volume III, dealing with International Arbitral Awards, provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, its pendens and staredecisis.

Article 1 - original version [Scope of application] --Article 1 - as amended [Scope of application] --Article 2 [Definitions and rules of interpretation] --Article 2A - as added [International origin and general principles] --Article 3 [Receipt of written communications] --Article 4 [Waiver of right to object] --Article 5 [Extent of court intervention] --Article 6 [Court or other authority for certain functions of arbitration assistance and supervision] --Article 7 - original version [Definition and form of arbitration agreement] --Article 7 - as amended [Definition and form of arbitration agreement] --Article 8 [Arbitration agreement and substantive claim before court] --Article 9 [Arbitration agreement and interim measures by court] --Article 10 [Number of arbitrators] --Article 11 [Appointment of arbitrators] --Article 12 [Grounds for challenge] --Article 13 [Challenge procedure] --Article 14 [Failure or impossibility to act] --Article 15 [Appointment of substitute arbitrator] --Article 16 [Competence of arbitral tribunal to rule on its jurisdiction] --Article 17 - original version [Power of arbitral tribunal to order interim measures] --(Articles 17 - 17) - as amended [Interim measures and preliminary orders] --Article 18 [Equal treatment of parties] --Article 19 [Determination of rules of procedure] --Article 20 [Place of arbitration] --Article 21 [Commencement of arbitral proceedings] --Article 22 [Language] --Article 23 [Statements of claim and defence] --Article 24 [Hearings and written proceedings] --Article 25 [Default of a party] --Article 26 [Expert appointed by arbitral tribunal] --Article 27 [Court assistance in taking evidence] --Article 28 [Rules applicable to substance of dispute] --Article 29 [Decision making by panel of arbitrators] --Article 30 [Settlement] --Article 31 [Form and contents of award] --Article 32 [Termination of proceedings] --Article 33 [Correction and interpretation of award; additional award] --Article 34 [Application for setting aside as exclusive recourse against arbitral award] --Article 35 - original version [Recognition and enforcement] --Article 35 - as amended [Recognition and enforcement] --Article 36 [Grounds for refusing recognition or enforcement].

*No lawyer involved in international transactions can afford to ignore this authoritative guide to planning and drafting international arbitration agreements and forum selection clauses. It includes clear, practical explanations of the advantages and disadvantages of different forms of dispute resolution provisions, and detailed discussion of all elements of drafting arbitration and choice-of-court clauses. The primer includes scores of revised model arbitration and forum selection clauses, providing precise wording for use in a wide range of commercial contexts. It is designed for easy reference and use by both general practitioners and specialists. Each model clause is thoroughly annotated, including with reference to relevant scholarship and jurisprudence. The primer is authored by Gary B. Born, one of the world's pre-eminent authorities on international commercial arbitration and litigation. He is the author of International Commercial Arbitration (2d ed. 2001) and International Civil Litigation in U.S. Courts (3d ed. 2000), and a leading international arbitration practitioner. He has brought a wealth of practical experience and academic achievement together to produce a practical, authoritative guide to drafting and planning international arbitration and forum selection agreements. This second edition, extensively updated and revised, includes such features as the following: scores of sample arbitration and forum selection clauses, including leading institutional arbitration clauses, ad hoc clauses and comprehensive guidance on drafting individualized clauses; sample language relating to discovery, language, arbitrators' qualifications, confidentiality, waivers of immunity, interim relief, fast-track procedures, costs, consent to service of process, and other commonly-used provisions; descriptions of all leading international arbitration institutions (ICC, LCIA, AAA, ICSID) and most major regional arbitration institutions, including commentary on individual characteristics of each institution; practically-oriented discussions of the importance of the arbitral seat, means of selecting arbitrators, language, and other key issues; detailed guidance on drafting choice-of-law clauses (including samples) and their role in dispute resolution; and practical analysis of enforcement of international arbitration and forum selection agreements, as well as national court judgments and international arbitral awards, under leading conventions and national laws. An appendix contains texts of the New York and European Conventions and the UNCITRAL Model Law, as well as arbitration rules of leading arbitral institutions. Designed for easy reference and use by both general practitioners and specialists, the book is required for any international practitioner or corporate counsel engaged in international matters. ADVANCE REVIEWS OF THE SECOND EDITION "An excellent work by one of the world's leading arbitration authorities and practitioners. This comprehensive review of international arbitration is bound to become essential reading for students and practitioners alike, especially for anyone drafting arbitration clauses." Roberto Danino, Secretary General of the International Centre for Settlement of Investment Disputes (ICSID) "Gary Born's new edition of this classic work covers everything a drafter of dispute resolution clauses needs to consider, with useful model clauses, and is up to the minute on all recent developments." James H. Carter, Chairman of the Board, American Arbitration Association "Many books are devoted to the subject of international arbitration, but this is one of the few which stand out as particularly valuable due to Commercial Arbitration * Arbitration Agreements * Procedure * The Role & Standards of Conduct of Arbitrators * Awards * Remedies * Enforceability of Arbitral Awards * Stay of Enforcement * Appeal of Decision * Modification of Decision * Recognition of Awards * Appendices: * Major Arbitration Rules & Procedures * Model Arbitration Clauses * Major Arbitral Centers & Relevant Information About Them.*

The Unidroit Principles

The DIS Arbitration Rules

UNCITRAL Model Law on International Commercial Arbitration

A Commentary on International Arbitration in Austria

Cases and Materials [Connected eBook]

Buy a new version of this textbook and receive access to the Connected eBook on Casebook Connect, including: lifetime access to the online eBook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Learn more about Connected eBooks. This important casebook is based on the leading commentary in the field—Born ’ s treatise, International Commercial Arbitration (Kluwer Law International, 3d ed. 2021). The casebook provides a comprehensive treatment of international commercial arbitration (focused on the New York Convention and UNCITRAL Model Law), while also offering commentary examples drawn from state-to-state and investment arbitration. An easy-to-use chronological structure follows the course of an international arbitration. Careful case excerpts allow instruction to focus on key stages of the arbitration, legal issues and practical aspects of international arbitration, while also providing opportunities for discussions of policy considerations. New to the Third Edition: Comprehensively updated through April 2021 to include: Legislative enactments, judicial decisions, arbitral awards, institutional rule amendments, and other developments Excerpts of, and notes on, GE Power v. Outokumpu Stainless, Enka v. Chubb, Halliburton v. Chubb, ASA Bioenergy v. Ometto, and recent arbitral awards Updates of all leading institutional arbitration rules Notes on ALL Restatement of the U.S. Law of International Commercial and Investor-State Arbitration Revisions to IBA Guidelines on Conflicts of Interest in International Arbitration, proposed UNCITRAL/ICSID Code of Conduct for Adjudicators in International Investment Disputes, and Prague Rules on Efficient Conduct of International Arbitration Proceedings Updated Notes with issues encountered in an international arbitration practice group, including in-person versus remote hearings, arbitrator selection, multi-party arbitrations, and costs Professors and student will benefit from: A text that is: Based on Gary Born ’ s treatise, International Commercial Arbitration, Third Edition, which is recognized as the leading treatise in the field and is routinely cited in decisions by the U.S., U.K., Canadian, Australian, Indian, and other Supreme Courts Thoroughly international, with materials focused on the New York Convention and Inter-American Convention, and the UNCITRAL Model Law Directed toward international commercial arbitration, while including chapters and materials on investment arbitration and state-to-state arbitration, which can be included with varying levels of emphasis; courses can focus largely on international commercial arbitration or, alternatively, treat all types of international arbitration equally Materials including judicial decisions and statutory materials drawn from all leading jurisdictions (European, Asian, Americas, etc.) and arbitral awards under all leading institutional and other rules A thorough treatment of international arbitration in the United States, under the Federal Arbitration Act Carefully edited excerpts of judicial decisions, awards, institutional arbitration rules, and other materials, to focus instruction and classroom discussion on key issues Notes and questions identify practical issues arising in international arbitration Experienced authors with 35 years of practice as counsel and arbitrator in international arbitrations and close involvement with leading international arbitral institutions Teaching materials Include: Teacher ’ s Manual Born ’ s Lectures (available separately, at limited cost, from Wolters Kluwer), together with PowerPoint

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices.

Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

The Model Law, a major accomplishment in the field of international commercial arbitration, was prepared by the UN Commission on International Trade Law and is recommended by the UN General Assembly for use by governments throughout the world. The book contains separate sections for each of the thirty-six articles of the Model Law. After a commentary, each section contains the complete legislative history of the particular article. Arranged and edited for quick reference, this includes drafts, reports, summary records of debates, government comments and conference room papers. The book is designed to help practitioners and legislators wishing to evaluate and improve their country's arbitration law, and for lawyers and courts, in jurisdictions where all or part of it is enacted, and who are called upon to interpret the Model law.

NO SALES RIGHTS IN SWITZERLAND This second edition of the first comprehensive commentary on the Swiss Rules of International Arbitration covers the new version of these rules which entered into force on 1 June 2012. It is a practical guide for arbitrators, counsel, state courts and persons involved in the conduct and administration of arbitral proceedings under the Swiss Rules. This commentary presents the new version of the Swiss Rules from a double perspective. On the one hand, it emphasizes the relationship between these Rules and the Swiss legal regime governing international arbitration, namely the provisions of chapter 12 of the Swiss Private International Law Statute. On the other hand, it puts these Rules in an international perspective by comparing them with the corresponding provisions of the other major institutional rules (ICC, LCIA, SCC, DIS, VIAC, SIAC, HKIAC, CIETAC, AAA ICDR, WIPO and ICSID) and with the provisions of the former edition of the rules. Finally, it highlights the main differences between the Swiss Rules and the UNCITRAL Arbitration Rules which were revised in 2010. This book is written by arbitration practitioners based in Switzerland who work with established law firms, widely experienced in international commercial arbitration. It is the work of a refreshing new generation of Swiss arbitration specialists. Two of the editors were members of the working group for the revision of the Swiss Rules and thus bring special insight into the book about the revision process.

Language in Arbitration Procedure

International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions

Rethinking International Commercial Arbitration

Fouchard, Gaillard, Goldman on International Commercial Arbitration

Swiss Rules of International Arbitration - Second Edition

Providing a handy guide for those who require practical and easily accessible advice on issues relating to international commercial arbitration, this text deals with both the contractual arrangements necessary to provide for arbitration in the event of a dispute and the processes of arbitration itself.

The UNIDROIT Principles of International Commercial Contracts provide an excellent tool for cross-border contracts restating an international understanding of global contract law. They can be chosen as a neutral and pragmatic business oriented contractual regime for cross-border contracts, developed under the auspices and finally approved by the intergovernmental organization UNIDROIT (Rome). They contain over 50 solutions to typical contractual questions constituting compromises between civil and common law. The United Nations Commission on International Trade Law has endorsed their use "as appropriate, for their intended purposes." The commentary analyses the UNIDROIT Principles article by article from a practical perspective, while always discussing alternative courses of action, where they apply. In analysing the UNIDROIT Principles of 2016 in their 4th version, the author navigates the reader through the system of the 211 principles, which provide a sound basis for international contracts. The author is a German practitioner with international training and familiarity with both common and civil law. He has been admitted to the New York Bar and also teaches at the University of Hamburg as a professor of law. He is a regular user and advocate of the UNIDROIT Principles both in arbitrations and in his legal practice.

This commentary on the International Centre for Dispute Resolution (ICDR) Rules is a comprehensive reference work for practitioners and arbitrators considering ICDR arbitration. The International Centre for Dispute Resolution (ICDR) is the international division of the American Arbitration Association (AAA) and given that an excess of 600 arbitrations are now administered every year under the ICDR Rules, this book answers the need for the first comparative guide devoted to them. The ICDR International Arbitration Rules are structured in accordance with the typical life-cycle of an international arbitration and thus the book follows their thematic structure, providing ample cross-referencing to assist the reader in understanding the relationship between the various rules and genuine issues likely to be encountered during an arbitration. The commentary embraces each of the 37 articles in their entirety and includes discussion of how each provision compares to analogous rules of other major arbitral institutions. The authors draw not only on their own experience, but on caselaw gathered from foreign jurisdictions and from the rich vein of caselaw in the US (applying the ICDR Rules and, where appropriate, analogous provisions of various AAA domestic rules). The work's comparative perspective helps to emphasize key issues to consider when drafting an arbitral clause or strategizing over the conduct of an arbitration. A Guide to the ICDR International Arbitration Rules features multiple appendices and difficult-to-find resources to form a collection of core materials which include the ICDR Rules, the administrative fee schedule, guidelines for exchanges of information, practice notes and key AAA cooperation agreements with other institutions. Together, Gray, Hosking and Schwarz form a strong author team of practitioners whose combined experience includes having co-chaired the ICDR's young Practitioner's group, collaborated with the ICDR and other key ICDR senior management members.

This book examines the new Vienna Rules and the Austrian Arbitration Act that both came into effect on 1 July 2006 as the result of a major reform. It is devoted to two principles. First, it recognizes that no two international arbitrations are the same. Arbitration thrives, and is today the predominant method of transnational dispute resolution, because it meets the demands of international business for flexibility and efficacy. Arbitration will continue to succeed if it retains those properties, allowing for the adoption of procedures that are customized to satisfy the commercial prerogatives of the individual case. This book seeks to provide its readers with a general framework, and specific instruments, to negotiate that process.

International Civil Litigation in United States Courts, 2011-2012 Statutory Supplement

Assessment, Planning and Strategy

A Practical Approach for International Commercial Arbitration

International Arbitration: Law and Practice

A Guide to the UNCITRAL Model Law on International Commercial Arbitration

The Brussels I Regulation, which ensures the free circulation of judgments within the EU, was recently revised one of the main issues addressed was whether the Regulation affects the efficient resolution of international commercial disputes through arbitration within the Union. This book provides an in depth examination of the interface between the Regulation and international commercial arbitration The author demonstrates that the consequences of this interface can encourage the use of delaying tactics, hampering the efficient resolution of international disputes. Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

Originally drafted during the Cold War era to facilitate trade between Western and Eastern European countries, the European Convention on International Commercial Arbitration (ECICA) has come to the fore in recent years as commercial relationships proliferate between Western Europe and such resource-rich countries as Russia, Ukraine, and Kazakhstan. This commentary is the first comprehensive overview in English of the Convention's provisions, annexes, subsequent agreements, and relevant case law and scholarship. Following three introductory chapters—on subjective arbitrability, applicable law, and ordre public in enforcement proceedings—The book provides a detailed commentary and analysis of each of the Convention's articles in turn. Detailed answers will be found to such questions as the following - Which law is applicable to the substance of a dispute within the Convention's scope of application? - Can a defective arbitration clause be "saved" and, if so, how? - In which circumstances can awards be enforced which have been set aside in the state of origin? - In which circumstances may courts decide in a matter governed by an arbitration agreement? In contrast to the other major international commercial arbitration body of rules—the New York Convention—the ECICA goes beyond enforcement and recognition of awards and codifies standards of conduct and procedure. These innovative provisions are discussed in depth. Arbitration disputes are increasing across the vast geographical region in which the ECICA is applicable, and practitioners acting in such disputes will welcome this thorough commentary on the functionality, advantages, and disadvantages of each of the Convention's provisions. They will approach national courts and arbitral tribunals with full knowledge of the rules of procedure and benefit from analysis of court decisions. Global firms, particularly in the oil and gas industry, will also appreciate the book's masterful explication of this powerful instrument in international commercial arbitration.

This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration. Combining both theory and practice, it is written by leading academics and practitioners from Europe, Asia and the Americas to ensure the book has a balanced international coverage. The book not only provides an analysis of the article critical analysis, but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions, ensuring it is more than a recitation of case law and variations in legal text. This is not a handbook for practitioners needing a supportive citation, but rather a guide for practitioners, legislators and academics to the reasons the Model Law was structured as it was, and the reasons variations have been adopted.

The Vienna Rules

An Article-by-Article Commentary

Handbook of ICC Arbitration

Legislative History and Commentary

Commentary and Materials

This volume provides a detailed review of the process of international commercial arbitration, from the drafting of the arbitration agreement to the enforcement of the arbitral tribunal's award. It has been revised to include appendices which describe the arbitration rules of various countries.

International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. In addition, the book provides a detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic International Commercial Arbitration and with the online Born International Arbitration Lectures, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of International Commercial Arbitration (Kluwer Law International 3rd ed. 2021), International Arbitration and Forum Selection Agreements: Drafting and Enforcing (Kluwer Law International 6th ed. 2021), International Commercial Arbitration: Cases and Materials (Aspen 3rd ed. 2021) and International Civil Litigation in United States Courts (Aspen 6th ed. 2018).

Handbook of ICC Arbitration provides expert analysis of the whole process of using and adhering to the ICC Arbitration Rules. It examines close up the diverse issues that can occur during an arbitration and hosts essential information related to arbitration on an international level with reference to published and

unpublished awards and procedural orders, as well as to many decisions of national courts.

Based on Gary Born's well-known treatise, International Commercial Arbitration: Commentary and Materials, one of the leading authorities in the field, this new casebook is a thoroughly international approach to international

International Arbitration and Forum Selection Agreements

Commentary on the UNCITRAL Model Law on International Commercial Arbitration

International Arbitration

International Commercial Arbitration. Commentary on the Revised Draft UNCITRAL Conciliation Rules. Corrigendum

The analysis thoroughly covers the major issues that have arisen in the application of the Convention, including the following: - the use of reservations made by Contracting States; - the distinctions between recognition and enforcement and between recognition sought at the seat of the arbitration and outside the seat; - the role of the courts in reviewing arbitral awards and, in particular, the Convention's focus on safeguarding due process standards; - the more favourable rightsA' principle embodied in Article VII(1); - the relevance of forum shopping and asset spotting to the application of the Convention; and - the role of formalities and formalism. The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars, regardless of location.

The new arbitration rules of the German Arbitration Institute (Rules) entered into force on 1 March 2018. Drafted over an intense period of eighteen months by a committee of globally recognized experts with the active participation of nearly 300 arbitration practitioners, the Rules stand poised to attract parties seeking dispute resolution not only in Germany but also internationally. This extraordinary book, written by the drafters themselves, with more than 550 pages of comprehensive article-by-article commentary, is filled with practical insights and recommendations regarding the application of the Rules. Each provision of the new Rules is given its own chapter, in which the following issues and topics are examined in depth for the specific rule under analysis: use of the provision in practice; modifications from the corresponding provision in the 1998 Rules; relationship to the relevant sections of the German Code of Civil Procedure; comparison with relevant regulations and practices in German State court proceedings; detailed expert commentary, including analysis of case law and legal scholarship; DIS practice concerning the application of the provision; and comparison with similar provisions in other arbitration rules. An annex contains an extensive collection of reference materials, including forms, schedule of costs and texts of various international arbitration documents. The authors and editors have vast experience as counsel and arbitrators in proceedings conducted under the auspices of the DIS and other arbitral institutions. Their intimate familiarity with all aspects of DIS case administration is of immeasurable value to all stakeholders in arbitral proceedings. A genuine user's guide, the book explains how the new Rules are likely to be applied in practice by the arbitral institution, arbitrators and parties. Its practical tips regarding the effective conduct of DIS arbitrations elucidate best practices for counsel and arbitrators and make DIS' day-to-day case management and decision-making processes more transparent and predictable for users of all levels of experience and expertise.

A 2011-2012 Statutory supplement will be available for International Civil Litigation in United States Courts, 5th Edition

This comprehensive handbook provides the full range of clauses, forms and documents needed by practitioners in the course of arbitral proceedings as well as commentaries based on scientific principles and insider-know-how with regard to arbitration in specific countries. The book encompasses all the different types of forms and documents needed from the beginning of arbitral proceedings right through to the issuing of the arbitral award, and as such will be an indispensable working instrument for practitioners. Furthermore, it includes expert and insightful commentary on the principles at work, and offers insider know-how on arbitration processes in specific countries, including the Asian countries (which are rapidly becoming important in the field of international arbitration). This is a handbook which will assist the practitioner - whether lawyer, counsel or arbitrator - to traverse the minefield of arbitral proceedings.

Institutional Arbitration

Cases and Materials

A Commentary on the International Commercial Arbitration Act of British Columbia

Recognition and Enforcement of Foreign Arbitral Awards

Drafting and Enforcing

International arbitration has become the preferred dispute resolution mechanism in cross-border disputes. In the course of time, ad hoc arbitration, where the parties have to create their own rules and procedures, has increasingly been replaced by institutional arbitration where a specialised institution with a permanent organisation provides assistance and a set of practice-proven rules. The services and rules provided by the various institutions of arbitration differ. In order to inform the potential parties and their counsels about the differences and to make the choice between the different arbitration regimes easier, and to offer guidance through the various provisions, this book provides a comprehensive article-by-article commentary of rules of arbitration of 14 important arbitration institutions: AAA (American Arbitration Association) CIDRAC (China International Economic and Trade Arbitration) DIAC (Dubai International Arbitration Centre) DIS (German Institution of Arbitration) ICC (International Court of Arbitration) ICSID (International Centre for Settlement of Investment Disputes) KLRCA (Kuala Lumpur Regional Centre for Arbitration) LCIA (The London Court of International Arbitration) MKAS (Moscow International Commercial Arbitration Court) SCC (Stockholm Chamber of Commerce Arbitration) SIAC (Singapore International Arbitration Centre) Swiss Rules UNCITRAL Rules Vienna Rules

The high volume of international arbitration involving parties with distinct nationality brings special significance to the issue of language in international arbitration. This article provides an overview of the rules and practices relating to language in international commercial arbitration, with commentary and data based on practical experience in Asia.

The Practitioner's Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings, as well as commentaries on well-known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of the Practitioner's Handbook includes newly updated country charts, expanded international coverage and commentary on the most important arbitration rules worldwide. It is written by world-leading arbitration practitioners and academics and combines a practical approach with in-depth legal research and analysis of important national and international case law. The book is unique in its coverage, providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume. There are individual chapters for the following countries: Austria, Belgium, China & Hong Kong, England, France, Germany, Italy, Netherlands, Singapore, Sweden, Switzerland, USA. Each country report covers: jurisdiction, the tribunal, arbitration procedure, the award, amendments and challenge to the award, liability of arbitrators and enforcement of national awards; and provides details of national arbitration laws, arbitral institutions in the jurisdiction, model arbitration clauses and a bibliography, including a list of key judicial decisions. The first edition was reviewed as "an outstanding book" and "an extremely useful tool". The work is an indispensable one-stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries.

Analytical Commentary on Draft Text of a Model Law on International Commercial Arbitration : Report of the Secretary-General

The European Convention on International Commercial Arbitration

The UNCITRAL Model Law on International Commercial Arbitration

International Commercial Arbitration

A Commentary