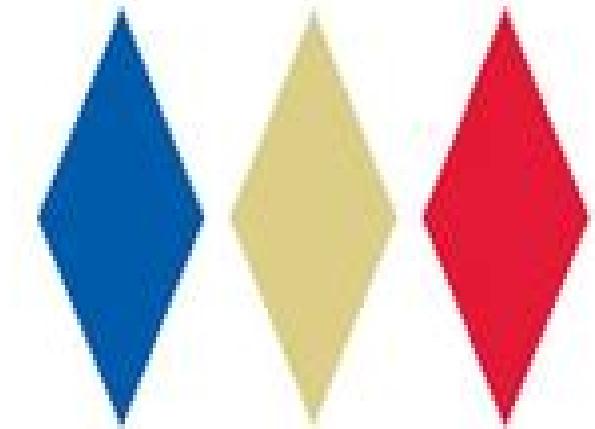


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Arbitration and ADR worldwide

A Guide To The Lcia Arbitration Rules

Fernando Tupa

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Arbitrating under the 2020 LCIA Rules Maxi Scherer,Lisa Richman,Rémy Gerbay,2021-07-12 The London Court of International Arbitration LCIA the oldest of all major arbitral institutions has since its establishment well over a century ago embodied the ideals that underlie the arbitral alternative and set its face against undue delay soaring cost complexity and acrimony. Today the LCIA administers cases arising under any system of law in any venue worldwide. Underscoring the institution's international nature and over 80% of parties in pending LCIA cases today are not of English nationality. This highly practical and user friendly guide provides not only a thorough analysis of the 2020 LCIA Rules but also a comprehensive explanation of the basic principles governing LCIA arbitration along with an in depth analysis of complex issues that may arise in the course of LCIA proceedings. Among the new and revised rules affecting LCIA practice and procedure described in detail include the following use of technology accommodating virtual conferencing remote hearings and electronically signed awards as well as confirming the primacy of electronic communication with the LCIA tools to expedite proceedings including the possibility of early dismissal determinations explicit consideration of data protection issues relating to bribery corruption terrorist financing fraud tax evasion money laundering and or economic or trade sanctions streamlined accommodations for consolidation composite Requests and concurrent conduct of arbitrations conduct of authorised representatives of a party requirements for appointment and removal of tribunal secretaries and revised schedules of arbitration and mediation costs. The twenty six chapters of the book provide references to essential national court judgments statutory provisions up to date statistics and bibliographical sources on LCIA arbitrations. The 2020 LCIA Rules reflect the most sophisticated current modifications of arbitral procedure fully aligned with the needs of current global commercial activities. For this reason and because many companies worldwide include LCIA arbitration clauses in their agreements this book is invaluable to business executives and corporate counsel as well as to scholars of alternative dispute

resolution **A Guide to the LCIA Rules 2e** Peter Turner, Reza Mohtashami, 2019-10-17 The London Court of Arbitration LCIA is one of the world's foremost arbitration institutions with a growing annual caseload. The LCIA Arbitration Rules are among the most modern and forward-looking of the various sets of institutional arbitration rules. Since the publication of the first edition of this authoritative text, the LCIA's caseload has experienced consistent and rapid growth resulting in the issuance of a new version of the LCIA's arbitration rules due summer 2014. The second edition of this comprehensive commentary on the rules is written by two well-known and experienced arbitration practitioners. Portable and functional, this book acts as a guide and provides an indispensable resource for all involved in international arbitration under the LCIA rules. Grouped thematically, the commentary to each rule provides 1 a description of the rule and its intended meaning, 2 the provenance and history of the rule, 3 the practical effect of the rule with reference to previous case law and jurisprudence, and 4 a comparative look at conceptual and practical differences between each rule. Focusing specifically on how the rules of the LCIA differ from those of the ICC and the UNCITRAL, this title emphasises the international nature of the LCIA and provides the only dedicated reference to the Rules. **A Guide to the NAI Arbitration Rules** Bommel van der Bend, Marnix Leitjen, 2009-01-01 The Netherlands Arbitration Institute NAI is the most prestigious institute in the Netherlands for the arbitration of commercial disputes. While NAI arbitration is the dispute resolution mechanism of choice of many Dutch corporations and public entities, it is increasingly agreed on by foreign parties selecting the Netherlands as a neutral venue for their potential disputes. This excellent volume, a rule-by-rule guide to the NAI Arbitration Rules, is not only the first such handbook in English but the most comprehensive and detailed in any language. In addition, it provides a unique commentary in English on important elements of Dutch arbitration law. Drawing on case law from arbitral tribunals and state courts and on extensive personal experience, members of the arbitration team of the Dutch law firm De Brauw Blackstone Westbroek N.V. provide in-depth commentary on each provision of the NAI Arbitration Rules and on arbitration-related court proceedings in the Netherlands under the Dutch Arbitration Act. Focusing on disputes arising from among others share purchase agreements, joint venture agreements, licence agreements, franchise agreements, finance agreements, contractor agreements, distribution agreements and agreements for the sale of goods, the analysis covers such crucial factors of the NAI system as the following: the use of the list procedure for the appointment of arbitrators, the central role of the Administrator, the Dutch concept of binding advice, contractual relationships and exclusion of liability, the separability of the arbitration agreement, freedom in determining and applying rules of evidence, the mechanisms for parties to seek relief in summary arbitration proceedings, costs of arbitration and the arbitral award, including the possibility of rectifying, supplementing and setting aside this award. The provision-by-provision analysis also compares the NAI Rules with both relevant proceedings in the Dutch state courts and *inter alia* ICC and UNCITRAL Arbitration Rules and to practice under such other rules. The authors of this matchless book have faced many questions on the NAI Arbitration Rules, advised on the interpretation and correct application.

of those Rules and defended such interpretation before tribunals and courts In this book they share their experience insights and expertise Counsel for corporate clients and public entities contemplating arbitration proceedings and as well as counsel to parties in NAI proceedings or related court proceedings and will find here an incomparable guide to the NAI system and Dutch arbitration law **A Guide to the ICDR International Arbitration Rules** Martin F. Gusy, James M. Hosking, Franz T. Schwarz, 2011-04-07 A rule by rule commentary on the genesis interpretation and application of the International Centre for Dispute Resolution ICDR Rules The book is designed to give arbitrators practitioners and academics a first port of call when considering ICDR arbitration and provide the first stand alone comprehensive commentary on these important rules

Arbitrating Under the 2014 LCIA Rules Maxi Scherer, Lisa M. Richman, Rémy Gerbay, 2015 This book examines the key changes introduced by the 2014 rules and the key reasons for choosing an LCIA arbitration and takes you through the stages of drafting an LCIA arbitration agreement It examines the request for arbitration the response and the Tribunal's jurisdiction It explains the rule about communications and how the arbitral tribunal is formed It looks at the challenge removal and replacement of arbitrators the language of arbitration and includes a chapter dedicated to hearings witnesses and experts Separate chapters on awards costs and deposits confidentiality and limitation of liability will provide practical help to anyone working in this field Provided by publisher

The International Arbitration Rulebook Arif Hyder Ali, Jane

Wessel, Alexandre de Gramont, Ryan Melliske, 2019-10-24 The numerous arbitral regimes around the world differ in subtle yet complex ways These variations can have a profound effect on the procedural rights and obligations of the parties Broadly speaking the choice of regime will impact the way in which an arbitration is conducted its duration and expense the outcome of the dispute and the ultimate enforceability of the award To inform the parties choice this book is the first to deal specifically and in depth with a broad range of institutional and ad hoc arbitration rules on a comparative basis It provides a practical guide to the rules in one book a one stop shop from a distinctly rule and guide point of view This book has its genesis in the authors experience as practitioners and educators in international commercial and investor state arbitration and as advisers to and trainers for arbitral institutions arbitrators judges and government officials around the world This comprehensive descriptive and analytical road map covers the broad range of issues addressed in nine representative major sets of arbitration rules The authors detail the distinct ways in which rules governing such important issues as the following may differ among the various arbitral regimes the governance structure and role of the administering institutions in the arbitration including case management and administrative support the critical and recommended issues to be established in the agreement to arbitrate such as the place of arbitration and the governing law among others the requirements and best practices for starting the arbitration on the right foot the procedures for selecting appointing and challenging arbitrators the impact of the initial procedural conference on the proceedings the rules on presenting the case in chief written submissions documentary evidence witness and expert testimony and more the costs and fees of leading institutions the procedures and

standards for award scrutiny and enforceability and a range of special and innovative procedures such as expedited proceedings interim relief and consolidation of proceedings The comparative analysis is organized around the chronological phases of an international arbitration and supported by rule comparison tables and clear explanations of each step of the process With this eminently practical book contract negotiators counsel and arbitrators can confidently navigate any international arbitration Thorough coverage of the applicable rules and guidelines enables parties and or the tribunal to design bespoke arbitration procedures based upon the various rules of leading regimes Arbitral institutions can survey the different approaches and identify emerging best practices in the design and drafting of arbitral regimes All in all this volume is a useful guide and comprehensive framework of rules for both arbitration practitioners and users of arbitration services as well as for students and teachers of international arbitration

The Dilemma of Consent to International Arbitration

in Investment Agreements without a Forum Fernando Tupa,2023-02-17 Fernando Tupa addresses the sometimes overlooked yet fundamental principle that consent to international arbitration is forum specific and explores its significance and practical consequences for investment tribunals The author proposes that if there is only consent in principle to international arbitration by the host State in an investment agreement due to the lack of a forum or the unavailability of the forum contemplated therein a foreign investor would not be entitled to unilaterally initiate an investment claim against the host State under said agreement absent a subsequent agreement between the foreign investor and the host State on an arbitral forum He also draws some conclusions and warns against the dangerous consequences of ignoring this basic principle

Arbitration Rules--international Institutions Loukas A. Mistelis,Laurence Shore,Stavros L. Brekoulakis,Hans Smit,2010-05 International Arbitration Institutions have led the way in rulemaking for international commercial arbitration The institutional rules and commentary compiled in this easy to use reference tool are those promulgated by the institutions most often named in international agreements The institutional rules and commentary compiled in this easy to use reference are those promulgated by the institutions most often named in international agreements Arbitration Rules International Institutions is the only resource to compile such an extensive array of commentary and analysis written by leading arbitration authorities along with the full text of each set of rules

International Arbitration and Forum Selection Agreements, Drafting and Enforcing Gary B. Born,2021-03-10

International Arbitration and Forum Selection Agreements Drafting and Enforcing is a concise practical primer on the fundamentals of drafting and enforcing international arbitration agreements and other dispute resolution clauses Drawing on a wealth of practical experience and academic analysis by one of the world s leading authorities on international arbitration and litigation this extensively revised and expanded sixth edition provides model arbitration and forum selection clauses for international contracts and explains the advantages and disadvantages of different approaches to reducing the risks inherent in cross border transactions The book is an essential resource for any international practitioner or corporate counsel

engaged in international matters Key Features include Discussion of practical reasons for international arbitration and forum selection clauses Uncomplicated and practical guidance on drafting international arbitration and forum selection clauses Do s and Don t s for drafting Model international arbitration and forum selection clauses that permit efficient and effective dispute resolution Nearly 100 different model provisions Ad hoc versus institutional arbitration clauses Overview of leading arbitral institutions including ICC SIAC ICDR AAA LCIA HKIAC PCA ICSID WIPO VIAC DIS NAI and CRCICA Overview of advantages and disadvantages of leading arbitral seats Forum selection clauses for national and international courts Multi tier dispute resolution provisions Optional provisions for international arbitration and forum selection clauses including arbitrator selection arbitral procedure costs of arbitration provisional measures waiver of annulment and currency of award Discussion of pathological arbitration clauses and commonly encountered defects And covers Updated extensively to address developments through January 2021 New materials covering international courts and choice of law provisions Key reference materials in easy to use appendices About the author Gary B Born is one of the world s leading authorities on international arbitration and litigation He has practiced extensively in both fields in Europe the United States and Asia He is the author of International Commercial Arbitration Kluwer Law International 3rd ed 2021 International Arbitration Law and Practice Kluwer Law International 2nd ed 2016 International Commercial Arbitration Cases and Materials Aspen 2nd ed 2015 and International Civil Litigation in United States Courts Aspen 6th ed 2018 International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 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 Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise s position as the world s leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraeft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S

Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131
Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen
Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of
Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao
People s Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic
of Venezuela Decision regarding the Claimant s and the Respondent s Requests for Corrections ICSID Case No ARB AF 09 1
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March 2011

A Guide to the UNCITRAL Arbitration Rules

Clyde Croft,Christopher Kee,Jeff Waincymer,2013-04-25
The first version of the UNCITRAL Arbitration Rules was endorsed by the General Assembly of the United Nations in
December 1976 Now considered one of UNCITRAL s greatest successes the rules have had an extraordinary impact on
international arbitration as both instruments in their own right and as guides for others The Iran US Claims Tribunal for
example employs a barely modified version of the rules for all claims and many multilateral and bilateral foreign investment
treaties adopt the UNCITRAL Rules as an arbitral procedure The Rules are so pervasive and the consequences of the new
version potentially so significant that they cannot be ignored This commentary on the Rules brings the official documents
together in one volume and includes the insights and experiences of the Working Group that are not included in the official
reports

Multi-Party and Multi-Contract Arbitration in the Construction Industry Dimitar Kondev,2017-01-23 Multi
Party and Multi Contract Arbitration in the Construction Industry provides the first detailed review of multi party arbitration
in the international construction sector Highly practical in approach the detailed interpretation and assessment of the
arbitration of multi party disputes will facilitate understanding and decision making by arbitrators clients and construction
contractors

UNCITRAL Secretariat Guide on the Convention on the Recognition and Enforcement of Foreign

Arbitral Awards (New York, 1958) United Nations Publications,2016 The Guide on the New York Convention provides an
insight on the application of the Convention by State courts

[A Guide to the New ICC Rules of Arbitration](#) Yves
Derains,Eric A. Schwartz,1998-06-08 The ICC Rules of Arbitration the Rules constitute one of the world s oldest and most
widely used sets of rules for international commercial disputes On January 1 1998 new rules took effect which represent the
first major reform of the Rules in two decades Both authors had an intimate involvement in the preparation of the new Rules
Mr Derains As chairman of the working party that prepared them and Mr Schwartz as Secretary General of the ICC Court
during their preparation Mr Derains has also served in this position In the Guide they draw on their knowledge of ICC Court
practice and of issues that commonly arise in connection with the application and interpretation of the Rules The result a

unique practical reference for anyone dealing with or expecting to deal with the new ICC Rules
Arbitration and ADR Clauses in International Contracts Martin Hunter, Freshfields (Firm), 1993

*The Freshfields Guide to
A Practical Guide to*

International Commercial Arbitration Richard Garnett, 2000 This concise in depth guide explores the pros and cons of arbitration the role of national laws key elements of the arbitration agreement and includes a detailed analysis of arbitration procedures Standards of conduct of the arbitrator enforceability challenges modification of awards and awards and remedies are covered The Appendices include BL UNCITRAL Arbitration Rules BL Arbitration Rules of the International Chamber of Commerce BL The UNCITRAL Model Law on International Commercial Arbitration BL Texts of the New York and Panama Conventions BL Model UNCITRAL and ICC arbitration clauses BL Information about the major arbitral centers throughout the world

A Practical Guide to International Arbitration in London Hilary Heilbron, 2008 With the development of international arbitration globally and London as a leading arbitration centre the need for knowledge of the subject extends to a wider legal audience A Practical Guide to International Arbitration in London takes a pragmatic look at how to run an international arbitration with a London seat It explores on a stage by stage basis the tactical procedural and legal issues that need to be considered in an international arbitration in London from the perspective of the arbitral process including its relationship with the support given by the English courts The book also examines the role of the English courts in assisting foreign arbitrations

Redfern and Hunter on International Arbitration Nigel Blackaby, Constantine Partasides, Alan Redfern, Martin Hunter, 2009-10-15 Reviewing the legal context within which international commercial arbitration operates this text has been updated to reflect recent developments in international law

Comparison of International Arbitration Rules - 4th Edition Simpson Thacher & Bartlett LLP, 2013-02-01 Comparison of International Arbitration Rules prepared by the international arbitration practice group of Simpson Thacher assist counsel in developing arguments on procedural issues that arise in the international arbitration proceedings assist arbitration institutions and commentators in analyzing formulating and promulgating appropriate arbitration rules and assist countries and international organizations in developing appropriate national or model arbitration laws and rules The Comparison is therefore of great practical utility to international arbitration users practitioners institutions academics and legislators alike

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