

Arbitrating under the 2012 ICC Rules

An Introductory User's Guide

BY JACOB GRIERSON AND ANNET VAN HOOFT



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Arbitrating Under The 2012 Icc Rules An Introductory User S Guide

Jacob Grierson,Annet van Hooft



Arbitrating Under The 2012 Icc Rules An Introductory User S Guide:

Arbitrating Under the 2012 ICC Rules Jacob Grierson, Annet van Hooft, 2012 Focusing on the 2012 ICC Rules and which apply to all ICC arbitrations commenced on or after 1 January 2012 unless the parties have agreed that an earlier version should apply and this book serves the needs of the following parties those who want a full introduction to the topic of ICC arbitration those who already have a good understanding of how ICC arbitration worked under the old 1998 ICC Rules but are looking for an update on the new 2012 ICC Rules those who need to take a decision on whether to opt for ICC arbitration those who have opted for ICC arbitration and need to draft an ICC arbitration clause and those who are actually faced with the prospect of an ICC arbitration As far as possible the book is structured so as to follow the sequence of events that would typically take place in the resolution of a dispute by arbitration Following a discussion of preliminary matters the authors go on to describe the process leading from negotiation to arbitration the initial decisions that may be taken by the ICC International Court of Arbitration and the different steps in the proceedings before the arbitral tribunal The book concludes with a discussion of the award and its enforcement Extensive references to relevant books articles websites and other resources as well as a comprehensive glossary further enhance the book and s practical value

Arbitrating Under the 2012 ICC Rules. An Introductory User's Guide Jacob Grierson, 2018 An introductory guide to arbitrating under the NEW ICC Rules of Arbitration which differ significantly from the previous 1998 rules This is the first guide on the ICC rules for non specialists whether private practice or in house lawyers Its aim is to do away with the mystique that shrouds ICC arbitration so that all lawyers have a clearer understanding of the subject for the purpose of a deciding whether to opt for ICC arbitration b drafting ICC arbitration clauses and c handling actual ICC arbitrations in the most effective way

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 , **ICC Arbitration in**

Practice Herman Verbist,Erik Schäfer,2015-12-19 The Rules of Arbitration of the International Chamber of Commerce commonly referred to as the ICC Rules are the rules most frequently used in commercial disputes between business partners from different countries Since they were first launched in 1922 these Rules have been applied in over 21 000 cases The second revised edition of this eminently practical volume provides an article by article commentary of the current version of the ICC Rules of Arbitration in force as from 1 January 2012 Using clear and concise language unencumbered by footnotes and illustrated by flow diagrams the authors guide the reader through the various stages of ICC arbitration proceedings from initiation to the final award This thorough analysis is enhanced with other invaluable material including a digest of statistics relating to ICC arbitration for the years 2009 to 2013 references to selected national arbitration laws and to the UNCITRAL Model Law on International Commercial Arbitration a bibliography including useful web sites and a separate chapter on ICC s other dispute resolution services such as mediation expert proceedings dispute boards DOCDEX and the pre arbitral referee procedure Appendices provide the reader with the texts of ICC s various dispute resolution rules and other relevant documents The authors all practicing lawyers have all worked as counsel at the Secretariat of the ICC International Court of Arbitration They have gone on to represent parties and act as arbitrators in many international proceedings They also serve as mediators and party representatives in international mediations They are also members of the ICC Commission on Arbitration and ADR and participated in the discussions leading to the 2012 ICC Rules of Arbitration Written from a practical perspective this book remains an essential resource for company lawyers who wish to familiarize themselves with ICC arbitration assess the pros and cons of entering into an arbitration clause referring to the ICC Rules or obtain information and guidance on how to proceed in a given situation Arbitration practitioners will find useful information on the practice of ICC arbitration including various notes of the ICC Court Secretariat and reports of the ICC Commission on Arbitration and ADR **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 4250 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. 500 (2020); BG Group plc v Republic of Argentina, 572 U.S. 25 (2014); Canadian Supreme Court: *Uber v Heller*, 2020 SCC 16; Canadian S.Ct.: *Yugraneft 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 & Construction LLC v Birmingham City Council*, [2011] UKSC 62, 2011 All E.R. (D) 191; Swiss Federal Tribunal: *Judgment of 25 September 2014*, DFT 5A_165/2014; Indian Supreme Court: *Bharat Aluminium Co. v Kaiser Aluminium Technical Service Inc.*, (2013) 4 SCC 1; Singapore Court of Appeal: *Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Services Ltd*, [2019] 2 SLR 131; Singapore Ct. App.: *PT Perusahaan Gas Negara Tbk v CRW Joint Operation*, [2015] SGCA 30; Singapore Ct. App.: *Larsen Oil Australia 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, 15 December 2014; *Total SA v The Argentine Republic*, Decision on Stay of Enforcement of the Award, ICSID Case No. ARB/04/01, 4 December 2014; *Millicom Int'l Operations B.V. v Republic of Senegal*, Decision on Jurisdiction of the Arbitral Tribunal, ICSID Case No. ARB/08/20, 16 July 2010; *Lemire v Ukraine*, Dissenting Opinion of J. R. Voss, ICSID Case No. ARB/06/18, 1 March 2011.

Institutional Arbitration

Rolf A. Schütze, 2013-04-05. 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), CIEDAC (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 Collection of ICC Arbitral Awards 2012 – 2015 Jean-Jacques Arnaldez, Yves Derains, Dominique Hascher, 2018-12-21 The Collection of ICC Arbitral Awards 2012 2015 contains extracts of cases handled by the ICC Court of Arbitration one of the world's most respected arbitral institutions This most recent collection supplements six previous and successful volumes containing awards from the periods 1974 1985 1986 1990 1991 1995 1996 2000 2001 2007 and 2008 2011 This collection is a practical reference tool containing three types of useful indexes incorporating information from all three volumes a consolidated analytical table in both English and French contains extensive cross references based on the terminology used in awards and case notes a chronological index lists the awards a key word index also provided in both languages allows the reader to locate the material of interest quickly and easily In addition to providing a wealth of information in a highly accessible manner this book includes case notes end expert commentaries on the awards This publication is an indispensable reference work for anyone interested in international arbitration and in the reasoning of international arbitrators on the interpretation and application of contractual clauses international conventions and the law of international trade It is invaluable to both scholars and practitioners involved in the drafting and negotiation of international commercial contracts and the resolution of international commercial disputes

SUPPLEMENTARY MATERIAL CIArb, 2015-01-28 In fulfilling our objectives CIArb operates under a Golden Thread It does so by delivering education training and qualifications developing the learned society and facilitating the use of ADR mechanisms This supplementary material facilitates each of these elements Whether as a student following the CIArb Pathways Programme or as an arbitration practitioner this work provides a useful tool to enhance and develop the knowledge and practice of international arbitration Anthony Abrahams Director General The Chartered Institute of Arbitrators is a learned society that works in the public interest to promote and facilitate the use of alternative dispute resolution ADR mechanisms Founded in 1915 and with a Royal Charter granted in 1979 it is a UK based institution that has gained international presence in more than 100 countries and has more than 13 000 professionally qualified members around the world Chartered Institute of Arbitrators 12 Bloomsbury Square London United Kingdom WC1A 2LP T 44 0 20 7421 7444 www.ciarb.org Registered Charity 803725 International Commercial Arbitration is the fastest growing dispute settlement discipline The complexities surrounding its regulatory framework combined with an ever increasing and constantly evolving set of acts rules guidelines protocols regulations national legislation international treaties and so on may appear daunting at first glance This collection of documents or supplementary material is designed to provide the essential reading for all those who are eager to pursue a career in international arbitration It will also appeal to arbitration practitioners wishing to have easy access to over 700 pages of arbitration related resources The International Arbitration Rulebook Arif Hyder Ali, Jane

Wessel, Alexandre de Gramont, Ryan Mellske, 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.

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