



Ahmed El Shakankory

Les litiges du commerce international et l'arbitrage électronique

Une approche sur le droit de l'économie
numérique

Litiges Commerce International Arbitrage Electronique

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Les litiges du commerce international et l'arbitrage électronique Ahmed El Shakankiry, 2015-09-30 L'environnement numérique et les échanges électroniques accélèrent et participent à la mondialisation et à la globalisation de l'économie et par là multiplient la dimension internationale dans les litiges tout en générant sans cesse de nouveaux problèmes juridiques. Des modes électroniques de règlement des litiges apparaissent afin de faire face à ce nouveau monde dont l'arbitrage électronique. Ce moyen de règlement même s'il est techniquement praticable juridiquement soulève nombre de questions. D'une part l'arbitrage classique exige de nombreuses conditions de forme et de fond que l'arbitrage électronique par sa nature même ne peut totalement satisfaire. D'autre part la procédure arbitrale totalement dématérialisée présente des difficultés bien distinctes. Afin de surmonter ces difficultés il faut présenter les textes juridiques régissant les procédures arbitrales traditionnelles et les confronter aux procédures arbitrales électroniques. De cette confrontation se dégageront les particularités de l'arbitrage électronique comme mode alternatif de règlement des litiges du commerce international en général et électronique en particulier.

Comparative Law of International Arbitration Jean-François Poudret, Sébastien Besson, 2007 Guides practitioners through the international arbitration process from beginning to end. This work covers each step of arbitral procedure from the conclusion of the arbitration agreement to the enforcement of the arbitral award from a comparative standpoint helping practitioners decide which jurisdiction's rules they wish to be bound by.

International Arbitration: Law and Practice in Switzerland Gabrielle Kaufmann-Kohler, Antonio Rigozzi, 2015-10-22 This book expounds the theory of international arbitration law. It explains in easily accessible terms all the fundamentals of arbitration from separability of the arbitration agreement to competence over procedural autonomy, finality of the award and many other concepts. It does so with a focus on international arbitration law and jurisprudence in Switzerland, a global leader in the field. With a broader reach than a commentary of Chapter 12 of the Swiss Private International Law Act, the discussion contains numerous references to comparative law and its developments in addition to an extensive review of the practice of international tribunals. Written by two well-known specialists, Professor Kaufmann-Kohler being one of the leading arbitrators worldwide and Professor Rigozzi one of the foremost experts in sports arbitration, the work reflects many years of experience in managing arbitral proceedings involving commercial investment and sports disputes. This expertise is the basis for the solutions proposed to resolve the many practical issues that may arise in the course of an arbitration. It also informs the discussion of the arbitration rules addressed in the book from the ICC Arbitration Rules to the Swiss Rules of International Arbitration, the CAS Code and the UNCITRAL Rules. While the book covers commercial and sports arbitrations primarily, it also applies to investment arbitrations conducted under rules other than the ICSID framework.

Droit du commerce international 4^{ed} - **Précis** Jean-Michel Jacquet, Philippe Delebecque, Laurence Usunier, 2022-05-05 Maîtriser le droit du commerce international. Après une partie consacrée aux sources de la matière et au droit applicable, l'ouvrage s'attarde sur les

opérateurs du commerce international les sociétés mais aussi les Etats et les organismes publics avant d'exposer les différentes opérations du commerce international qui trouvent notamment leur expression dans des contrats essentiels comme la vente le transport ou la distribution sans oublier les contrats de travail et les différentes garanties. Il s'achève dans une partie réservée au règlement des différends aussi bien devant les juridictions nationales que devant les tribunaux arbitraux qui ont pris ces dernières années une place déterminante dans le traitement des conflits de caractère international. L'ouvrage qui en est sa quatrième édition est parfaitement jour de la jurisprudence dont on mesure tous les instants l'influence grandissante mais aussi des règlements européens et des conventions internationales.

Revue de l'OMPI, 2001 New Developments in Civil and Commercial Mediation Carlos Esplugues, Louis Marquis, 2015-09-11 By means of the analysis of more than 20 national jurisdictions of different legal and geographical origin this book provides a general understanding of the developments that civil and commercial mediation is currently undertaking across the world. The book combines 25 national reports with a General Report analyzing the major trends in civil and commercial mediation worldwide. A number of the key variables that make mediation so effective are studied in depth in the book. The concept of mediation that varies from country to country. Its legal framework and the branches of public and private law in which it is used. The legal condition of the mediation agreement and its relevant conditions of form and content. The responsibilities of the parties in the event that they violate this agreement and the effects of this agreement on potential recourse to the courts or to arbitration as well as with regard to pending cases. As well as the role played by the mediator his or her appointment or designation. Legal and ethical responsibilities and the role of institutions in mediation. As well as the mediation process its applicable rules and principles and its costs are analyzed on comparative basis. The book also pays special attention to the outcome of mediation. The enforceability of the settlement reached both in domestic and cross border mediations constitutes a basic element for the success of the institution and is thoroughly studied. This volume constitutes a unique instrument for those interested in mediation either practitioners judges or academics.

Les droits du contrat à travers l'internet Akodah Ayewouadan, 2013-02-04 L'internet branle les modes classiques de fonctionnement de nos sociétés contemporaines. Ce nouvel espace se révèle humain hétérogène décentralisé et international. Il transcende les frontières et propose un cadre original dans lequel le commerce juridique se revivifie. L'objet de cet ouvrage est de montrer que la pratique contractuelle de par sa flexibilité s'est parfaitement inscrite dans cet espace et a acquis par conséquent une certaine originalité. Dans une démarche dynamique l'étude se fonde sur l'applicabilité a priori des règles du droit commun des contrats aux contrats conclus par l'internet pour démontrer le renouvellement du droit qui a découlé de la contractualisation en ligne. Enrichie des évolutions législatives récentes l'approche transversale et internationale retenue permet de corroborer l'adaptation de certaines règles de la conclusion du contrat au contentieux aux contrats conclus par voie électronique. Elle met également en lumière le rôle croissant qu'est appelé jouer le juge et par extension l'arbitre pour corriger les défauts du droit applicable aux contrats conclus

par voie électronique Il en ressort que la singularité de ce nouveau médium caractérisé par l'immédiateté des échanges enrichit et renouvelle la matière L'ouvrage intéressera les avocats magistrats notaires ou juristes d'entreprise son accessibilité et la clarté du propos attireront les cadres et dirigeants les fonctionnaires ou encore les professeurs et leurs étudiants

Commerce électronique Canada-Union européenne Chantal Bernier, Xavier Van Overmeire, Etienne Wéry, 2018-12-10 Le développement fulgurant des nouvelles technologies a grandement favorisé le développement du commerce électronique dans le monde Il convient donc de s'intéresser encore davantage à la capacité d'adaptation de nos lois la publicité sur Internet au contrat électronique la protection de la vie privée ou encore la responsabilité des prestataires de services Internet Même si ce nouveau monde virtuel est par essence un monde sans frontières les règles régissant le commerce électronique diffèrent d'une zone territoriale à l'autre Ces différences tenues et marquées la fois entre l'UE et le Canada ne sont pas sans conséquence lorsqu'on interagit sur le Web avec des prestataires de services établis sur les deux continents Avoir conscience de ces différences et parfois de ces ressemblances permettra aux utilisateurs qu'ils soient professionnels ou consommateurs d'interagir avec confiance et en toute connaissance sur la toile Une analyse plus approfondie des lois et directives applicables ainsi que des principes judiciaires permet non seulement d'obtenir une vision plus claire des protections accordées aux utilisateurs d'Internet de part et d'autre de l'Atlantique tout en permettant d'identifier les principaux enjeux qui découlent des spécificités techniques et territoriales entre le Canada et l'Union européenne *Arbitrage international* Mauro

Rubino-Sammartano, 2019-09-09 Cette édition française large révision et mise à jour met l'accent minutieusement sur les aspects procéduraux qui ont créé un arbitrage international plutôt qu'une simple instance dans laquelle les parties sont de nationalités différentes ou qui concerne des rapports transnationaux L'ouvrage apporte de nouveaux concepts tels que la définition de l'arbitrage international fondée sur le droit procédural différent du droit transnational et une doctrine la doctrine du tronc commun pour identifier le droit matériel applicable aux litiges entre les parties appartenant à différents pays et qui suggère qu'un droit de l'arbitrage international se est développé à travers différentes conventions et lois Cette édition a été largement enrichie des arbitrages commerciaux internationaux des arbitrages relatifs aux traités d'investissement des arbitrages entre des organismes publics entre les États et les individus de la loi type de la CNUDCI et des procédures du Tribunal Iran USA ainsi que l'arbitrage relatif aux marchandises les procédures d'arbitrage en ligne et d'arbitrage sportif En plus de traiter tous ces aspects de l'arbitrage par thème l'auteur présente une troisième génération d'arbitrage qui se fonde sur l'analyse préalable des principaux obstacles au bon fonctionnement d'un arbitrage **Protection de la vie privée en ligne orientations**

politiques et pratiques de l'OCDE OECD, 2003-11-18 L'accélération des mutations technologiques et de la mondialisation crée de nouveaux enjeux et de nouvelles possibilités pour les gouvernements les entreprises et le grand public La démocratisation des communications sur les réseaux publics a Online Dispute Resolution Gabrielle

Kaufmann-Kohler, Thomas Schultz, 2004-01-01 In a world governed by speed the Internet plays a growing role in many of

today's innovations and the resolution of disputes using electronic means of communication may soon be part of everyday legal practice. This book offers a survey of the current state of play in online dispute resolution from the methods and information technology currently in use to the range of regulatory solutions proposed by shareholders. Taking their analysis a step further, the authors also address this new field's most pressing issues including possible amendments of existing legislation, treaties and arbitration and other ADR rules. *Online Dispute Resolution Challenges for Contemporary Justice* is an in-depth study of online dispute resolution today, discussing among other topics the different methods of ODR, fields of use, ways to bring parties to online dispute resolution, validity and effects of clauses entered into online and providing for online mediation or arbitration issues surrounding electronic communications and evidence in arbitration and enforcement of online dispute resolution outcomes both through court proceedings and built-in enforcement mechanisms. This book also covers issues related to security and e-commerce in general. As a special feature, it contains a section on existing online dispute resolution providers, complete with interviews and statistics. *Online Dispute Resolution Challenges for Contemporary Justice* is a significant resource for legal counsel to arbitral institutions, ODR and ADR service providers, governments and governmental and non-governmental organizations as well as to those with a more academic interest. This book will provide a greater understanding of online dispute resolution to persons in the fields of arbitration and ADR, e-commerce, intellectual property, civil procedure, international law, international trade and commerce, and information technology.

Arbitration Law of Czech Republic: Practice and Procedure Alexander J. Belohlávek, 2013-03-01. A comprehensive review of the arbitration law and practice in the Czech Republic, including discussion of arbitration practice and procedure, an examination of the jurisdiction of the arbitral tribunal, the appointment of arbitrators, including the challenge and replacement of arbitrators, an analysis of the various types of awards, including a discussion on deliberations, agreements, settlements, and the costs of arbitration, a discussion on the amendment and challenge of awards, including the liability of arbitrators, and a review of the enforcement of domestic and foreign arbitration awards.

Private Law in the International Arena Jürgen Basedow, 2000-09. Private Law in the International Arena analyzes a wide variety of effects that cross-border activities have on the operation of private law, ranging from corporate and insolvency law to labor law, property law, the law of obligations, family law, European law, and lex mercatoria. Civil procedure aspects in national courts and arbitration proceedings are also explored. This book provides a unique source of insights into the problems encountered and their possible solutions. All contributions have been written in honor of an eminent Private International Law scholar, Prof. Dr. Kurt Siehr.

L'Arbitrage dans la Jurisprudence Tunisienne Ahmed Ouerfelli, 2010-01-01. Ce livre explique la vision des juges tunisiens de la manière dont le procès arbitral doit être conduit, commencer par ses préalables nécessaires jusqu'à la sentence arbitrale et le contentieux qui la suit. Il tente aussi de fournir des éléments statistiques et autres qui permettent d'appréhender la réalité de l'arbitrage en Tunisie.

Descriptor s: ARBITRATION, ARBITRAL AWARDS, ARBITRATION RULES, INTERNATIONAL ARBITRATION.

LIABILITIES TUNISIA **Journal du droit international** ,2004 Customary Law Today Laurent Mayali,Pierre Mousseron,2018-06-21 This book addresses current practices in customary law It includes contributions by scholars from various legal systems the USA France Israel Canada etc who examine the current impacts of customary law on various aspects of private law constitutional law business law international law and criminal law In addition the book expands the traditional concept of the rule of law and argues that lawyers should not narrowly focus on statutory law but should instead pay more attention to the impact of practices on real legal life It states that the observation of practices calls for a stronger focus on usage customs and traditions in our legal systems the idea being not to replace statutory law but to complement it with customary observations **Modes extrajudiciaires de règlement des litiges entre entreprises en matière de droit d'auteur et de contenu numérique : Rapport sur les résultats de l'enquête OMPI-MCST.** World Intellectual Property Organization,2023-03-10 Cette publication qui arrive point nomm analyse les r sultats d une enq te men e par l OMPI avec le concours financier du Minist re de la culture des sports et du tourisme de la R publique de Cor e MCST sur l utilisation actuelle des modes extrajudiciaires de r glement des litiges entre entreprises en mati re de droit d auteur et de contenu num rique Fort de plus d un millier de r ponses provenant d un large ventail de parties prenantes dans 129 pays le rapport repr sente une source d information unique pour mettre au point des m canismes extrajudiciaires de r glement des litiges personnalis s aux niveaux national et r gional **Mélanges en l'honneur de Bernard Dutoit** Bernard Dutoit,2002

La semaine juridique ,2007-04 **Les sources internationales du droit des marchés publics algérien** Salem Ait Youcef,2024-08-28 Les expos s des motifs du d cret pr sidentiel n 15 247 portant r glementation des march s publics et d l gations de service public et de la loi 23 12 du 5 ao t 2023 fixant les r gles g n rales relatives aux march s publics marquent d une fa on limpide et assum e l ouverture de la r glementation alg rienne des march s publics aux sources internationales De plus l expos des motifs du d cret pr sidentiel de 2015 apporte une pr cision de taille en soulignant que les nouvelles mesures qui y sont ins r es s inspirent des standards internationaux et des recommandations des institutions internationales Il s agit l d une ouverture aussi r volutionnaire qu assum e du l gislateur alg rien vers les sources internationales N anmoins aussi s lective soit elle cette ouverture aux sources internationales a marqu la r glementation alg rienne des march s publics de 2015 tant et si bien que des nouveaut s notables y sont introduites la d mat rialisation des march s publics l ench re lectronique et bien d autres PROPOS DE L AUTEUR Docteur en droit de l Universit Paris Panth on Assas Salem Ait Youcef est professeur conf rencier associ l cole Nationale d Administration et l Institut Diplomatique et Relations Internationales Il est l auteur de l ouvrage Les cavaliers budg taires comme source du droit des affaires en Alg rie paru en 2019 aux ditions Le Lys Bleu et de plusieurs uvres scientifiques publi es dans des revues class es

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