

DISPUTE RESOLUTION GUIDES

INTERNATIONAL ARBITRATION: A HANDBOOK

THIRD EDITION

Phillip Capper



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International Arbitration A Handbook Dispute Resolution Guides

Phillip Capper



International Arbitration A Handbook Dispute Resolution Guides:

International Arbitration: A Handbook Phillip Capper, 2020-10-28 This essential handbook on international arbitration has been updated to include a new chapter on investment treaty arbitration detailing the kind of investments which are covered by investment treaties persons to whom investment treaties apply the rights commonly provided under investment treaties ICSID arbitration and commonly encountered issues and practical considerations Other additions to the latest edition include multi tiered arbitration clauses confidentiality interim measures and consumer arbitration *AAA Handbook on International Arbitration and ADR - Second Edition* American Arbitration Association, 2010-10-01 Assembled from *Dispute Resolution Journal* the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook contains valuable guidance on international commercial arbitration including the management of arbitration disputes how to select an international arbitral institution an explanation of the effect of international public policy the duties of arbitrators the presentation and evaluation of evidence in international arbitration and how to arbitrate against a state sovereign The enforcement of international arbitral awards is explored including interim relief and problems with enforcement the New York Convention parallel proceedings and pivotal decisions such as *Chromalloy* and *TermoRio* International mediation is also examined including guidelines for selecting the best mediator for an international dispute the power of mediation to resolve international commercial disputes and the differences in U S and European approaches Lastly the section on investment and trade arbitration and mediation explores bilateral investment treaties examines WTO arbitration procedures offers advice on saving time and money in cross border commercial disputes and provides guidance for U S investors to follow in dealing with sovereign states The chapters in the Handbook were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field 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 *The Oxford Handbook of International Arbitration* Thomas Schultz, Federico Ortino, Jason Mitchenson, 2020 The Oxford Handbook of International Arbitration A team of leading experts from across academia and practice provide an authoritative account of international arbitration Discussion ranges from the practicalities of how arbitration technically works to big picture analysis of the forces that underpin it Incorporates insights

from a range of disciplines beyond law including history sociology literature and economics Book jacket International Arbitration and Mediation Michael McIlwrath, John Savage, 2010-01-01 This book is intended as an easily accessible desktop resource for lawyers who regularly counsel businesses when negotiating international deals and for those who represent the same clients in achieving a successful resolution when disputes emerge The text is divided into chapters that follow the life cycle of an international commercial dispute as seen through the eyes of the parties from when they agree how to resolve disputes in their contracts to the endgame of enforcement Additionally the appendices include a number of model submissions for further reference Provided by publisher *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 **International Commercial Arbitration** Mark

Huleatt-James,Nicholas Gould,1999-01-01 This text provides a concise overview of arbitration and offers guidance on the most important legal and practical questions which face the practitioner involved in an arbitration The book includes the applicability of the laws of individual countries international conventions and bilateral treaties and their relevance to the arbitral process the arbitration agreement and how an enforceable agreement can be created and enforced with reference to both institutional arbitration such as governed by AAA ICC and LCIA and ad hoc arbitration and the arbitral process from appointment of the tribunal to the award and its enforcement The jurisdiction powers and obligations of the tribunal are also examined in detail The book also examines the role of UNCITRAL in overcoming the lack of uniformity in the laws and rule relating to international commercial arbitration *International Arbitration and the Rule of Law* ,2017-09-22 Volume 19 of the Congress Series contains the proceedings of ICCA s 2016 Mauritius Congress the first ICCA Congress held in Africa In this volume renowned practitioners scholars and jurists from the region and around the world explore the contribution of arbitration to the rule of law and economic development the conformity of arbitration with international standards of due process and the rule of law and the benefits and challenges of arbitration in Africa Topical issues of interest for practitioners academics and students of arbitration in the region and internationally include Due process issues in constituting the arbitral tribunal and challenging its members Interim measures issued by arbitral tribunals and domestic courts Burden standard and types of proof in the corruption defence What to do and what to avoid doing to prepare a persuasive case Do post award remedies ensure conformity of the arbitral process with the rule of law Do rules and guidelines properly regulate the conduct of arbitration The interface between domestic courts and arbitral tribunals What are appropriate remedies for findings of illegality in investment arbitration The effect of foreign national court judgments relating to the arbitral award What does the future hold for investment arbitration in Africa and beyond WIPO Guide on Alternative Dispute Resolution (ADR) Options for Intellectual Property Offices and Courts World Intellectual Property Organization,Joyce A. Tan,2018-09-25 This Guide is designed to provide an overview of ADR processes for IP disputes **The Complete Guide to Conflict Resolution in the Workplace** Marick Francis Masters,Robert R. Albright,2002 People thrive on conflict in most areas of their lives football games political debates legal disputes yet steer clear from workplace conflicts But conflict is actually a healthy way to challenge the existing order and essential to change in the workplace The real problem is not conflict per se but managing conflict This authoritative manual explains step by step how to design a complete conflict resolution system and develop the skills to implement it Packed with exercises case studies and checklists the book also supplies an overview of workplace conflict diagnostic tools for measuring it techniques for resolving conflict such as negotiation labor management partnerships third party dispute resolution mediation arbitration more **The BRICS-Lawyers' Guide to Global Cooperation** Rostam

J. Neuwirth, Alexandr Svetlicinii, Denis De Castro Halis, 2017-10-12 In the international trade and development arena new and developing economies have created a block that is known as BRICS Brazil Russia India China and South Africa Initially conceived to drive global change through economic growth the financial crisis and reversal of fortunes of the BRICS nations have raised questions about their ability to have an impact on the governance of global affairs This book explores the role of law in various areas of BRICS cooperation including trade investment competition intellectual property energy consumer protection financial services space exploration and legal education It not only covers the specifics of each of the BRICS nations in the selected areas but also offers innovative and forward looking perspectives on the BRICS cooperation and their contribution to the reform of the global governance networks This is a unique reference book suitable for academics government officials legal practitioners business executives researchers and students *Asian Leading Arbitrators' Guide to International Arbitration* Michael Charles Pryles, Michael J. Moser, 2007-10-01 The essays in this volume prepared by a virtual who's who of the leading arbitrators in Asia present a unique insight into arbitration practices and procedures in the world's largest and fastest growing region This book offers thoughtful advice and insights into the world of international arbitration in Asia from some of the most prominent and experienced international arbitrators in the world The contributors are arbitrators from Brunei Darussalam China Hong Kong India Indonesia Japan Korea Malaysia New Zealand the Philippines Singapore United Kingdom and the USA The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments The authors' discussions are intended to be thoughtful insightful and useful and perhaps occasionally iconoclastic There may be instances in which the authors disagree with one another on certain points for there are often many routes that can be taken to achieve a result The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may in their position as advocates wish to persuade persons including perhaps the authors **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

International Arbitration: Law and Practice in Switzerland Gabrielle Kaufmann-Kohler, Antonio Rigozzi, 2015 This third edition and the first in English of the globally cited *Arbitrage International Droit et Pratique la Lumière de la LDIP* provides complete guidance on arbitration law and practice relating to Switzerland from two of the leading authorities on Swiss practice

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'ts 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

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

Arbitrability Fabien Gélinas, Leyla Bahmany, 2023-11-17 As simple as the arbitrability question might appear namely what types of issues may and may not be submitted to arbitration for a legal system to set a clear and consistent approach to arbitration it must consider many complicated factors that relate to public policy and economic priorities as well as international relations This comprehensive precise and practical book identifies and analyzes the fundamentals of and major approaches to arbitrability in the current international context The authors focus on nine major arbitration jurisdictions the United States Canada France England and Wales Switzerland Germany China Mainland Hong Kong and Singapore with meticulous attention to each jurisdiction s pertinent case law and legislative framework as well as relevant commentary For each jurisdiction the arbitrability of disputes in the following fields of law is discussed antitrust competition bankruptcy insolvency consumer corporate family domestic relations intellectual property copyright patent and trademark labor employment securities and torts Based on the jurisdiction by jurisdiction analysis the authors identify key areas in which the selected jurisdictions share similarities and evince differences with respect to each of the above mentioned fields

With a structure that enables readers to easily locate what they are looking for and gives clear cut answers this unique book fully elucidates the notion of arbitrability by identifying the key concepts the applicable rules and different criteria for arbitrability and by explaining how different jurisdictions deal with specific types of disputes It will be welcomed by counsel arbitrators judges students and academics active in international arbitration and the enforcement of arbitral awards

International Litigation David J. Levy, 2003 Provides American and foreign lawyers with a practical overview and summary of the issues and strategies that parties and attorneys most often confront when engaged in international litigation in U S federal district courts **Procedure and Evidence in International Arbitration** Jeffrey Waincymer, 2012-05-23

Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs Mediation in International Commercial and Investment Disputes

Catharine Titi, Katia Fach Gómez, 2019 Until now the resolution of international commercial and investment disputes has been dominated almost exclusively by international arbitration But international mediation and conciliation are now coming to the fore This book brings together a line up of highly qualified experts to address this topical complex subject from a variety of angles

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