

A GUIDE TO THE ICC RULES OF ARBITRATION

*by Yves Derains and
Eric A. Schwartz*

SECOND EDITION

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A Guide To The Icc Rules Of Arbitration

Barbara Alicja Warwas



A Guide To The Icc Rules Of Arbitration:

A Guide to the ICC Rules of Arbitration Yves Derains, Eric A. Schwartz, 2005-01-01 The ICC Rules of Arbitration constitute one of the world's oldest and most widely used sets of rules for the resolution of international commercial disputes. In 1998, shortly after the entry into force of the current version of the Rules, the First Edition of this book appeared and quickly became an indispensable resource for all those involved or interested in ICC arbitrations including arbitrators, counsel, and parties. In this updated and revised edition, the authors, two of the world's leading experts on ICC arbitration, have revised the Guide in order to take stock not only of the evolution in ICC practice over the last seven years but of new arbitral and judicial decisions bearing on the interpretation and application of the Rules and of developments in international arbitration practice generally. The Guide's notable features include article by article commentary on the ICC Rules enriched by the authors' and personal involvement in their drafting and years of experience as arbitrators, counsel, and former Secretaries General of the ICC International Court of Arbitration; ample and greatly expanded references in respect of the Rules and individual provisions to relevant national court judgments and arbitral awards together with extensive bibliographical sources; and up to date statistics on ICC arbitration and copies of all ICC rules on dispute resolution mechanisms in addition to arbitration. A truly comprehensive reference work on ICC arbitration practice, the Second Edition of the Guide will be of immeasurable value to corporate counsel, international lawyers, and business people as well as to all those interested in the international arbitration process.

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 is a unique practical reference for anyone dealing with or expecting to deal with the new ICC Rules.

International Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process. This completely revised and expanded edition of Gary Born's authoritative work is divided into three main parts dealing with the International Arbitration Agreement, International Arbitral Procedures, and International Arbitral Awards. The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems. INTERNATIONAL ARBITRATION AGREEMENTS: Legal Framework for International Arbitration Agreements, International Arbitration Agreements, and the Separability Presumption; Choice of Law Governing International Arbitration Agreements.

Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards The Secretariat's Guide to ICC Arbitration Jason Fry, Simon Greenberg, Francesca Mazza, Benjamin Moss, 2012 Craig, Park & Paulsson's Annotated Guide to the 1998 ICC Arbitration Rules International Chamber of Commerce. International Court of Arbitration, William Laurence Craig, William W. Park, Jan Paulsson, 1998 This indispensable volume provides a complete and authoritative discussion of the ICC rules and their application Organized by arbitration rules it contains an article by article analysis of the rules including a comparison with the text of the relevant section of the 1975 rules along with comprehensive indexes for tracking the rules of the court and advice for arbitrators Each annotation contains an explanation of the rationale that drove the revision or incorporation as well as the expected effect on ICC arbitration practice Where the rules are influenced by other established arbitration rules appropriate cross references appear Contents summary BL Overview of the 1998 rules BL Annotated text with commentary BL Arbitral tribunal and proceedings BL Awards BL Costs BL Conversion tables BL Appendices to the 1998 rules BL Index The Chamber of Arbitration of Milan Rules: A Commentary Ugo Draetta, Riccardo Luzzatto, 2012-04-01 The Chamber of Arbitration of Milan Rules A Commentary is a Guide to the 2010 revision of the Arbitration Rules of the Arbitration Chamber of Milan CAM The Guide consists of article by article commentary on the Rules made by prominent scholars and arbitrators both Italians and non Italians CAM started its activities in the administration of domestic and international arbitrations more than 20 years ago It has a case load of about 150 new cases per year Additional information on CAM can be found on its website www.camera.arbitrale.it *Cambridge Compendium of International Commercial and Investment Arbitration* Stefan Kröll, Andrea K. Bjorklund, Franco Ferrari, 2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental

issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each *Guide to ICC Arbitration* International Chamber of Commerce,1963 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 Vienna Rules Franz T. Schwarz,Christian W. Konrad,2009-01-01 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 *The Code of the Court of Arbitration for Sport* Despina Mavromati,Matthieu Reeb,2025-07-21 The Definitive Guide to Sports Arbitration The Court of Arbitration for Sport CAS has long been recognized as the supreme authority in sports related dispute resolution providing a fast cost effective and independent forum for settling conflicts in the sporting world Since its inception in 1984 CAS has built an unparalleled reputation with its rulings shaping the landscape of international sports law This fully revised and updated edition of the comprehensive commentary offers an in depth article by article analysis of the CAS Rules providing an essential guide for practitioners arbitrators and scholars alike Drawing on key CAS and Swiss Federal Tribunal case law internal CAS practices and international arbitration principles the CAS Commentary navigates through the complexities of sports arbitration with clarity and precision This second edition features new template documents and a brand new chapter on the CAS ad hoc Rules and the Rules of the CAS Anti Doping Division during the Olympic Games Key topics include establishing CAS jurisdiction and ensuring compliance with procedural requirements drafting valid requests for arbitration and statements of appeal understanding the applicable law and procedural framework in CAS cases provisional measures procedural safeguards and legal remedies conducting ordinary and appeals arbitration before CAS latest jurisprudence from the Swiss Federal Tribunal on CAS related matters cost considerations legal aid and practical guidance for all stakeholders and understanding the CAS

ad hoc proceedings during the Olympic Games Covering landmark CAS rulings on contractual disputes disciplinary sanctions eligibility and governance this book is an indispensable resource for anyone interested in the evolving field of sports arbitration With its insightful commentary and practical approach this book not only clarifies the CAS arbitration process but also offers innovative procedural solutions that can be adapted to international arbitration beyond sports law

International Commercial Arbitration Gary B. Born, 2014-10-01 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 lis pendens and stare decisis

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

International Arbitration in Practice Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18 International Arbitration in Practice is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel arbitrator and institution may apply during proceedings It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts those spanning multiple jurisdictions and areas of law and when and how to utilize new trends such as virtual advocacy What's in this book Providing in depth guidance throughout all phases of international arbitration a carefully selected group of established and emerging practitioners impart their knowledge in user friendly chapters covering the key elements of practice These chapters are presented in four sections counsel's role which includes chapters on written and oral advocacy document production the use of evidence means of shaping an arbitration and how to work with and lead a team the tribunal's role which includes chapters on responding to the nomination arbitrators duties the hearing weighing evidence drafting orders and awards and correction and clarification the institution's role which includes chapters on distinctions between institutional and ad hoc arbitrations the secretariat's role appointing arbitrators advances on costs and scrutiny of arbitral awards and how arbitration is funded which includes chapters on calculating costs third party funding and attorney's fees How this will help

you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure strategies and tactics to be employed thanks to the authors thorough consideration of the real world practicalities Editors Courtney Lotfi Alicja Zielinska Eisen and Ver nica Sandler Obreg n The Liability of Arbitral Institutions: Legitimacy Challenges and Functional Responses Barbara Alicja Warwas,2016-09-24 This book offers an innovative approach to the topic of liability in international arbitration a controversial topic that has heretofore not been fully explored in the scholarship Arbitral institutions have recently emerged as powerful actors with new functions in and outside arbitration processes The author proposes to shift the debate on liability from arbitrators to the arbitral institutions The book re evaluates the orthodox understanding of the status functions and responsibility of arbitral institutions and is recommended for arbitration scholars practitioners and students It is argued that the current regulations regarding liability are inadequate given both the contractual obligations and the emerging public function of arbitral institutions and that institutional arbitral liability is therefore necessary The book also links the contemporary functions of arbitral institutions to recent debates regarding legitimacy challenges in international commercial arbitration Responding to these challenges a model of institutional contractual liability is proposed that invites arbitral institutions to proactively regulate the scope of their liability **A Guide to the New ICC Rules of Arbitration 3e** Schwartz,2013-11-01 **Arbitration Law of Brazil** Joaquim T. de Paiva Muniz,Ana Tereza Palhares Basílio,2006-11-01 Arbitration Law of Brazil Practice and Procedure is a timely contribution to the development of commercial arbitration in Brazil as it provides international practitioners and arbitrators with a useful reference tool to understand the Brazilian arbitral framework Without sacrificing scholarly rigor it provides a clear commentary on Brazilian arbitration legislation from a practical perspective addressing the most relevant points in a direct and instructive manner so that even someone unfamiliar with Brazilian law can comprehend all issues This work reflects the experience of the authors who are among the most prominent arbitration practitioners in Brazil Both authors have long been committed to the development of arbitration through teaching classes organizing seminars and writing articles not to mention their work on the Arbitration Committee of the Rio de Janeiro State Chapter of the Brazilian Bar Association the first institution in Brazil to help develop and improve alternative dispute resolution mechanisms Besides the authors work this book also contains in its appendices articles from other leading Brazilian scholars analyzing relevant issues in connection with arbitration in Brazil This provides an enlightening combination of practical background and academic debate Publisher s website *Law and Practice of International Commercial Arbitration* Alan Redfern,2004 Highly acclaimed by practitioners all over the world Law Practice of International Commercial Arbitration has deservedly become the leading text in its field With its comprehensive review of the legal context within which international commercial arbitration operates Redfern Hunter is the ultimate user friendly explanation of how arbitration and in particular international commercial arbitration works The 4th edition has been

expanded to give a wider global scope to the work Readers can also benefit from the expert insight and advice of world renowned international practitioners international practitioner Contains a comprehensive review of the international commercial arbitration process from start to finish Includes commentary on suitable places of arbitration developments in international trade law and the increasing harmonisation of national laws governing international arbitration Appendices include the major international rules of arbitration and conventions Explains how arbitration should be conducted to be cost effective and profitable Fully updated to take account of the latest developments all over the world including a new chapter on investment arbitrations

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

EU and US Antitrust Arbitration Gordon Blanke,Phillip Louis Landolt,2011-01-01 EU and US Antitrust Arbitration is the first book that deals with how both of the world s leading antitrust systems US and EU law are treated in international arbitration In forty nine chapters written by renowned experts this book provides an in depth examination of all relevant topics from drafting arbitration clauses to arbitrability provisional measures the applicability of antitrust law in arbitrations dealing with economic evidence and

experts in relation to antitrust law to relations with courts and regulators remedies and recognition and enforcement of arbitration awards dealing with antitrust issues Both antitrust and merger control are covered The perspectives of the arbitrator and the in house andquot userandquot of arbitration are included Two chapters outline and explain US antitrust law and EU antitrust law with special reference to matters particularly likely to arise in arbitration One chapter is devoted to ICC antitrust arbitrations and another to the emerging area of EU State aids in arbitration There are industry specific chapters such as on telecommunications and pharmaceuticals and much else In this substantial book practitioners will find helpful and easy to understand guidance to their questions on antitrust arbitrations

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