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A GUIDE TO  
THE ICDR  
INTERNATIONAL  
ARBITRATION  
RULES

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MARTIN F GUSY  
JAMES M HOSKING  
FRANZ T SCHWARZ

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OXFORD

# A Guide To The Icdr International Arbitration Rules

**Michael Rajnik**



## **A Guide To The IcdR International Arbitration Rules:**

*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 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 *Swiss Rules of International Arbitration - Second Edition* Tobias Zuberbühler, Christoph Müller, Philipp Habegger, 2013-08-01 NO SALES RIGHTS IN SWITZERLAND This second edition of the first comprehensive commentary on the Swiss Rules of International Arbitration covers the new version of these rules which entered into force on 1 June 2012 It is a practical guide for arbitrators counsel state courts and persons involved in the conduct and administration of arbitral proceedings under the Swiss Rules This commentary presents the new version of the Swiss Rules from a double perspective On the one hand it emphasizes the relationship between these Rules and the Swiss legal regime governing international arbitration namely the provisions of chapter 12 of the Swiss Private International Law Statute On the other hand it puts these Rules in an international perspective by comparing them with the corresponding provisions of the other major institutional rules ICC LCIA SCC DIS VIAC SIAC HKIAC CIETAC AAA ICDR WIPO and ICSID and with the provisions of the former edition of the rules Finally it highlights the main differences between the Swiss Rules and the UNCITRAL Arbitration Rules which were revised in 2010 This book is written by arbitration practitioners based in Switzerland who work with established law firms widely experienced in international commercial arbitration It is the work of a refreshing new generation of Swiss arbitration specialists Two of the editors were members of the working group for the revision of the Swiss Rules and thus bring special insight into the book about the revision process *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 Lumi re de la LDIP* provides complete guidance on arbitration law and practice relating to Switzerland from two of the leading authorities on Swiss practice *A Guide to the NAI Arbitration Rules* Bommel van der Bend, Marnix Leijtjen, 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 *Leading Arbitrators' Guide to International Arbitration - Third Edition* Lawrence W. Newman, Richard D. Hill, 2014-04-01 The *Leading Arbitrators Guide to International Arbitration Third Edition* offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world The contributors are arbitrators from Australia Belgium Canada Chile Denmark England France Germany Italy The Netherlands Italy Spain Sweden Switzerland 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 As a result there may be instances in which the authors disagree with one another on certain points This is to be expected 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

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

AAA Handbook on International Arbitration Practice American Arbitration

Association,2010-09-01 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 has discussions of such topics as confidentiality in arbitration tips for beginning practitioners cultural issues in arbitration and the contrast of civil and common law approaches International forum selection is discussed including whether national or regional centers are viable options and how to save time and money in cross border disputes A range of other issues are discussed such as interim and emergency relief the use of a preliminary hearing letter time management techniques and discovery and evidence Ethical concerns are also discussed including a comparison of arbitrator standards of conduct in international trade and investment disputes dealing with arbitrator conflicts and arbitrator disclosure standards Finally the work addresses the topics of damages and the review and enforcement of international arbitration awards including interpretations under the New York Convention The chapters 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

Principles of International Economic Law Matthias Herdegen,2016 Principles of International Economic Law provides a comprehensive overview of the central topics in international economic law with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels Following recent tendencies the book sets the classic topics of international economic law like WTO law investment protection commercial law and monetary law in context with aspects of human rights environmental protection and the legitimate claims of developing countries The book draws a concise picture of the architecture of international economic law with all its complexities without getting lost in fragmented details Providing a perfect introductory text to the field of international economic law the book thoroughly analyses legal developments within their wider political economic or social context Topics covered range from codes of conduct for multinational enterprises to the human rights implications of the exploitation of natural resources The book demonstrates the economic foundations and economic implications of legal frameworks It puts into profile the often complex relationship between on the one hand international standards on liberalization and economic rationality and on the other state sovereignty and national preferences It describes the new forms of economic cooperation which have developed in recent decades such as the growing number of transnational companies in the private sector and forms of cooperation between states such as the G8 or G20 This fully updated second edition covers new aspects and developments including the growing importance of corporate social responsibility mega regional agreements like CETA TTIP and TPP trade and investment related aspects of human rights law

*Twilight Issues in International Arbitration* George Bermann,2023-03-09 There are many issues of arbitral practice that

remain largely unaddressed or very poorly addressed in the sources to which tribunals and counsel conventionally turn for procedural guidance the arbitration agreement the *lex arbitri* and rules of procedure This book brings together the most frequently recurring of such twilight issues so called because all participants in the arbitral process when facing them find themselves in the dark showing in each case where it is best for arbitrators counsel and parties to look for solutions offering logic certainty and predictability The issues ably covered by the author include among others the following Is a non signatory bound by or entitled to invoke an arbitration agreement When may *res judicata* or collateral estoppel subject Should a tribunal issue an anti suit injunction When may a tribunal treat as mandatory a law other than the chosen one On what basis may a witness invoke testimonial privilege When may a tribunal sanction counsel for what it considers misconduct By what standards is a determination of corruption to be made How should a tribunal determine the interest rate applicable to an award On what basis are costs to be allocated Examining in turn the guidance that may be provided by normative sources national law and if so which one simple exercise of good judgment or international standards derived from soft law arbitral jurisprudence international law and scholarly and professional commentary the analysis clearly shows how when conventional sources of legal guidance are unavailing decisions on important matters of arbitral practice and procedure are best made The book will prove of major relevance and value to any and all stakeholders in the international arbitral process whether commercial or investor state

*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

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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 *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

**SUPPLEMENTARY MATERIAL** CI Arb, 2015-01-28 In fulfilling our objectives CI Arb 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 CI Arb 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

*Principles of International Economic Law*, 3e Matthias Herdegen, 2024-03-20 Principles of International Economic Law provides a comprehensive overview of the central topics in international economic law with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels Following recent tendencies the book



examines classical topics of international economic law such as WTO law investment protection commercial law and monetary law in context with emerging aspects of human rights environmental protection and the legitimate claims of developing countries A perfect introductory text to the field of international economic law the book thoroughly analyses legal developments within their wider political economic or social context Topics covered range from codes of conduct for multinational enterprises to human rights implications of the exploiting natural resources and the legal impact of climate protection The book demonstrates the economic foundations and economic implications of legal frameworks It puts into profile the often complex relationship between on the one hand international standards on liberalization and economic rationality and on the other state sovereignty and national preferences It describes the newly developed forms of economic cooperation between states such as the G7 the G20 or the BRICS Herdegen s Principles of International Economic Law has established itself as a leading textbook in the field This fully updated third edition covers new aspects and developments with a particular focus on corporate social responsibility challenges for WTO law mega regional agreements such as CPTPP the impact of human rights law and environmental standards and cryptocurrencies

The Art of Advocacy in International Arbitration R. Doak Bishop, Edward G. Kehoe, 2010-05-01 Written by today s leading arbitrators and counsel this remarkably candid guide provides insight into the practitioner s approach conduct style and techniques that have proven most effective While the facts and the law are fundamental a successful outcome is the product of painstaking document review witness interviews legal research strategizing and focusing the case and developing compelling written and oral presentations How to properly perform these tasks is the subject of this book And where the first edition focused mainly on the cultural differences in advocacy performed in various regions of the world this new edition expands on this theme by addressing each functional aspect of an international arbitration and the techniques that have been developed for good written and oral advocacy Intended to assist both the novice in learning the techniques of advocacy and the experienced advocate in improving his skills this is an essential reference

**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](http://www.camera.arbitrale.it)

**Recognition and Enforcement of International Commercial Arbitral Awards in Latin America** Omar E. García-Bolívar, Hernando Otero, 2015-01-08 The editors of Recognition and Enforcement of International Commercial Arbitral Awards in Latin America Law Practice and Leading Cases present a country by country review of the law arbitral practice and leading cases on the recognition and enforcement of international commercial arbitral awards in the region In a global

economy where arbitration has become standard for dispute resolution between commercial entities of different nationalities the enforcement of international commercial arbitral awards in local jurisdictions is the ultimate bottom line Yet even with international conventions in place to facilitate the process practical information on how Latin American courts enforce international commercial arbitral awards is limited Organized by country each chapter provides a relevant overview and guide to the substantive and procedural practice in the jurisdiction In contrast to other sources of information and databases the book provides excerpts of leading cases analyses of relevant laws and international treaties and descriptions of local practice

**AAA Yearbook on Arbitration and the Law - 23rd Edition** Stephen K. Huber, Ben H. Sheppard, Jr, 2011-08-01

For this work editors Stephen K Huber and Ben H Sheppard Jr and the University of Houston Law Center collaborate with the American Arbitration Association AAA to revive the tradition of publishing an annual survey of important developments in arbitration and the law Initially published as the AAA General Counsel's Annual Report and later as ADR arbitral cost allocation decisions and whether guidelines should accompany arbitral discretion a tenth anniversary reflection on experience under The Revised Uniform Arbitration Act problems posed by arbitrator disclosure and implications of a duty to investigate whether a private international arbitration falls within foreign or international tribunal under 28 U S C Section 1782 and several timely practice pointers for parties seeking discovery in aid of arbitration The AAA Yearbook re-establishes itself as the preeminent annual yearbook on Arbitration and Dispute Resolution in the United States It is a required and necessary reference work for all who wish to stay on top of the latest trends developments cases and guidelines accompanied by expert commentary and analysis in Arbitration and Dispute Resolution

*Arbitration Beyond Borders* Michael Reisman, Nigel Blackaby, 2023-04-25

The influential vision and work of the late Guillermo Aguilar lvarez one of the world's leading arbitral innovators have left the principles and practice of international arbitration with a rich legacy of insight and achievement In this one of a kind book thirty two prominent arbitrators and scholars consider the vital issues that concerned him and to which he often gave a new clarity Each chapter addresses a cutting edge issue of contemporary international arbitration including the following ethical standards for party representatives in international arbitration responsibilities of international arbitrators in the conduct of proceedings alternatives to investment arbitration corruption and red flags in international arbitration abuse of rights in restructuring to access investment protection foreign investment disputes under the United States Mexico Canada Agreement 2020 the illegality defense in investor State arbitration arbitration and insolvency status of annulled awards in investment arbitration the arbitration backlash The collection addresses in depth some of the most pressing technical and political considerations facing international arbitration today Its focus will enable arbitrators and all whose work involves them in the arbitral process as well as academics in the field to equip themselves to address critical issues as they arise during the conduct of any international commercial or investment arbitration

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