

# A GUIDE TO THE ICC RULES OF ARBITRATION

*by Yves Derains and  
Eric A. Schwartz*

SECOND EDITION

KLUWER LAW

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# **A Guide To The New Icc Rules Of Arbitration**

**Grant Hanessian, Lawrence W.  
Newman**



## **A Guide To The New 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' 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.

*A Guide to the New ICC Rules of Arbitration* 3e Schwartz, 2013-11-01, Fouchard, Gaillard, Goldman on International Commercial Arbitration Philippe Fouchard, Berthold Goldman, 1999-09-02 Based on and includes revisions to *Traité de l'arbitrage commercial international* Ph. Fouchard, E. Gaillard, B. Goldman 1996. Cf. foreword. [Practitioner's Handbook on International Commercial Arbitration](#) Frank-Bernd Weigand, 2009-12-24 The Practitioner's Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings as well as commentaries on well-known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of

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International Commercial Arbitration: Commentary and Materials Gary Born, 2021-11-15 International Commercial Arbitration contains detailed commentary case analyses and practice pointers Full annotations and footnotes provide invaluable research assistance while clearly written analyses identify and discuss critical issues Representative international arbitral awards and national court decisions are excerpted and detailed reference is made to leading institutional rules Detailed appendices an easy to use Table of Contents and an extensive index to aid research and provide ready access to key materials Co publication with Kluwer Law International North American sales rights only Published under the Transnational Publishers imprint For class adoption a student edition is available for 85 00 978 1 5710 5175 2 Please contact the Brill sales department to arrange an order

*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

**Practitioner's Handbook on International Arbitration and Mediation - Third Edition** Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner's Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral

venues This Handbook is intended to make the reader into a better practitioner or arbitrator mediator Moreover each chapter has been written to provide practical advice and guidance Unlike many works with multiple authors this work is not simply a collection of essays on a general subject This book is a unified work with cross references among the chapters and a consistent format throughout The Practitioner s Handbook is divided into three parts Part One describes in detail each step of the international arbitration process and offers tips Part Two deals with each step and facet of an international mediation Each of these chapters is filled with Practitioners Expert Commentary Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong England Switzerland and France These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction As a result the chapters in Part Three are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules The CD ROM that accompanies this Work contains relevant original source material that is germane to the text A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered

*Introduction to International Investment Law* Cristina-Elena Popa Tache,2020-07-10 We are in the presence of a recent scientific paper an analysis prepared with professionalism which deals with a topic of great relevance in the inter human and inter state relations that contemporaneity has brought to today s society The paper aims to know the international law of investment as a require to understand the connection between international investment and the science of law and can be used as a subject course of university study Mrs Cristina Popa Tache PhD presented several proposals aimed at contributing to the regulation of the legal regime of foreign investment and concluded that it can be seen that the legal regime of foreign investment can evolve only through cooperation in this area of all specialists to strengthen legislative economic and social cohesion by creating a comprehensive legislative framework as well as by promoting appropriate government policies I would like to accentuate once again the special value of this research work in the international context of a topic full of interest in current international relations Recommending the reading of a wide circle of people interested in the field of international foreign investment law I am convinced that those who know this monograph will considerably enrich their information in view of understanding a very current and useful phenomenon for this field of information and legal culture

PhD Ianfred Silberstein      **International Arbitration Checklists - Second Edition** Grant Hanessian, Lawrence W. Newman,2009-04-01 Baker McKenzie has one of the world s largest and most successful international arbitration practices This book written by members of the International Dispute Resolution Practice Group of Baker McKenzie and others provides a practical experience based guide to international arbitration Each chapter begins with a checklist of issues to be considered at each stage of arbitration Topics include drafting arbitration clauses commencement of the case staying court proceedings compelling arbitration selection of the tribunal provisional relief conduct of hearings and enforcement of awards among many others Law and practice in each of the world s major arbitration centers is discussed Appendices provide ready

access to arbitration treaties statutes and rules This book will be a standard reference for in house counsel and outside practitioners *The UNCITRAL Arbitration Rules* David D. Caron, Lee M. Caplan, 2013-03-07 This article by article commentary sheds light on the UN Commission on International Trade Law UNCITRAL Rules which govern a wide range of arbitrations including the Iran US Claims Tribunal and NAFTA disputes The new edition takes full account of the revised Rules adopted in 2010 and features many extracts from the most important case law **ADR and the Law - 21st Edition**, 2007-03 ADR the Law is the flagship publication of the American Arbitration Association AAA It is a one stop reference for attorneys business executives scholars and anyone who needs to track worldwide developments in alternative dispute resolution Each consecutive volume presents a review of the year s most influential domestic and international ADR case law and legislation along with expert commentary The book includes significant court decisions analysis of current trends highlights of important domestic and foreign legislation and new ADR rules and procedures Each volume is an essential addition to a professional library Each Volume Contains Significant Decisions by Federal and State Courts Articles on Such Topics as Employment Labor Mediation Judicial Review Domestic Alternative Dispute Resolution Legislation Significant Decisions by U S Courts Concerning International Alternative Dispute Resolution International Alternative Dispute Resolution Developments International Arbitration in Specific Countries **Confidentiality in International Commercial Arbitration** Ileana M. Smeureanu, 2011-01-01 After neutrality and international enforcement the next most valued feature of international commercial arbitration is confidentiality For reasons easy to imagine businessmen do not want their trade secrets business plans strategies contracts financial results or any other types of business information to be publicly accessible as would commonly happen in court proceedings Yet the case law of arbitration shows that in practical terms confidentiality is not to be taken for granted in fact it has become one of the most undetermined matters in international arbitration Although the emperor of arbitration may have clothes as one scholar has quipped his raiments of secrecy can be torn with surprising ease This book deciphers the current degree of confidentiality in international commercial arbitration as reflected by the most important arbitration rules national laws other arbitration related enactments and practices of arbitral tribunals and domestic courts globally Drawing on this data and analysis the author then sets forth criteria to assess the breach of confidentiality in international arbitration and the proper rules for protecting or sanctioning such breaches What do we understand by confidentiality in arbitration What are its limitations Who is bound to observe it How can we quantify its breach In addressing these questions the book engages such issues as the following reasons for disclosure e g for the establishment of a defence for the enforcement of rights in the public interest or in the interests of justice disclosure by consent express or implied circumstances triggering statutory obligation of disclosure recent trends towards greater transparency in investor State arbitration court measures in support of arbitral confidentiality such as award of damages for breach of confidentiality and categories of persons bound by confidentiality including third parties such as witnesses and

experts Structured along the main stages of the arbitral process the analysis covers the duty of confidentiality from the initiation of arbitral proceedings through their unfolding to the issuance of the award and after The scope of confidentiality is reviewed in the practice of arbitral tribunals and domestic courts and from the perspective of international arbitration institutions with detailed attention to various arbitration rules and numerous significant cases In its elucidation of the amount of confidentiality that veils each phase of the arbitral process and its ground breaking identification of patterns of disclosure this book is sure to raise awareness about the various facets and problems posed by confidentiality in arbitration Although its scholarly contribution to the law of international commercial arbitration cannot be gainsaid corporate counsel worldwide will quickly prize its more practical value

**Dealing with Bribery and Corruption in International Commercial Arbitration** Emmanuel Obiora Igbokwe, 2023-01-10 International Arbitration Law Library Volume 65

International commercial arbitration is by no means free from bribery and corruption Although a plethora of legal scholarship clearly affirms this contention a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte that is on their own initiative has been surprisingly lacking This important book fills this gap inter alia by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption Among others the following critical issues are thoroughly investigated arbitrability of issues of public interests intermediary contracts role of arbitrators in the fact finding process party autonomy versus overriding mandatory rules iura novit curia in international commercial arbitration in the context of bribery and corruption notion of transnational or truly international public policy arbitrators duty to act as guardians of international commerce investigative tools available to arbitrators dealing with manifestly recalcitrant parties possible consequences of violating the obligation to sua sponte investigate and the view from developing countries The analysis leans primarily on Swiss law as Switzerland is one of the most important jurisdictions in international commercial arbitration Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue However the study also includes a comparative analysis of the relevant laws jurisprudence and doctrine of other major arbitration venues particularly England France and Germany Not only in the light it sheds on how and whether international commercial arbitrators have hitherto justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in depth analysis on the question of sua sponte investigation It also provides invaluable insights on how this issue might affect the future legitimacy

and expansion of this dispute settlement mechanism Outside the field of arbitration the book also provides jurists legal scholars in house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests

**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

*Arbitration and Mediation in International Business* Christian Bühring-Uhle, Lars Kirchhoff, Gabriele Scherer, 2006-01-01 Arbitration and mediation in international business was first published in 1996 and was one of the first comprehensive studies on the practice of international business dispute resolution covering both international commercial arbitration and the so called alternative techniques such as mediation The book also provided an empirical analysis of how both arbitration and mediation are conducted in a crossborder context along with a normative guide to the relative costs and benefits of these two methods This second edition is not just an updated version of the first edition but a new book in itself Benefitting from the contributions of two co authors the work has been enhanced by discussions of innovative tools for making settlement negotiations more effective and by the in depth analysis of practical techniques to integrate mediation and arbitration in international business Also a comprehensive new empirical survey was conducted in order to capture new trends in this rapidly developing field The result is a must have resource for anyone



having to deal with potential conflict in international business relationships Publisher s website On Arbitration Samuel Wordsworth,Marie Veeder,2023 This volume brings together the most important articles lectures and essays of Van Vechten Johnny Veeder chronicling the span of his unsurpassed career in international arbitration **Commercial Arbitration in Sweden** Finn Madsen,2007 The Arbitration Institute of the Stockholm Chamber of Commerce has become an important forum for international commercial arbitration with parties from more than 30 countries especially Western European countries and increasingly Russia other Eastern European Countries and China The author offers practitioners several background chapters on commercial arbitration in Sweden and a detailed analysis of each section of the Swedish Arbitration Act SAA This is a ready reference handbook analyzing Swedish arbitration the SAA the Rules and cases and also includes references and commentary with respect to international commercial arbitration in general The author s intention is to help practitioners in search of rapid guidance regarding the interpretation of a particular provision or who wish to solve a practical problem This Third Edition of Commercial Arbitration in Sweden provides us all with a valuable and up to date understanding of the Swedish system in operation and a comprehensive commentary on the SCC Rules both new and existing World business has the means through this work to see why Sweden and Stockholm are good choices for their international arbitrations Phillip Capper Head of International Arbitration Lovells Nash Professor of Engineering Law King s College University of London former Chairman of the Faculty of Law University of Oxford *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

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