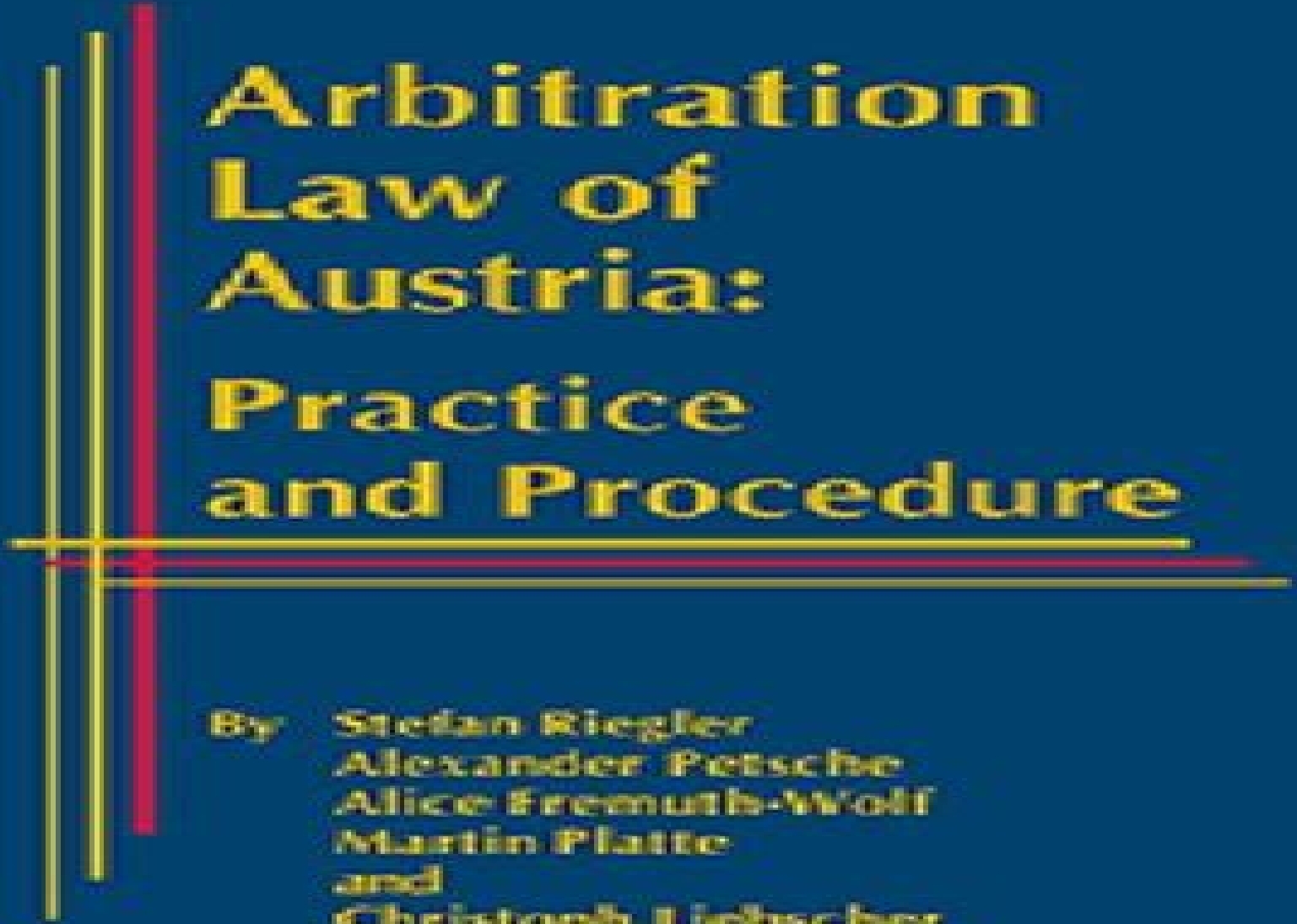




Arbitration Law of Austria: Practice and Procedure

By Stefan Riegler
Alexander Petsche
Alice Fremuth-Wolf
Martin Platte
and
Christoph Liebscher

Arbitration Law Of Austria Practice And Procedure

**Stefan Riegler, Alexander
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Arbitration Law of Austria Stefan Riegler, Alexander Petsche, Alice Fremuth-Wolf, Christoph Liebscher, 2007-03-01 Arbitration Law of Austria with over 800 pages of commentary and analysis provides the reader in a one stop shop manner with a concise but comprehensive tool for understanding and conducting arbitrations under the Austrian Arbitration Act and the Vienna Rules Austria has taken account of international developments and revised its law on arbitration The new Arbitration Act which is based on the UNCITRAL Model Law entered into force on 1 July 2006 Arbitration Law of Austria Practice and Procedure has been designed to be a reference book for arbitration practitioners and everyone who wants to familiarize themselves in depth with Austrian arbitration law and practice including the Vienna Rules It gives a concise introduction and provides a practical commentary to each section of the new Arbitration Act and each article of the Vienna Rules Section by section the book analyzes which case law rendered under the old regime still applies and for the first time summarises Austrian case law in English In addition five topics of particular interest are covered in detail arbitration agreements and third parties confidentiality in arbitration arbitrators liability enforcement and recognition of arbitral awards and arbitration and bankruptcy

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

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

International Arbitration Law and Practice, Third Edition Mauro Rubino-Sammartano, 2014-01-01 This third edition of International Arbitration Law and Practice has been largely enriched by covering international commercial arbitrations investment treaty arbitrations arbitrations between public bodies between states and individuals the UNCITRAL model law and Iran US Tribunal proceedings as well as commodity arbitration online arbitration and sports arbitral proceedings International Arbitration Law and Practice 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law different from transnational law and a

doctrine the *trunc commun* doctrine to identify the applicable substantive law on disputes between parties belonging to different countries It further suggests that a law of international arbitration has arisen from the various conventions and laws Besides dealing with all the aspects of arbitration on a topic by topic basis the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration International Arbitration Law and Practice 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable **Baker & McKenzie International Arbitration Yearbook: 2011-2012** Baker & McKenzie,2012-03-01 This is the fifth edition of the Baker McKenzie International Arbitration Yearbook an annual series established by the Firm in 2007 This collection of articles is comprised of reports in key jurisdictions around the globe on arbitration Leading lawyers of the Firm s International Arbitration Practice Group a division of the Firm s Global Dispute Resolution Practice Group report on recent developments in national laws relating to arbitration and address current arbitral trends and tendencies in the jurisdictions in which they practice This Yearbook highlights the more important recent developments in international arbitration without aspiring to be an exhaustive case reporter or a text book to arbitration in the broad sense This volume will prove a useful tool for those contemplating and using arbitration to resolve international business disputes *Baker & McKenzie International Arbitration Yearbook 2013-2014* Liz Williams,2014-03-01 This is the seventh edition of the Baker McKenzie International Arbitration Yearbook an annual series established by the Firm in 2007 This collection of articles is comprised of reports in key jurisdictions around the globe on arbitration Leading lawyers of the Firm s International Arbitration Practice Group a division of the Firm s Global Dispute Resolution Practice Group report on recent developments in national laws relating to arbitration and address current arbitral trends and tendencies in the jurisdictions in which they practice This Yearbook highlights the more important recent developments in international arbitration without aspiring to be an exhaustive case reporter or a text book to arbitration in the broad sense This volume will prove a useful tool for those contemplating and using arbitration to resolve international business disputes **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 Interim Measures in International Arbitration Lawrence W. Newma, Colin Ong,2014-06-01 The first edition of Interim Measures in International Arbitration edited by Lawrence Newman and Dr Colin

Ong is most auspicious in its timing The editors have compiled a shrewd and very practical questionnaire and they have gathered together a formidable group of some of the most reputed and talented practising arbitration lawyers academics and arbitrators from 43 leading jurisdictions to inform the reader about the essential elements of the different interim measures which are available as part of the arbitral process in a very large number of different national jurisdictions This book thus combines the best elements of a focused legal textbook with the essential practicalities of a practitioners procedural handbook This should be a standard travelling companion of international arbitrators and counsel as well as many international lawyers not just those who are arbitration specialists

Recognition and Enforcement of Foreign Arbitral Awards George A. Bermann, 2017-07-17 This book examines how the Convention on the Recognition and Enforcement of Foreign Arbitral Awards commonly known as The New York Convention has been understood and applied in insert number jurisdictions including virtually all that are leading international arbitration centers It begins with a general report surveying and synthesizing national responses to a large number of critical issues in the Convention s interpretation and application It is followed by national reports all of which are organized in accordance with a common questionnaire raising these critical issues Following introductory remarks each report addresses the following aspects of the Convention which include its basic implementation within the national legal system enforcement by local courts of agreements to arbitrate including grounds for withholding enforcement recognition and enforcement of foreign awards by local courts under the Convention including grounds for denying recognition and enforcement and essential procedural issues in the courts conduct of recognition and enforcement Each report concludes with an overall assessment of the Convention s interpretation and application on national territory and recommendations if any for reform The New York Convention was intended to enhance the workings of the international arbitral system primarily by ensuring that arbitral awards are readily recognizable and enforceable in States other than the State in which they are rendered subject of course to certain safeguards reflected by the Convention s limited grounds for denying recognition or enforcement It secondarily binds signatory states to enforce the arbitration agreements on the basis of which awards under the Convention will be rendered Despite its exceptionally wide adoption and its broad coverage the New York Convention depends for its efficacy on the conduct of national actors and national courts in particular Depending on the view of international law prevailing in a given State the Convention may require statutory implementation at the national level Beyond that the Convention requires of national courts an apt understanding of the principles and policies that underlie the Convention s various provisions Through its in depth coverage of the understandings of the Convention that prevail across national legal systems the book gives practitioners and scholars a much improved appreciation of the New York Convention on the ground

Arbitrability Loukas A. Mistelis, 2009-01-01 It often seems today that no dispute is barred from resolution by arbitration Even the fundamental question of whether a dispute falls under the exclusive jurisdiction of a judicial body may itself be arbitrable Arbitrability is thus an elusive concept yet a systematic study

of it as this book shows yields innumerable guidelines and insights that are of substantial value to arbitral practice Although the book takes the form of a collection of essays it is designed as a comprehensive commentary on practical issues that emerge from the idea of arbitrability Fifteen leading academics and practitioners from Europe and the United States each explore different facets of arbitrability always with a perspective open to international developments and comparative evaluation of standards The presentation falls into two parts in the first the focus is on the general features of arbitrability its rationale and the laws applicable to it In the second arbitrability is specifically examined in the context of administrative criminal corporate IP financial commercial and criminal law This book has its origins in an International Conference on Arbitrability held at Athens in September 2005 Seven papers presented there are here reviewed and updated and nine others are added The subject of the book and arbitrability and is one that is much talked about but seldom if ever given the in depth treatment presented here Arbitrators and other practitioners in the field will welcome the way the analysis moves logically from theory to practice regarding every issue and academics will recognize a definitive treatment of arbitrability as understood and applied in the settlement of disputes today 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 *International Arbitration and International Commercial Law* Eric E. Bergsten, 2011-01-01 Over the last half century as UNCITRAL official professor arbitrator and father of the Willem C Vis Arbitration Moot Eric Bergsten has been at the forefront of progress in international commercial arbitration Now on the occasion of his eightieth birthday the international arbitration and sales law community has gathered to honour him with this substantial collection of new essays on the many facets of the field to which he continues to bring his intellect integrity inquisitive nature eye for detail precision and commitment to public service Celebrating the long standing and sustained contribution Eric Bergsten has made in international commercial law international arbitration and legal education more than fifty colleagues among them quite a few of the best known arbitrators and arbitration academics in the world present 45 pieces that individually both engaging and incisive collectively present a thorough and far reaching account of the state of the field today with contributions covering international sales law commercial law commercial arbitration and investment arbitration In addition nine essays on issues in legal education mirror the great importance of the renowned Willem C Vis International Commercial Arbitration Moot Eric's Vienna project which has offered a life changing experience for so many young lawyers from all over the world *Dispute Resolution in Austria* Manfred Heider, Michael Nueber, 2015-10-16 This very useful book arms litigation and arbitration practitioners and in house counsel with a detailed description of the Austrian procedural law governing proceedings before both Austrian domestic courts and arbitral tribunals seated in Austria Divided equally between arbitration and litigation with a concluding chapter on the role of relevant international conventions and treaties the book provides a practical approach to users of the Austrian law on dispute resolution While it includes detailed references and examples of the jurisprudence of Austrian courts and the opinions of Austrian academics its great value lies in the straightforward answers it provides foreign lawyers to questions that arise during proceedings in Austria Issues and topics covered include the following the rules governing arbitration agreements and arbitrability the taking of evidence in arbitration interim measures costs recognition and enforcement of arbitral awards court structure and jurisdiction of Austrian courts the evidentiary proceedings before Austrian courts and European Civil Procedure This is the first detailed English language portrayal of the Austrian legal situation proposed dispute resolution It allows practitioners to quickly grasp an overview of the Austrian practice in both arbitration and litigation while simultaneously ensuring the required depth to fully understand the legal background of this practice Czech Yearbook of International Law - Rights of Host States within the System of International Investment Protection - 2011 Alexander J. Bělohávek, Prof. JUDr. Naděžda Rozehnalová, 2011-03-01 With the successful introduction in 2010 of the Czech Yearbook of International Law Professor Alexander J B lohl vek and Professor Nad da Rozehnalov the editors present the 2011 volume of this ambitious project The second volume focuses on the admittedly controversial topics relating to a shift from the investors viewpoints on investment protection to the contrasting viewpoints of the host states which are facing growing numbers of alleged claims by investors Volume II has set

as its objective to plot the shift in the paradigm towards a new balance between investors and host states in the investment protection system. Such a shift can be observed in the rising number of counterclaims brought by host states against investors by the introduction of new standards for evaluation of investments in light of the good faith of the investor at the time of an investment and by the choice of an absolute means of protection of a host state's interest against investor claims by termination of an existing investment treaty. These topics represent pieces of the whole mosaic of this problem to which the second volume of the Czech Yearbook of International Law is dedicated to a wide professional audience. The Czech Yearbook of International Law (CYIL) is a collective effort by the following persons and institutions: **Baker & McKenzie**

International Arbitration Yearbook: 2010-2011 Baker & McKenzie, 2011-03-01. This is the fourth edition of the Baker McKenzie International Arbitration Yearbook, an annual series established by the Firm in 2007. This collection of articles is comprised of reports in key jurisdictions around the globe on arbitration. Leading lawyers of the Firm's International Arbitration Practice Group, a division of the Firm's Global Dispute Resolution Practice Group, report on recent developments in national laws relating to arbitration and address current arbitral trends and tendencies in the jurisdictions in which they practice. This Yearbook highlights the more important recent developments in international arbitration without aspiring to be an exhaustive case reporter or a text book to arbitration in the broad sense. This volume will prove a useful tool for those contemplating and using arbitration to resolve international business disputes.

B2C Arbitration: Consumer Protection in Arbitration Alexander J. Belohlávek, 2012-10-01. Consumer protection has become a phenomenon of the past years and the combination of consumer protection and arbitration is especially sensitive. Some countries experience tens of thousands of consumer arbitrations each year while others significantly limit or even entirely exclude arbitration in consumer disputes. Many countries have undergone certain reforms in consumer disputes, the main objective of which is the protection of consumers in arbitration. The controversial variable is the degree of protection to be afforded to the consumer both under the applicable substantive law and in procedural terms. These are the main issues addressed in this book. Apart from the key topic, the author has extensively elaborated on certain fundamental categories such as public interest and public policy, all primarily in connection to the procedural mechanisms of consumer protection. He has also analyzed the applicable European law and the case law of the ECJ and offered an overview of the individual systems employed in both European and non-European countries, especially the USA and Canada. An integral part of this book is an extensive comparison and analysis of the voluminous case law, several tens of decisions with reference to more than three hundred other available court decisions. The book also focuses on the position of the consumer in the individual procedural stages, the intervention of courts in arbitration motivated by consumer protection, the individual stages of proceedings, recognition and enforcement of arbitral awards rendered in consumer disputes both in domestic context and in the international milieu, etc. The international practice significantly influences the domestic environment in the individual countries. The key issue in the EU countries is in principle

the enforcement of EU standards which influence the domestic models of consumer protection primarily in connection with the autonomous EU interpretation of a number of institutions. Many related issues have not yet been addressed in the case law of certain states. In fact some of them have never even been discovered. Besides the enforcement of foreign arbitral awards requires inter alia the compliance with extra EU international obligations binding on the individual states. And finally arbitration is not regulated by the EU law as opposed to consumer protection. Naturally arbitration is to a significant extent regulated by international law. This results in conflicts between national international interpretation and interpretation pursuant to the EU law where the circumstances allow to apply the EU law. This book is intended for all readers who have any experience with enforcement of consumer rights as well as for all professionals dealing with arbitration in general. It is therefore intended for general legal practitioners lawyers primarily arbitrators of course but also for judiciary dealing with civil matters in the broadest sense. Apart from a voluminous case law the book quotes from a number of domestic and foreign sources and above all offers a long list of structured bibliography and detailed subject index as well as a table of states table of cases and list of legal sources. It is therefore not only an important tool for the practice but also a useful instrument for academics lawyers as well as other professionals.

Arbitration Law and Practice in Central and Eastern Europe Christoph Liebscher, Alice A. Fremuth-Wolf, 2006. The focus of *Arbitration Law and Practice in Central and Eastern Europe* is to provide an understanding of the involvement of state authority in arbitrations and offer practical ideas on arbitration procedures for countries in this region. Adopting a questionnaire format devised by the editors issues are investigated from both the arbitrator's and the counsel's perspectives and important tactical issues are discussed. It is inevitable however that the reader may occasionally be disappointed to find an unanswered question. The editors authors and contributors ask for patience as the reader tries to find specific answers to questions which would not have been posed ten years ago. Case law is generally sparse in these countries legal reforms are recent and therefore the legal writing is limited and does not cover the entire array of questions that may arise. The book is an indispensable reference and guide for arbitrators and party representatives who are engaged in arbitrations in the region. Publisher's website.

Conflict of Laws in International Arbitration Franco Ferrari, Stefan Kröll, 2010-12-23. Irrespective of the increasing harmonization of law at the transnational level every arbitration raises a number of conflict of laws problems relating to procedural questions as well as to issues concerning the merits of the case. Unlike a state court judge the arbitrator has no *lex fori* in the proper sense providing the relevant conflict rules to determine the applicable law. This raises the question of what conflict of laws rules to apply and consequently of the extent of the freedom the arbitrator enjoys in dealing with this and related issues. The best example of the importance of conflict of laws questions in arbitration is the Vivendi Elektrim saga where the outcome of the various proceedings depended on the question of characterization. This very beneficial book is dealing with the arbitration agreement the jurisdiction of the arbitral tribunal the law applicable to the merits and the arbitration procedure.

The Baker &

McKenzie International Arbitration Yearbook 2009 ,2010 *Between East and West* Kaj Hobér,Annette

Magnusson,Marie Öhrström,Christopher Goddard,2010-03-01 Friends and colleagues from all corners of the world have dedicated this publication to Ulf Franke in appreciation of his 35 years of service as Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce SCC Institute Mr Franke s expertise has been long recognized not only in Sweden but also in the international arbitration community Throughout an inspiring career Mr Franke has used his vast knowledge of international arbitration in combination with an inexhaustible energy to build and develop the practice of institutional arbitration and the SCC Institute Between East and West Essays in Honour of Ulf Franke contains 43 essays by leading members of the arbitration community The contributions not only look back on how international arbitration has developed over the course of Mr Franke s career but also discuss cutting edge issues that directly affect the future of this field

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In a global driven by information and connectivity, the energy of words has become more evident than ever. They have the ability to inspire, provoke, and ignite change. Such is the essence of the book **Arbitration Law Of Austria Practice And Procedure**, a literary masterpiece that delves deep in to the significance of words and their affect our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall impact on readers.

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