

Arbitrating under the 2012 ICC Rules

An Introductory User's Guide

BY JACOB GRIERSON AND ANNET VAN HOOFT



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Arbitrating Under The 2012 Icc Rules An Introductory User S Guide

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Derains, Dominique Hascher**



Arbitrating Under The 2012 Icc Rules An Introductory User S Guide:

Arbitrating Under the 2012 ICC Rules Jacob Grierson, Annet van Hooft, 2012 Focusing on the 2012 ICC Rules and which apply to all ICC arbitrations commenced on or after 1 January 2012 unless the parties have agreed that an earlier version should apply and this book serves the needs of the following parties those who want a full introduction to the topic of ICC arbitration those who already have a good understanding of how ICC arbitration worked under the old 1998 ICC Rules but are looking for an update on the new 2012 ICC Rules those who need to take a decision on whether to opt for ICC arbitration those who have opted for ICC arbitration and need to draft an ICC arbitration clause and those who are actually faced with the prospect of an ICC arbitration As far as possible the book is structured so as to follow the sequence of events that would typically take place in the resolution of a dispute by arbitration Following a discussion of preliminary matters the authors go on to describe the process leading from negotiation to arbitration the initial decisions that may be taken by the ICC International Court of Arbitration and the different steps in the proceedings before the arbitral tribunal The book concludes with a discussion of the award and its enforcement Extensive references to relevant books articles websites and other resources as well as a comprehensive glossary further enhance the book and s practical value [Arbitrating Under the 2012 ICC Rules. An Introductory User's Guide](#) Jacob Grierson, 2018 An introductory guide to arbitrating under the NEW ICC Rules of Arbitration which differ significantly from the previous 1998 rules This is the first guide on the ICC rules for non specialists whether private practice or in house lawyers Its aim is to do away with the mystique that shrouds ICC arbitration so that all lawyers have a clearer understanding of the subject for the purpose of a deciding whether to opt for ICC arbitration b drafting ICC arbitration clauses and c handling actual ICC arbitrations in the most effective way ,

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

Arbitrating under the 2020 LCIA Rules Maxi Scherer, Lisa Richman, Rémy Gerbay, 2021-07-12 The London Court of International Arbitration LCIA the oldest of all major arbitral institutions has since its establishment well over a century ago embodied the ideals that underlie the arbitral alternative and set its face against undue delay soaring cost complexity and acrimony Today the LCIA administers cases arising under any system of law in any venue worldwide Underscoring the institution's international nature and over 80% of parties in pending LCIA cases today are not of English nationality This highly practical and user friendly guide provides not only a thorough analysis of the 2020 LCIA Rules but also a comprehensive explanation of the basic principles governing LCIA arbitration along with an in depth analysis of complex issues that may arise in the course of LCIA proceedings Among the new and revised rules affecting LCIA practice and procedure described in detail include the following use of technology accommodating virtual conferencing remote hearings and electronically signed awards as well as confirming the primacy of electronic communication with the LCIA tools to expedite proceedings including the possibility of early dismissal determinations explicit consideration of data protection issues relating to bribery corruption terrorist financing fraud tax evasion money laundering and or economic or trade sanctions streamlined accommodations for consolidation composite Requests and concurrent conduct of arbitrations conduct of authorised representatives of a party requirements for appointment and removal of tribunal secretaries and revised schedules of arbitration and mediation costs The twenty six chapters of the book provide references to essential national court judgments statutory provisions up to date statistics and bibliographical sources on LCIA arbitrations The 2020 LCIA Rules reflect the most sophisticated current modifications of arbitral procedure fully aligned with the needs of current global commercial activities For this reason and because many companies worldwide include LCIA arbitration clauses in their agreements this book is invaluable to business executives and corporate counsel as well as to scholars of alternative dispute resolution

Emergency Arbitration Cameron Sim, 2021 Emergency Arbitration provides clear and authoritative guidance on the practice and theory of this increasingly utilised procedure By examining the leading emergency arbitration rules the book identifies a common procedural framework for the commencement conduct and decision making process in an emergency arbitration This framework is developed through the articulation of The Fifteen Principles of Emergency Arbitration These are aimed at giving parties greater control and certainty in bringing and defending applications for emergency measures The book combines a practical approach including the use of flowcharts and tables with in depth analysis of important issues arising in emergency arbitration

International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 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 Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise s position as the world s leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People s Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant s and the Respondent s Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of J rgen Voss ICSID Case No ARB 06 18 1 March 2011

Iura Novit Curia in Investment Treaty Arbitration

Bianca Böhme, 2025-09-26 How much legal discretion do arbitrators truly have in investment treaty arbitration Iura novit curia literally the judge knows the law is a well established procedural principle across various legal systems empowering and or requiring adjudicators to ascertain and apply the law independently even beyond the arguments presented by the parties Yet its specific role in investment treaty arbitration remains largely unexplored This book presents a comprehensive and in depth examination of iura novit curia in investment treaty arbitration Against the backdrop of ongoing global reforms of the international investment protection regime the principle holds the potential to enhance accurate decision making and reinforce the substantive equality of arms between parties The book traces the historical development of iura novit curia

from Roman law to contemporary civil and common law procedures providing a comparative foundation for its modern application. It then examines how international courts and tribunals allocate responsibility for legal ascertainment exploring its role in public international law and international commercial arbitration. Building on this background, the book shifts its focus to the core question whether and how *iura novit curia* should be applied within the unique legal framework of investment treaty arbitration. In this context, the book *inter alia* addresses the following legal questions: On which legal basis can *iura novit curia* be applied in investment treaty arbitration? Does its application align with the policy objectives driving the ongoing reform of the international investment protection regime? Is the independent ascertainment of law a power or a duty for investment arbitrators? After answering these foundational questions, the book then delves into the two main elements of *iura novit curia*: the notion of legal knowledge and the *ex officio* ascertainment of law. It critically examines the level of legal knowledge expected from investment arbitrators and whether specific knowledge requirements should be mandatory. Regarding the ascertainment of law, it explores the role of different methods: reliance on party submissions, external experts, autonomous interpretations, and the introduction of new legal sources, while also analysing the procedural constraints arbitrators face when independently ascertaining the applicable law.

Tribunal Secretaries in International Arbitration J. Ole Jensen, 2019-03-24. The *Tribunal Secretaries in International Arbitration* adopts a transnational approach to systematically answer questions about tribunal secretaries, often discussed but thus far unresolved. With useful analysis and practical guidelines, it is an essential tool for all practitioners and academics involved in international arbitration.

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 *China's Globalization and the Belt and Road Initiative* Jean A. Berlie, 2019-09-14 This book explains the importance of globalization and the Belt and Road Initiative which is one of the essential projects of President Xi Jinping and where China fits on the global arena Additionally the contributors cover such important topics as China's maritime traffic infrastructure along the modern Silk Road the South China Sea and China's relationship with Indonesia Malaysia East Timor Hong Kong and Macao This edited volume will interest scholars researchers and students in the fields of Asian studies globalization political science and Chinese politics *Institutional Arbitration* Rolf A Schütze, 2013-04-05 International arbitration has become the preferred dispute resolution mechanism in cross border disputes In the course of time ad hoc arbitration where the parties have to create their own rules and procedures has increasingly been replaced by institutional arbitration where a specialised institution with a permanent organisation provides assistance and a set of practice proven rules The services and rules provided by the various institutions of arbitration differ In order to inform the potential parties and their counsels about the differences and to make the choice between the different arbitration regimes easier and to offer guidance through the various provisions this book provides a comprehensive article by article commentary of rules of arbitration of 14 important arbitration institutions AAA American Arbitration Association CIEDAC China International Economic and Trade Arbitration DIAC Dubai International Arbitration Centre DIS German Institution of Arbitration ICC International Court of Arbitration ICSID International Centre for Settlement of Investment Disputes KLRCA Kuala Lumpur Regional Centre for Arbitration LCIA The London Court of International Arbitration MKAS Moscow International Commercial Arbitration Court SCC Stockholm Chamber of Commerce Arbitration SIAC Singapore International Arbitration Centre Swiss Rules UNCITRAL Rules Vienna Rules **Collection of ICC Arbitral Awards 2012 - 2015** Jean-Jacques Arnaldez, Yves Derains, Dominique Hascher, 2018-12-21 The Collection of ICC Arbitral Awards 2012 2015 contains extracts of cases handled by the ICC Court of Arbitration one of the world's most respected arbitral institutions This most recent collection supplements six previous and successful volumes containing awards from the periods 1974 1985 1986 1990 1991 1995 1996 2000 2001 2007 and 2008 2011 This collection is a practical reference tool containing three types of useful indexes incorporating information from all three volumes a consolidated analytical table in both English and French contains extensive cross references based on the terminology used in awards and case notes a chronological index lists the awards a key word index also provided in both languages allows the reader to locate the material of interest quickly and

easily In addition to providing a wealth of information in a highly accessible manner this book includes case notes and expert commentaries on the awards This publication is an indispensable reference work for anyone interested in international arbitration and in the reasoning of international arbitrators on the interpretation and application of contractual clauses international conventions and the law of international trade It is invaluable to both scholars and practitioners involved in the drafting and negotiation of international commercial contracts and the resolution of international commercial disputes

Arbitration in Switzerland Dr. Manuel Arroyo, 2018-08-06 Arbitration in Switzerland **Handbook of ICC**

Arbitration Thomas H. Webster, Dr Michael Buhler, 2014 Handbook of ICC Arbitration provides expert analysis of the whole process of using and adhering to the ICC Arbitration Rules It examines close up the diverse issues that can occur during an arbitration and hosts essential information related to arbitration on an international level with reference to published and unpublished awards and procedural orders as well as to many decisions of national courts **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

Goode and McKendrick on Commercial Law Roy Goode, Ewan McKendrick, 2021-03-25 The sixth edition of the authoritative and acclaimed commercial law text A great book will be equally useful to legal practitioners students and business people Financial Times This sixth edition of Goode on Commercial Law now retitled Goode and McKendrick on Commercial Law remains the first port of call for the modern day practitioner with its theoretical and practical coverage of commercial law in both a national and an international context Now updated to cover the most recent legal and technical changes this highly acclaimed and authoritative text which is regularly cited by all courts from the Supreme Court downwards combines a deep theoretical analysis of foundational principles with a practical approach in the context of typical commercial and financial transactions It is also replete with diagrams and specimen forms covering a wide range of transactions Searching analysis and meticulous exposition coupled with a lucid clarity of style and a relaxed lightness of touch combine to make the book not only compulsory but compulsive reading for anyone interested in its field Law Quarterly Review A work of immense scholarship Professor Goode's work must be as nearly exhaustive as can be possible and as produced by Penguin is a triumph of paperback publishing Solicitor's Journal Clear and comprehensive The student and practitioner will find it indispensable the interested layperson too will benefit from it as a work of reference British Business A veritable tour de force Business Law Review

The Functions of Arbitral Institutions Rémy Gerbay, 2016-04-20 While thousands of cross border disputes are successfully resolved each year through institutional arbitration there appears to be little understanding of the functions exercised by arbitral institutions and their impact on the proceedings they administer Much like the user of a computer may operate with relative success a machine which he does not fully comprehend users of institutional arbitration have for many decades resolved their disputes successfully through institutional arbitration without fully understanding the precise nature of the functions of what is a key player in the process This book rectifies this paradoxical gap It offers a clear yet nuanced overview of the diverse and complex reality of institutional arbitration while challenging the assumptions conventionally held as to the role of arbitral institutions This book is the product of a systematic study of the activities performed by over forty leading international arbitration institutions worldwide in their administration of cases including the ICC LCIA ICDR SCC SIAC HKIAC JAMS CIETAC KLRCA DIS DIA NAI CEPANI etc This book also examines a wealth of court decisions and bibliographical sources from the leading civil law and common law jurisdictions e.g. France England Wales the United States Switzerland Germany This book is invaluable to academics and practitioners interested in furthering their

theoretical and practical understanding of institutional arbitration and arbitral institutions **Der Emergency Arbitrator und die ZPO** Jakob Horn, 2019-02-04 Der Emergency Arbitrator gewinnt in der internationalen Schiedspraxis zunehmend an Bedeutung Ein Emergency Arbitrator Eilschiedsrichter wird auf Antrag einer Schiedspartei innerhalb kurzer Zeit von einer Schiedsorganisation eingesetzt um Massnahmen des einstweiligen Rechtsschutzes zu erlassen Jakob Horn erortert umfassend inwiefern der Emergency Arbitrator in ein Schiedsverfahren nach deutschem Schiedsrecht rechtlich integriert wird Grundlage der Analyse sind die Schiedsordnungen der weltweit sieben grossten Schiedsorganisationen u a der ICC des LCIA und der SIAC Dabei stellt der Autor fest dass der Emergency Arbitrator Teil eines einheitlichen Schiedsverfahrens ist und seine Anordnungen sowohl in Deutschland als auch nach der New York Convention vollstreckt werden können Abschliessend unterbreitet er einen Vorschlag wie die deutsche Rechtslage im Zuge einer ZPO Reform verbessert werden kann **The Independence and Impartiality of ICSID Arbitrators** Maria Nicole Cleis, 2017-06-06 The legitimacy of investor State arbitration is a much debated topic with arbitrators independence and impartiality being one of the core concerns In The Independence and Impartiality of ICSID Arbitrators Maria Nicole Cleis explores how unbiased decision making is ensured under the ICSID Convention Juxtaposing existing disqualification decisions in the ICSID system against corresponding requirements in related dispute settlement systems the book convincingly argues that the current approach to disqualification requests against ICSID arbitrators is too exacting in light of the high stakes of investor State disputes The author s nuanced analysis of the status quo is followed by novel suggestions for reforms including a proposal for ICSID specific guidelines on conflict of interest making the book a valuable source of ideas on constructive paths forward

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