

Conrad/Münch/Black-Branch (Eds.)

International Commercial Arbitration

Standard Clauses and Forms

Commentary

Helbing Lichtenhahn Verlag
C.H. Beck · Hart · Nomos

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Preface

Arbitration is becoming increasingly important in the field of international business. In the past, the typical parties to arbitration proceedings were big enterprises, represented by international law firms. As a consequence of globalization and the opening of markets in Asia, medium-sized enterprises can now become global players, joined by small and medium-sized law firms.

While there are already many introductions to arbitration law to choose from, this book is different. It serves as a form book in which practitioners will find not only generic models but also models with commentaries for use in different jurisdictions. However, it is not the editors' intention to formalize or standardize arbitral proceedings. Rather, this book provides practical guidelines to help steer clients through arbitral proceedings. By using it to check submissions for completeness and formal accuracy, a practitioner can avoid pitfalls and thus improve the efficiency of the arbitration process.

This publication aims to be a useful tool for practitioners involved in international arbitration proceedings. However, every case is different. The model forms must be adapted to take into account the specific characteristics of each individual case.

The publication also focuses on institutional arbitration rules in Asia, introducing the reader to the SIAC, HKIAC, CIETAC, and KLRCA Rules in their current versions. The UNCITRAL commentary is based on the revised Rules adopted in 2010.

The concept of the handbook has been developed at the Zurich University of Applied Sciences (ZHAW), School of Management and Law. The editors are proud to have won over 20 certified specialists for their vision of a form book on international arbitration law. Constructive feedback is most welcome and can be addressed to either the editors or the publishers.

Winterthur, January 2013

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List of Abbreviations

AA	Arbitration Act
AAA	American Arbitration Association
AALCO	Asian-African Legal Consultative Organization
ACA	Arbitration and Conciliation Act, 1996
ACCP	Austrian Code of Civil Procedure
ADR	Alternative Dispute Resolution
AGICOA	Association of International Collective Management of Audiovisual Works (Association de Gestion Internationale Collective des Oeuvres Audiovisuelles)
AO	Arbitration Ordinance
Art.	article
Arts.	articles
ASA	Association Suisse de l'Arbitrage (Switzerland's Arbitration Association)
BAC	Beijing Arbitration Commission
BeckRS	Beck-Rechtsprechung
BGB	Bürgerliches Gesetzbuch
BGH	Bundesgerichtshof
BSK	Basel Commentary (Basler Kommentar)
BT-Drucksache	Deutscher Bundestag: Drucksache
CAS	Court of Arbitration for Sport (Lausanne)
CCP	Swiss Code on Civil Procedure (Schweizerische Zivilprozessordnung vom 19. Dezember 2008, SR 272)
CCP	French Code of Civil Procedure
CEDR	The Centre for Effective Dispute Resolution
cf.	confer
CIArb	Chartered Institute of Arbitrators
CIETAC	China International Economic and Trade Arbitration Commission
CIPAA	Construction Industry Payment and Adjudication Act 2012
CMAC	China Maritime Arbitration Commission
CNICA	Council for National and International Commercial Arbitration
consid.	consideration
CV	curriculum vitae
DAB	Dispute Adjudication Board
DAC	Delhi High Court Arbitration Centre
DAC	Department Advisory Committee on Arbitration Law
DFT	Decision of the Swiss Federal Tribunal
DIAC	Dubai International Arbitration Centre
DIFC	The Dubai International Financial Centre
DIS	German Institution for Arbitration/Deutsche Institution für Schiedsgerichtsbarkeit e.V.
DRB	Dispute Review Board
e.g.	exempli gratia (= for example)
e.V.	eingetragener Verein (Association)
EC	European Commission
ECHR	European Convention on Human Rights

ed.	edition/editor
eds.	editors
EPCs	Export Promotion Councils
et seq./et seqq.	et sequens [and the following one]/et sequens [and the following ones]
etc.	et cetera
EU	European Union
f./ff.	(and the) following (page)/(and the) following (pages)
FACT	Federation on Indian Chambers of Commerce
FAQs	Frequently Asked Questions
FIAC	Frankfurt International Arbitration Center
FICCI	Federation of Indian Chambers of Commerce and Industry
FIDIC	Fédération Internationale des Ingénieurs Conseils/International Federation of Consulting Engineers
FOSFA	The Federation of Oils, Seeds and Fats Associations
Frankfurt a.M.	Frankfurt am Main
GAA	German Arbitration Act
GAFTA	The Grain and Feed Trade Association
GCC Convention	Gulf Cooperation Council Convention
GPR	Zeitschrift für Gemeinschaftsprivatrecht
HKIAC	Hong Kong International Arbitration Centre
i.e.	id est (= that is)
IBA	International Bar Association
IBA Guidelines	IBA Guidelines on Conflicts of Interest in International Arbitration of 22 May 2004
IBA Rules of Evidence	IBA Rules on the Taking of Evidence in International Commercial Arbitration of 29 May 2010
ibid.	ibidem (= in the same place)
ICA	Indian Council of Arbitration
ICADR	International Centre for Alternative Dispute Resolution
ICC	International Chamber of Commerce
ICC Rules	ICC Rules of Arbitration of 1 January 2012
ICSID	International Centre for Settlement of Investment Disputes
IIAM	Indian Institute of Arbitration and Mediation
JBl	Juristische Blätter
KG	Kammergericht
KLRCA	Kuala Lumpur Regional Centre for Arbitration
LCIA	London Court of International Arbitration
LICA Rules	LCIA Arbitration Rules of 1 January 1998
LLC	Limited Liability Company
LMAA	London Maritime Arbitrators Association
Ltd.	Limited
marg. no./nos.	margin number/numbers
MEDALOA	Mediation and Last-Offer-Arbitration
Med-Arb	Mediation-Arbitration
MIAC	Mauritius International Arbitration Centre Limited
ML	Model Law
MOFCOM	PRC Ministry of Commerce
New York Convention	New York Convention of 10 June 1958 on the Recognition and Enforcement of Foreign Arbitral Awards

NJW	Neue Juristische Wochenschrift
no.	number
nos.	numbers
NPO	non-profit organization
OGH	Austrian Supreme Court of Justice
ÖJZ	Österreichische Juristenzeitung
OLG	Oberlandesgericht
op. cit.	opere citato
p.	page
para.	paragraph
PCA	Permanent Court of Arbitration
PILA	Swiss Private International Law Act (Bundesgesetz vom 18. Dezember 1987 über das Internationale Privatrecht, SR 291)
POA	Power of Attorney
PORAM	The Palm Oil Refiners Association of Malaysia
pp.	pages
PRC	People's Republic of China
PSUs	Public Sector Undertakings
revUNICTRAL Rules	revised UNICTRAL Arbitration Rules of 15 August 2010
RIW	Recht der Internationalen Wirtschaft
RWZ	Zeitschrift für Recht und Rechnungswesen
s./ss.	section/sections
SAC	Shanghai Arbitration Commission
SAR	Stockholm Arbitration Report
SCAM	Singapore Chamber of Maritime Arbitration
SCC	Stockholm Chamber of Commerce
SCCAM	Swiss Chamber Court of Arbitration and Mediation
SchiedsRÄG	Schiedsrechts-Änderungsgesetz
SchiedsVZ	Zeitschrift für Schiedsverfahren
SchO	Schiedsordnung
SGD	Singapore Dollar
SIAC	Singapore International Arbitration Centre
SIAC SGX-DC	Singapore Exchange Derivatives Clearing Limited
SIAR	Stockholm International Arbitration Review
SiARB	Singapore Institute of Arbitrators
SPC	Supreme People's Court (China)
SPR	Specific Procedural Rules
SRCoLD	DIS Supplementary Rules for Corporate Law Disputes
SREP	DIS Supplementary Rules for Expedited Proceedings
Suppl.	Supplement
Swiss Code of Obligation	Federal Act on the Amendment of the Swiss Civil Code of 30 March 1911 (Part Five: The Code of Obligations), SR 220
Swiss Constitution	Federal Constitution of the Swiss Confederation of 18 April 1999, SR 101
Swiss Federal Tribunal Statute	Federal Act of 17 June 2005 on the Federal Tribunal
2004 Swiss Rules	Swiss Rules of International Arbitration of 1 January 2004
2012 Swiss Rules	Swiss Rules of International Arbitration of 1 June 2012
SWK	Steuer- und WirtschaftsKartei

TAS	Tribunal Arbitral du Sport (Lausanne); see also: CAS
TOR/ToR	Terms of Reference
U.S.	United States
U.S.C.	United States Code Classification
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCITRAL Arbitration Rules	Revised UNICTRAL Arbitration Rules of 15 August 2010
VAT	Value Added Tax
VIAC	Vienna International Arbitration Centre
Vol.	Volume
Vols.	Volumes
wbl	wirtschaftsrechtliche blätter
WIPO	World Intellectual Property Organization (Geneva)
WM	Zeitschrift für Wirtschafts- und Bankenrecht
Zak	Zivilrecht Aktuell
ZfRV	Zeitschrift für Europarecht, Internationales Privatrecht und Rechts- vergleichung
ZPO	Zivilprozessordnung (Switzerland, Austria, Germany)