

# International Commercial Arbitration Commentary And Materials

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 International Commercial Arbitration

*International Commercial Arbitration  
 Commentary And Materials*

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## **DARIO DAKOTA**

The European Convention on International Commercial Arbitration Oxford University Press

The second edition of Gary Born's International Commercial Arbitration is an authoritative 4,408 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 first edition of International Commercial Arbitration is widely acknowledged as the preeminent commentary in the field. It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil, Gas, Mining and Infrastructure Dispute Management list serve in 2010. The first edition has been extensively cited in national court decisions and arbitral awards around the world. The treatise comprehensively examines the

law and practice of contemporary international commercial arbitration, thoroughly explicating all relevant international conventions, national arbitration statutes and institutional arbitration rules. It focuses on both international instruments (particularly the New York Convention) and national law provisions in all leading jurisdictions (including the UNCITRAL Model Law on International Commercial Arbitration). Practitioners, academics, clients, institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work. The second edition of International Commercial Arbitration has been extensively revised, expanded and updated, to include all material legislative, judicial and arbitral authorities in the field of international arbitration prior to January 2014. It also includes expanded treatment of annulment, recognition of awards, counsel ethics, arbitrator independence and impartiality and applicable law. Overview of volumes: Volume I, covering International Arbitration Agreements, provides a comprehensive discussion of international commercial arbitration agreements. It

includes chapters dealing with the legal framework for enforcing international arbitration agreements; the separability presumption; choice of law; formation and validity; nonarbitrability; competence-competence and the allocation of jurisdictional competence; the effects of arbitration agreements; interpretation and non-signatory issues. Volume II, covering International Arbitration Procedures, provides a detailed discussion of international arbitral procedures. It includes chapters dealing with the legal framework for international arbitral proceedings; the selection, challenge and replacement of arbitrators; the rights and duties of international arbitrators; selection of the arbitral seat; arbitration procedures; disclosure and discovery; provisional measures; consolidation, joinder and intervention; choice of substantive law; confidentiality; and legal representation and standards of professional conduct. Volume III, dealing with International Arbitral Awards, provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, *lis pendens* and *stare decisis*.

International Commercial Courts Beck/Hart

The book presents international commercial courts from a comparative perspective and highlights their role in transnational adjudication.

Comparative International Commercial Arbitration Cambridge University Press

Due to the nature of the arbitration process, provisional measures-especially interim protection of rights-tend to play a disproportionate role in international commercial arbitrations. Indeed, the need to clearly define such measures often constitutes the major stumbling block on the path to an effective resolution of a commercial dispute. This concise but enormously useful volume offers practitioners the information and advice they need to overcome this obstacle in the best possible way every time. The Author covers all the relevant avenues of research and practice, from an overview of the concept of provisional measures to an in-depth analysis of the weight and enforceability of such measures. Along the way the treatment covers such crucial topics and issues as the following: scholarly analysis of the problems and uncertainties surrounding provisional measures, and their solutions in light of arbitral and judicial practice; the complex interaction of historical prejudices, political will, and business needs that impact the usefulness of provisional measures; choice of forum to seek provisional measures and the problems associated with such choice; complementary mechanisms to arbitration for interim protection of rights; standards of principles and procedures for the grant of provisional measures; and a comprehensive review of the arbitrators' power to grant provisional measures and court assistance to arbitration. The presentation examines, compares, and analyses seventy sets of arbitration rules on provisional measures (including the arbitration rules of the ICC, AAA, and LCIA), all of the major state laws on commercial arbitration, and detailed analyses of numerous ICC and AAA awards, most of which have not been published before. This new and fully researched book fulfils an important need for user-friendly and complete practical coverage of provisional measures in international commercial arbitration. It will be of great value to corporate counsel, international lawyers, and business people, as well as to students of dispute resolution.

International Arbitration: Law and Practice Kluwer Law International B.V.

Description Coming Soon!

International Arbitration Kluwer Law International B.V.

This indispensable book offers a concise comparative introduction to international commercial arbitration (ICA). With reference to recent case law from leading jurisdictions and up-to-date rules revisions, International Commercial Arbitration offers a thorough overview of the issues raised in arbitration, from the time of drafting of the arbitration clause to the rendering of the arbitral award and the post-award stage.

**Confidentiality in International Commercial Arbitration**

Kluwer Law International B.V.

International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions Fourth Edition Dr Peter Binder This new edition of a classic text is so extensively revised and updated as to constitute a new book. It does, however, retain the tried and tested article-by-article structure of the previous three editions: it covers all the information needed when contemplating cross-border arbitration or mediation and enables a practitioner to ascertain what to expect in each jurisdiction. It remains the only book that provides a complete overview of all the adopting jurisdictions (now 111) at one glance, with a description of the legislation in these jurisdictions counterbalanced by court rulings to demonstrate how matters are dealt with in everyday practice. The popular adoption chart matrix unique to this book has been further enhanced and updated. Featuring the first full commentary on the newly released 2018 UNCITRAL Model Law on International Commercial Mediation (including its revolutionary regime for the enforcement of settlement agreements reached by means of mediation) and an update of all case law on UNCITRAL texts (CLOUT) to date, the fourth edition provides explicit expert guidance on such matters as the following: overview of each jurisdiction that has enacted the Model Laws; provisions in a particular national Model Law enactment to be watched out for; how a particular issue dealt with in a Model Law enacting jurisdiction has been handled by local courts; and which jurisdictions can be safely recommended in arbitration or mediation clauses in international commercial agreements. Both of the Model Laws are reproduced in full in an appendix. With an examination of each provision's legislative history as well as national and subnational adoptions of the Model Laws, this work provides a complete picture of global practice in international arbitration and mediation as it exists today, taking full account of emerging trends in the enactment process and in case law.

Business people who agree to arbitrate in one of the 111 recognized Model Law jurisdictions can rely on a secure minimum of rights in the arbitral proceedings and run less risk of being surprised by unwelcome peculiarities of local law. International litigation lawyers, arbitrators, and in-house lawyers who are considering arbitrating or mediating in one of the 111 jurisdictions analysed, academics in international ADR, and national government officials dealing with cross-border trade will benefit enormously from this new edition.

UNCITRAL Model Law on International Commercial Arbitration

Kluwer Law International B.V.

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 Vienna Rules** Sweet & Maxwell

This important casebook is based upon one of the leading books in the field Born's treatise, International Commercial Arbitration. It offers a comprehensive approach to international commercial arbitration (focused on the New York Convention and UNCITRAL

Model Law), while providing comparative examples drawn from state-to-state and investment arbitration. An easy-to-use chronological structure follows the course of an international arbitration. Features: Thoroughly revised to reflect amendments to UNCITRAL Rules, ICC Rules and other institutional arbitration rules New sections addressing IBA Guidelines on Party Representation in International Arbitration Revised to reflect amendments to representative national arbitration legislation in France, Singapore and elsewhere Streamlined excerpts of cases and awards; added excerpts of new arbitral awards on selected topics.

*International Commercial Arbitration* Kluwer Law International B.V.

This book is the first-ever to explore commercial arbitration in the Ethiopian context. Alternative conflict resolution mechanisms are nothing new to the country: arbitration as a dispute settlement mechanism by which a third party issues a binding decision on a dispute between two or more parties by exercising the jurisdictional mandate conferred on it by the parties themselves was established with the adoption of the Civil Code in 1960. This pioneering book evaluates the extent to which Ethiopia's laws and institutions allow disputing parties to effectively reap the benefits of international commercial arbitration. It interprets the relevant legislation and attempts to bridge the gaps in it, in order to help lawyers, arbitrators, arbitral institutions, academics and judges to understand and apply it. It also helps parties seeking to complete international transactions pertaining to Ethiopia make the right choice regarding conflict resolution.

**The Principles and Practice of International Commercial Arbitration** Kluwer Law International B.V.

Based on and includes revisions to : *Traité de l'arbitrage commercial international* / Ph. Fouchard, E. Gaillard, B. Goldman. 1996--Cf. foreword.

**Fouchard, Gaillard, Goldman on International Commercial Arbitration** Edward Elgar Publishing

"The law governing international civil litigation has changed dramatically in the five years since the fourth edition was published. Recent decisions of the United States Supreme Court have had a significant impact on fields such as personal jurisdiction, sovereign immunity, and extraterritoriality. This current edition reflects those changes and raises important questions about the broader implications of those decisions ... Developments in this field are of course not limited to the United States. While the book still focuses primarily on United States law, the current edition deliberately incorporates more excerpts, more extensive references, and more questions concerning foreign law, especially European law. In part, this reflects an important reality--that successful practice in this area, even for the United States lawyer, requires a keen understanding of other legal systems". -- PREFACE OF THE FIFTH EDITON.

*International Commercial Arbitration* Kluwer Law International B.V.

This treatise describes the practice of international commercial arbitration with reference to the major international treaties and instruments, arbitration rules and national laws. It provides an analysis of the interaction between party autonomy and arbitration practice.

*Commentary on the UNCITRAL Model Law on International Commercial Arbitration* Edward Elgar Publishing

Preface and Acknowledgements --Preface and Acknowledgements to the Fifth Edition --Planning for International Dispute Resolution --Drafting International Forum Selection Clauses --Drafting International Arbitration Agreements --Enforcing International Forum Selection Agreements --Enforcing International Arbitration Agreements --Recognizing and Enforcing Foreign Judgments --

Recognizing and Enforcing International Arbitral Awards --Drafting and Enforcing Choice-of-Law Clauses --United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("New York Convention"), New York, 10 June 1958 --Convention of 30 June 2005 on Choice of Court Agreements ("Hague Convention on Choice of Court Agreements") --UNCITRAL Model Law on International Commercial Arbitration (1985) --UNCITRAL Model Law on International Commercial Arbitration (2006 Revisions) -- UNCITRAL Arbitration Rules (as revised in 2010) --International Arbitral Institutions --Select Bibliography on International Arbitration and Forum Selection Agreements --Model Submission Agreement --Model Institutional Arbitration Clauses -- Representative International Arbitration Clauses.

*International Commercial and Investor-State Arbitration* BRILL

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

**Practitioner's Handbook on International Arbitration**

Kluwer Law International B.V.

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.

West Academic Publishing

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

*The American Influence on International Commercial Arbitration*

Kluwer Law International B.V.

The second edition of Gary Born's *International Commercial Arbitration Volume I: International Arbitration Agreements*, provides a comprehensive discussion of international commercial arbitration agreements. It includes chapters dealing with the legal framework for enforcing international arbitration agreements; the separability presumption; choice of law; formation and validity; nonarbitrability; competence-competence and the allocation of jurisdictional competence; the effects of arbitration agreements; interpretation and non-signatory issues. *International Commercial Arbitration Second Edition Volume I: International Arbitration Agreements* is part of his

authoritative 3 volume treatise, *International Commercial Arbitration*, Second Edition, ISBN 9789041152190. The first edition of *International Commercial Arbitration* is widely acknowledged as the preeminent commentary in the field. It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil, Gas, Mining and Infrastructure Dispute Management list serve in 2010. The first edition has been extensively cited in national court decisions and arbitral awards around the world. The second edition of *International Commercial Arbitration* has been extensively revised, expanded and updated, to include all material legislative, judicial and arbitral authorities in the field of international arbitration prior to January 2014.

[A Guide To The 2006 Amendments To The UNCITRAL Model Law On International Commercial Arbitration: Legislative History and Commentary](#) Springer

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and discovery; provisional measures; consolidation, joinder and intervention; choice of substantive law; confidentiality; and legal representation and standards of professional conduct. Volume III, dealing with *International Arbitral Awards*, provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, *lis pendens* and *stare decisis*.

#### **Due Process as a Limit to Discretion in International Commercial Arbitration** Cambridge University Press

This is the first publication to identify a universal procedural code for international commercial arbitration. This informative and well-argued discussion of a uniform code for due process is a useful aid for both practitioners and scholars. More than just a useful desk reference, this publication uncovers a unifying arbitration principle in light of the diversity of national traditions. The authors demonstrate how this unifying principle might establish a new standard procedure in arbitration law. Guiding the reader through a step-by-step analysis of due process in international commercial arbitration, the book is comprehensive without being esoteric. *Due Process in International Commercial Arbitration*, Second Edition thus helps both practitioners new to arbitration procedure and experienced attorneys looking for a cutting-edge discussion of due process issues. It can be used as a handbook for lawyers engaged in arbitral disputes. To provide the necessary guidance for lawyers in need of quick, reliable information, authors Matti Kurkela and Santtu Turunen update readers on the numerous changes made to arbitration law since the book's 2005 edition. Even more helpfully, Kurkela and Turunen have added two new chapters to show lawyers what to expect in the midst of an arbitration proceeding: a chapter on procedural rules from the New York Convention and a chapter on jurisdiction arising from sources outside the arbitration agreement. As corporations engage in more globalized commerce, and as arbitrators resolve more international legal disputes, this resource provides both the broad background and the quick reference information necessary to understand the complexities of arbitration procedure. A thorough Table of Contents, Index, and Appendix of primary documents facilitate practitioners' research in this vital book. This new edition's balance of comprehensiveness and concision make it a one-stop resource for arbitration attorneys around the world.

#### **Recognition and Enforcement of Foreign Arbitral Awards** Cambridge University Press

The Model Law, a major accomplishment in the field of international commercial arbitration, was prepared by the UN Commission on International Trade Law and is recommended by the UN General Assembly for use by governments throughout the world. The book contains separate sections for each of the thirty-six articles of the Model Law. After a commentary, each section contains the complete legislative history of the particular article. Arranged and edited for quick reference, this includes drafts, reports, summary records of debates, government comments and conference room papers. The book is designed to help practitioners and legislators wishing to evaluate and improve their country's arbitration law, and for lawyers and courts, in jurisdictions where all or part of it is enacted, and who are called upon to interpret the Model law.

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