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**The Vienna Rules
A Commentary
on International
Arbitration
in Austria**

**Franz T. Schwarz
and
Christian W. Konrad**

 **Wolters Kluwer**
Law & Business

The Vienna Rules A Commentary On International Arbitration In Austria

RD Boyd



The Vienna Rules A Commentary On International Arbitration In Austria:

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 The Chamber of Arbitration of Milan Rules: A Commentary Ugo Draetta, Riccardo Luzzatto, 2012-04-01 The Chamber of Arbitration of Milan Rules A Commentary is a Guide to the 2010 revision of the Arbitration Rules of the Arbitration Chamber of Milan CAM The Guide consists of article by article commentary on the Rules made by prominent scholars and arbitrators both Italians and non Italians CAM started its activities in the administration of domestic and international arbitrations more than 20 years ago It has a case load of about 150 new cases per year Additional information on CAM can be found on its website www.camera-arbitrale.it *International Arbitration: Law and Practice in Switzerland* Gabrielle Kaufmann-Kohler, Antonio Rigozzi, 2015 This third edition and the first in English of the globally cited *Arbitrage International Droit et Pratique la Lumi re de la LDIP* provides complete guidance on arbitration law and practice relating to Switzerland from two of the leading authorities on Swiss practice A Guide to the ICDR International Arbitration Rules Martin F. Gusy, James M. Hosking, Franz T. Schwarz, 2011-04-07 A rule by rule commentary on the genesis interpretation and application of the International Centre for Dispute Resolution ICDR Rules The book is designed to give arbitrators practitioners and academics a first port of call when considering ICDR arbitration and provide the first stand alone comprehensive commentary on these important rules *International Commercial Arbitration* Gary B. Born, 2014-10-01 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

The Rise of Transparency in International Arbitration Alberto Malatesta , Rinaldo Sali, 2013-08-01 The Rise of Transparency in International Arbitration is inspired by a joint research conducted in the last years by the Milan Chamber of Arbitration and the Law School of the University Carlo Cattaneo LIUC Castellanza in Italy The two bodies have shared a common concern in order to increase the use of international commercial arbitration and to develop a proper culture in the field the need for enhancing transparency and especially for a wider dissemination of arbitral awards The advantages of arbitration as the main alternative means of dispute resolution are well known and undisputed Privacy and confidentiality are among them and at the same time among the prevailing features of any arbitral proceedings However sometimes users have the feeling to deal with a close and too slow growing world The need if not the request for a greater accountability of the arbitral world in the whole is more and more widespread In this context the aim of this book is on the one hand to spur discussion and to shed new light on the traditional idea of confidentiality in international commercial arbitration and in some other figures alike Although this idea is sometimes founded upon sound reasons that cannot be ignored or totally set aside it must be reconsidered by taking into account the rise of transparency On the other hand a specific proposal is made in order to step ahead from the current situation with particular reference to the issue of the publication of the awards In this respect the main outcome is the Guidelines for the

Anonymous Publication of Arbitral Awards already adopted and experienced by the Milan Chamber They are addressed to institutions practitioners scholars with the goal to favor the circulation of the awards and of the related decisions

Arbitration in Switzerland Dr. Manuel Arroyo, 2018-08-06 Arbitration in Switzerland **Document Production in International Arbitration** Reto Marghitola, 2015-10-20 Because document production can discover written evidence that would otherwise not be available it is often the key to winning a case However document production proceedings can be a costly and time consuming exercise and arbitral awards in particular are often challenged on grounds that relate to document production orders The task of balancing the conflicting interests of the parties in this context is a major responsibility of arbitral tribunals This book's analysis focuses on whether there exist legal principles on which arbitrators should establish rules of document production in both civil law and common law countries and shows how international arbitration is affected The author examines the relevant discretion of arbitral tribunals under US English Swiss German and Austrian law and under nine of the most important sets of institutional rules including the ICC Rules the LCIA Rules and the Swiss Rules The presentation mines case law and legal literature for concepts based on the common expectations of the parties the legitimate expectations of a party the duty to balance different procedural expectations of the parties the presumed intent of the parties the underlying hypothetical bargain implied terms and the arbitrators discretion Among the topics and issues investigated are the following procedural rules on document production versus procedural flexibility how arbitral tribunals can modify the IBA Rules on a case by case basis discretion granted by legislation in each country covered electronic document production how to deal with privilege and confidentiality objections how to formulate or answer document production requests effective sanctions in case of non compliance with procedural orders of the arbitral tribunal what grounds for annulment and non enforcement a losing party can raise in what countries Perhaps the greatest benefit of the book is the inclusion of model clauses commensurate with both civil law and common law expectations The author explicates the advantages and inconveniences of each model clause and clarifies the influence of each clause on the efficiency of the proceedings and the enforcement risk For practitioners the book not only gives counsel a thorough overview of possible arguments for and against document production but also assists arbitrators find a way through the jungle of opinions on the interpretation of the IBA Rules Legal academics will appreciate the author's deeply informed analysis and commentary and the book's contribution to increasing the predictability of arbitral decisions on document production and showing how issues in dispute can be narrowed by tailor made rules thus helping to raise the efficiency and reduce the costs of arbitral proceedings **Dispute Resolution in China, Europe and World** Lei Chen, André Janssen, 2020-04-11 This book brings together articles from leading experts in the field of international dispute resolution The main focus is on the situation in Asia though the European perspective also plays an important part Accordingly the focus on the Asian dispute resolution market with a distinctly American and European touch is one of the book's most unique features The dispute

resolution market is rapidly transforming and dispute resolution law is changing with it especially in Asia This book highlights recent advances and outlines future trends in this area Emphasis is especially placed on International Commercial Arbitration Law on the one hand and on International Investment Arbitration Law on the other Two dedicated sections address these two topics while another is dedicated to a quite new phenomenon in the field of international dispute resolution the emergence of International Commercial Courts not only in Asia but also in other regions of the world e g in the Netherlands This raises a host of interesting legal questions which the book addresses The book s final section investigates general trends in dispute resolution e g the rising cost problem in arbitration in general , *Cambridge Compendium of International Commercial and Investment Arbitration* Stefan Kröll,Andrea K. Bjorklund,Franco Ferrari,2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each *Complex Arbitrations* Bernard Hanotiau,2020-07-10 Complex Arbitrations Multi party Multi contract and Multi issue A Comparative Study Second Edition Bernard Hanotiau Arbitrations involving more than two parties and complex multi contractual issues are becoming more and more prevalent every year in every major jurisdiction worldwide This fully updated extensively revised edition of a far seeing 2006 book that has been greatly valued and widely used remains the only comprehensive analysis of all the issues arising from multi party multi contract arbitrations including those involving States and groups of companies The numerous factors and problems analysed in depth include the following theories on the basis of which various courts and tribunals determine who are parties to the arbitration clause and whether a non signatory may be part of the proceedings to what extent one can bring to a single arbitration proceeding the various parties who have participated in a single economic transaction through several contracts reasoning to follow when it comes to deciding whether another company of the group can be joined to the arbitration whether a party to a complex contractual structure can intervene voluntarily in the proceedings under what conditions arbitrations may be consolidated to what extent res judicata applies when a second arbitration is initiated between the same parties on different legal grounds how and to what extent one can overcome the inconveniences that arise from having several parallel proceedings and enforcement of multi party multi contract awards Features of particular value to the practitioner include in depth analysis of ad hoc and

institutional awards rendered under the auspices of numerous arbitral institutions analysis of relevant national case law based on hundreds of court decisions from all over the world and appendices specifying multi party multi contract arbitration clauses provisions of international conventions and relevant national legislative and institutional rules The first edition has been used all over the world frequently referred to by courts and tribunals when one of its topics is addressed The second edition with its increased volume of arbitral awards and cases from many more jurisdictions its new scenarios its updates on new legislation and rules and its newly researched jurisprudence will help lawyers and corporate counsel solve the increasingly complex procedural issues confronting them in dealing with multi party multi contract disputes Law professors and students of dispute resolution have here a powerfully authoritative consideration of one of the most salient aspects of current international practice **The Powers and Duties of an Arbitrator** Patricia Shaughnessy, Sherlin Tung, 2017-04-15

The scope of the arbitrator's powers in arbitration proceedings has been widely discussed in recent years but remains understudied Among prominent international arbitrators none have focused on this issue more than Dr Pierre A Karrer Dr Karrer is celebrated here on the occasion of his seventy fifth birthday by more than thirty leading arbitration practitioners and academics worldwide who have been part of and have been influenced by his extensive professional career Following Dr Karrer's primary interests notably his advocacy of a strong arbitrator role in proceedings as evidenced in his lectures presentations and publications as well as in his own arbitrations the contributions in this book consider such questions as the following What are the sources of an arbitrator's power What are the limits of an arbitrator's power Should arbitrators have a role in encouraging settlement May arbitrators regulate and impose sanctions against counsel How managerial should arbitrators be What are the duties and liabilities of arbitrators What is the nature of the arbitrator's relationship to arbitral institutions Are emergency arbitrators actually arbitrators Should arbitrators raise issues of arbitrability and public policy ex officio To what extent may arbitrators delegate tasks and use tribunal secretaries With its in depth perspectives on the arbitrator's role powers and duties in an arbitration proceeding and its extensive analysis of some of the most timely and controversial issues in arbitration today this book offers an abundance of thought provoking yet also practical commentary and guidance for practitioners and academics in the field of international arbitration and international commercial law

Shareholders' Claims for Reflective Loss in International Investment Law Lukas Vanhonnaeker, 2020-07-16 This book studies shareholders claims for reflective loss and explains why they are justified in international investment law A Nascent Common Law Frédéric Gilles Sourgens, 2015-03-20 In A Nascent Common Law The Process of Decisionmaking in International Legal Disputes Between States and Foreign Investors Frédéric Gilles Sourgens submits that investor state dispute resolution relies upon an inductive common law decisionmaking process which reveals a necessary plurality of first principles within investor state dispute resolution Relying upon amongst others Wittgenstein's Philosophical Investigations the book explains how this plurality of first principles does not devolve into arbitrary indeterminacy A Nascent Common Law

provides an alternative account to current theoretical conceptions of investor state arbitration It explains that these theories cannot adequately resolve a key empirical challenge tribunals frequently reach facially inconsistent results on similar questions of law Sourgens makes an inductive approach focused on the manner of decisionmaking by tribunals in the context of specific records that can explain this inconsistency

Research Handbook on Intellectual Property Rights and Arbitration Simon Klopschinski, Mary-Rose McGuire, 2024-05-02 The Research Handbook on Intellectual Property Rights and Arbitration explores the complementary relationship between state court adjudication and arbitral proceedings in the context of intellectual property rights Presenting contemporary research and insight into the scholarly debates on the topic it provides a comprehensive overview of arbitrating intellectual property disputes on an international scale

Advocacy in International Commercial Arbitration: ASA Special Series No. 36 Elliott Geisinger, Guillaume Tattevin, 2013-07-01

Corporate counsel arbitrators and lawyers discuss their experiences with advocates in international arbitration their expectations of good advocacy in a critical analysis of The ASA Charter of Advocacy in International Commercial Arbitration Issues discussed include Differences in Culture and Style Evolution of the Role Model Over Time The Relationship with the Client and the Tribunal The Relationship with Witnesses and Experts The Use of Consultants and Their Management Contributing Authors Sheila Ahuja Matthew Gearing Bernard Hanotiau Henry Peter Jeffrey Waincymer

The Regulation of International Commercial Arbitration João Ilhão Moreira, 2024-07-25 This book addresses how the regulation of international commercial arbitrators takes place International commercial arbitrators are a unique category of service providers because they are not organised as other professionals such as accountants lawyers and doctors The book provides an overview of how and why the regulation of international commercial arbitrators diverged from that of other professions It also argues that despite these differences there is an effective regulatory environment overseeing the behaviour of international commercial arbitrators The book unpicks the different elements that contribute to the creation and enforcement of professional norms in this field It explains how the specific characteristics of the arbitral market create strong incentives for ethical norms to be created even in the absence of the institutions that usually address these issues in other fields It also describes how market and social forces drive arbitrators to comply with these norms in most circumstances Finally the book addresses the ways in which this regulatory system also explains some of the perceived weaknesses of arbitration namely the rising costs of proceedings and the perceived unfairness of appointments

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 **Conflict of Laws and Arbitral Discretion** Benjamin Hayward,2016

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