
CHOICE
OF VENUE IN
INTERNATIONAL
ARBITRATION

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OXFORD

Choice Of Venue In International Arbitration

Mauro Rubino-Sammartano



Choice Of Venue In International Arbitration:

Choice of Venue in International Arbitration Michael Ostrove, Claudia Salomon, Bette Shifman, 2013-12 The first comparative book exploring the relative merits of arbitral seats worldwide this work is both a tool for strategic choice of venue and a companion for practitioners in unfamiliar jurisdictions Expert analysis of the history and development of arbitration is coupled with guidance on the practical realities of all major venues

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Jurisdiction, Admissibility and Choice of Law in International Arbitration: Liber Amicorum Michael Pryles Neil Kaplan, Michael Moser, 2016-04-24 The distinguished international lawyer Michael Pryles who launched a meteoric career as an arbitrator after many years of teaching and writing on conflicts of law and other topics has made a mark on arbitral law and practice that is recognized worldwide In this book over forty prominent arbitrators and arbitration scholars offer insightful essays on the thorny matters of jurisdiction admissibility and choice of law in arbitration topics which have long interested Professor Pryles and are of wide interest Among the specific issues and topics examined are the following res judicata investment arbitration free trade agreements party autonomy application of provisional measures issue estoppel evidentiary inferences interim measures emergency and default proceedings the intersection of financing and jurisdiction consolidation of cases and non contractual claims Remarkable for its roster of highly distinguished contributors this book is the only in depth treatment of its subject By turns thought provoking and practical it is bound to appeal to and be put to use by arbitrators and other lawyers who handle international cases It will also prove of great value to global law firms and companies doing transnational business

Law and Practice of International Commercial Arbitration Alan Redfern, 2004 Highly acclaimed by practitioners all over the world Law Practice of International Commercial Arbitration has deservedly become the leading text in its field With its comprehensive review of the legal context within which international commercial arbitration operates Redfern Hunter is the ultimate user friendly explanation of how arbitration and in particular international commercial arbitration works The 4th edition has been expanded to give a wider global scope to the work Readers can also benefit from the expert insight and advice of world renowned international practitioners international practitioner Contains a comprehensive review of the international commercial arbitration process from start to finish Includes commentary on suitable places of arbitration developments in international trade law and the increasing harmonisation of national laws governing international arbitration Appendices include the major international rules of arbitration and conventions Explains how arbitration should be conducted to be cost effective and profitable Fully updated to take account of the latest developments all over the world including a new chapter on investment arbitrations

The

Oxford Handbook of International Arbitration Thomas Schultz, Federico Ortino, Jason Mitchenson, 2020 The Oxford Handbook of International Arbitration A team of leading experts from across academia and practice provide an authoritative account of international arbitration Discussion ranges from the practicalities of how arbitration technically works to big picture analysis of the forces that underpin it Incorporates insights from a range of disciplines beyond law including history sociology literature and economics Book jacket

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

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 International Arbitration in the United States Laurence Shore,Tai-Heng Cheng,Jenella E. La Chuisa,Lawrence Schaner,Mara V.J. Senn,2016-04-24 International Arbitration in the United States is a comprehensive analysis of international arbitration law and practice in the United States U S Choosing an arbitration seat in the U S is a common choice among parties to international commercial agreements or treaties However the complexities of arbitrating in a federal system and the continuing development of U S arbitration law and practice can be daunting to even experienced arbitrators This book the first of its kind provides parties opting for private justice with vital judicial reassurance on U S courts highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes this book covers aspects of U S arbitration law and practice as the following institutions and institutional rules that practitioners typically use ethical considerations costs and fees provisional measures and confidentiality There are also chapters on arbitration in specialized areas such as class actions securities construction insurance and intellectual property

Redfern and Hunter on International Arbitration Nigel Blackaby KC,Constantine Partasides KC,Alan Redfern,2023-01-18 Redfern and Hunter on International Arbitration is an established treatise on the law and practice of international arbitration the pre eminent method for the peaceful resolution of disputes in international trade investment and commerce This book serves as an introduction following the chronology of an arbitration from the drafting of the arbitration agreement right through to the enforcement of the arbitral award Written by an author team with extensive experience as counsel and abitrators the book has been read and cited by international lawyers arbitrators and judges and has become a key learning text for teachers students and potential arbitrators in colleges and universities across the world The seventh edition has been significantly revised to incorporate the latest significant developments in the field including changes in investor state dispute resolution leading court decisions on arbitration matters in a wider number of jurisdictions changes in

the soft law of leading international arbitral institutions and of the International Bar Association and the impact of the COVID 19 pandemic on the practice of international arbitration This shorter paperback edition does not include the appendices

International Arbitration and Private International Law George A. Bermann, 2017-05-15 No field of legal scholarship or practice operates in the world of private international law as continuously and pervasively as does international arbitration commercial and investment alike Arbitration's dependence on private international law manifests itself throughout the life cycle of arbitration from the crafting of an enforceable arbitration agreement through the entire arbitral process to the time an award comes before a national court for annulment or for recognition and enforcement Thus international arbitration provides both arbitral tribunals and courts with constant challenges Courts may come to the task already equipped with longstanding private international law assumptions but international arbitrators must largely find their own way through the private international law thicket Arbitrators and courts take guidance in their private international law inquiries from multiple sources party agreement institutional rules treaties the national law of competing jurisdictions and an abundance of soft law some of which may even be regarded as expressing an international standard In a world of this sort private international law resourcefulness is fundamental 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 Evolution and Future of**

International Arbitration Stavros Brekoulakis, Julian D.M. Lew, 2016-06-24 The School of International Arbitration of the Centre for Commercial Law Studies at Queen Mary University of London celebrated its 30th anniversary in April 2015 with a major conference featuring presentations by 35 international arbitration practitioners and scholars from many countries representing a variety of legal systems This volume has emerged from that conference What is striking is not only the range and diversity of the topics examined but also the emergence of new subjects for examination demonstrating that arbitration law and practice do not stand still but are constantly evolving The issues and topics covered include the following Evolution of case law and practice in international arbitration The concept and autonomy of arbitral award Parties in international arbitration Parallel proceedings in international arbitration Court review of arbitration awards Geographic expansion of international arbitration Counsel regulation and conflicts disclosures The use of technology in international arbitration

Teaching and research in international arbitration This superbly organised and edited volume like earlier conference volumes from the School of International Arbitration is sure to be welcomed and acclaimed and like them will prove of lasting value

The Nature and Enforcement of Choice of Court Agreements Mukarrum Ahmed, 2017-10-05 PRAISE FOR THE BOOK This constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements Dr Ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners The discussion is supported by a monumental foundation of underpinning research Ahmed's monograph throughout shows clear understanding of underlying substantive laws and in Chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of Brexit Professor David Milman University of Lancaster The book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law Anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this book They will find much of value by doing so Professor Paul Beaumont University of Aberdeen from the Series Editor's Preface This book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation It is the first full length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the Brussels I Recast Regulation the Hague Convention on Choice of Court Agreements Hague Convention and the English common law jurisdictional regime into a theoretical framework In this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the English courts In the process it both pre-empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent Brussels I Recast Regulation and the Hague Convention The need to understand the nature and enforcement of choice of court agreements before the English courts from the perspective of the EU private international law regime and the Hague Convention cannot be understated This important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice However the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions

Contemporary Issues in International Arbitration and Mediation: The Fordham Papers (2010) Arthur W. Rovine, 2011-08-11 The 2010 volume of Contemporary Issues in International Arbitration and Mediation The Fordham Papers is a collection of important works in the field written by the speakers at the 2010 Fordham Law School Conference on International Arbitration and Mediation The 24 papers are organized into the following five parts Part I Investor State Arbitration Charles N Brower Anke Meier Maurice Mendelson QC Brigitte Stern W Michael Reisman Anna Vinnik Christoph Schreuer Part II Key Issues in the U S Law of International Arbitration Thomas J Stipanowich George A Bermann Catherine A Rogers Ben H Sheppard Jr Part III Dispute Resolution by the World Trade Organization Andrew Shoyer Kimberly Myers

Giorgio Sacerdoti Greg Tereposky Morgan Maguire Richard O Cunningham Part IV How Major Corporations View International Arbitration Siegfried H Elsing Stephen E Smith Roland Schroeder Mike McIlwrath Part V International Mediation John Barkett A Timothy Martin David H Burt Tai Heng Cheng Simeon Baum Peter M Wolrich Suzanne Ulicny Luis Martinez **International Asset Transfer** Gero F. Pfeiffer, Sven Timmerbeil, Frederik Johannesdotter, 2010 Cross border business transactions often entail the transfer of assets which requires some basic knowledge of diverse legal systems consultants working on such transactions need to have an overview of the procedural particularities of these jurisdictions and practical knowledge that will enable them to approach the transaction from an informed perspective This handbook provides essential information relating to the transfer of assets or entire business units in thirty two of the most important jurisdictions in the world Each chapter is dedicated to a separate jurisdiction and discusses among other practical topics of interest form requirements registration obligations regulatory compliance real property intellectual property taxes insolvency law costs and timing issues as well as the transfer of employees The purpose of this book is to create a better understanding of the legal and practical concerns associated with asset transfers in the relevant jurisdictions Through it the reader will be able to identify potential legal issues assess whether or not local advisors have to be consulted and make informed judgments about timing and costs associated with a prospective transaction This compendium should serve as a useful guide for all professionals involved in international M A transactions including lawyers investment bankers tax advisors and other consultants The chapters were prepared by experienced lawyers practicing in established international and local law firms and legal scholars from preeminent universities around the world Optional Choice of Court Agreements in Private International Law Mary Keyes, 2019-10-18 This book highlights the importance of optional choice of court agreements and the need for future research and legal development in this area The law relating to choice of court agreements has developed significantly in recent years reflecting their increased use in practice However most recent legal developments concern exclusive choice of court agreements In comparison optional choice of court agreements also called permissive forum selection clauses and non exclusive jurisdiction clauses have attracted little attention from lawmakers or commentators This collection is comprised of 19 National Reports providing a critical analysis of the legal treatment of optional choice of court agreements including asymmetric choice of court agreements under national laws as well as under multilateral instruments It also includes a General Report offering an overview of this area of the law and a synthesis of the findings of the national reporters The contributions to this collection show that the legal treatment of optional choice of courts differs between legal systems In some countries the law on the effect of optional choice of court agreements is at an early stage in its development whereas in others the law is relatively advanced Irrespective of this the national reporters identify unresolved issues with the effect of optional choice of court agreements where the law is unclear or the cases are conflicting demonstrating that this topic warrants greater attention This book is of interest to judges legislators lawyers academics and students who are

concerned with private international law and international civil procedure **The Law and Business of International Project Finance** Scott Hoffman, 2024-05-06 *The Choice of Law Contract* Maria Hook, 2016-09-22 This book offers a contractual framework for the regulation of party autonomy in choice of law The party autonomy rule is the cornerstone of any modern system of choice of law embodying as it does the freedom enjoyed by parties to a cross border legal relationship to agree on the law applicable to it However as this study shows the rule has a major shortcoming because it fails to give due regard to the contractual function of the choice of law agreement The study examines the existing law on choice of law agreements by reference to the law of both common and civil law jurisdictions and international instruments Moreover it suggests a new coherent approach to party autonomy that integrates both the law of contract and choice of law This important new study should be read with interest by private international law scholars Procedural Law in International Arbitration Georgios Petrochilos, 2004 All international arbitration lawyers should take note of this deeply interesting book Professor Dr Albert Jan van den Berg International arbitration has become the preferred method for the resolution of international commercial disputes yet the question still remains What is the procedural law of international commercial arbitral proceedings and what is its relevance This book comprehensively analyses the relevant legislative practice of all major arbitration venues in the world as well as the arbitral practice of a number of arbitral institutions Practitioners will welcome the book's examination of the fate of awards annulled in their state of origin stateless awards the procedural regime of arbitrations involving sovereign states and the human rights considerations in international arbitration Readership International litigation and arbitration practitioners the international judiciary arbitrators and commercial court judges academics and post graduate students working in the fields of international arbitration private international law public international law and procedural law reference libraries in the UK and worldwide International Commercial Arbitration: Commentary and Materials Gary Born, 2021-11-15 International Commercial Arbitration contains detailed commentary case analyses and practice pointers Full annotations and footnotes provide invaluable research assistance while clearly written analyses identify and discuss critical issues Representative international arbitral awards and national court decisions are excerpted and detailed reference is made to leading institutional rules Detailed appendices an easy to use Table of Contents and an extensive index to aid research and provide ready access to key materials Co publication with Kluwer Law International North American sales rights only Published under the Transnational Publishers imprint For class adoption a student edition is available for 85 00 978 1 5710 5175 2 Please contact the Brill sales department to arrange an order

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