

# Investment And Commercial Arbitration Similarities And Divergences

International Commercial Arbitration International Arbitration and International Commercial Law Cases and Materials on Commercial Arbitration Arbitration in Asia - 2nd Edition Due Process in International Commercial Arbitration The Principles and Practice of International Commercial Arbitration Commercial Arbitration Arbitration of International Business Disputes Law and Practice of International Commercial Arbitration Essays on International Commercial Arbitration Commercial Arbitration AAA Handbook on Commercial Arbitration The Use of Commercial Arbitration Rules in Investment Treaty Disputes International Commercial Arbitration in the European Union International Commercial Arbitration in Spain The Practice of International Commercial Arbitration International Commercial Arbitration International Commercial Arbitration International Commercial Arbitration Rethinking International Commercial Arbitration A. J. van den Berg Stefan Kröll Thomas E. Carbonneau Michael J. Moser Matti Kurkela Margaret L. Moses Nicholas R. Weiskopf William W. Park Alan Redfern Petar Šarcevic Nicholas R. Weiskopf American Arbitration Association Joel Dahlquist Chukwudi Ojiegbe Miguel Gomez Jene Anselmo Reyes Nicole Conrad Giuditta Cordero-Moss Gary B. Born Gilles Cuniberti International Commercial Arbitration International Arbitration and International Commercial Law Cases and Materials on Commercial Arbitration Arbitration in Asia - 2nd Edition Due Process in International Commercial Arbitration The Principles and Practice of International Commercial Arbitration Commercial Arbitration Arbitration of International Business Disputes Law and Practice of International Commercial Arbitration Essays on International Commercial Arbitration Commercial Arbitration AAA Handbook on Commercial Arbitration The Use of Commercial Arbitration Rules in Investment Treaty Disputes International Commercial Arbitration in the European Union International Commercial Arbitration in Spain The Practice of International Commercial Arbitration International Commercial Arbitration International Commercial Arbitration Rethinking International Commercial Arbitration A. J. van den Berg Stefan Kröll Thomas E. Carbonneau Michael J. Moser Matti Kurkela Margaret L. Moses Nicholas R. Weiskopf William W. Park Alan Redfern Petar Šarcevic Nicholas R. Weiskopf American Arbitration Association Joel Dahlquist Chukwudi Ojiegbe Miguel Gomez Jene Anselmo Reyes Nicole Conrad Giuditta Cordero-Moss Gary B. Born Gilles Cuniberti

the collected papers in icca congress series no 11 as reflected in its title address important contemporary questions in international commercial arbitration included are contributions written by participants in the uncitral working group on arbitration and conciliation on its current work on the requirement of a written form for an arbitration agreement interim measures of protection and uncitral's model law on international commercial conciliation further contributions give leading practitioners views on illegality in the formation and performance of contracts or in the conduct of the arbitration examining questions on how the arbitral tribunal should deal with these vexed issues and how forgery and fraud may be detected the factors that lead to acceptance by parties of the decisions of arbitrators are dealt with in contributions on the psychological aspects of dispute resolution the volume concludes with a series of articles on arbitration under investment treaties written by experienced arbitrators and practitioners with special emphasis on icsid and nafta and the emerging issues of transparency accountability and review contains lengthy articles on the ongoing work

of uncitral on proposed amendments to the uncitral model law on international commercial arbitration and the recently adopted model law on international commercial conciliation details the current thinking on the requirement of an arbitration agreement in writing and how this can be accommodated by the uncitral model law and the 1958 new york convention addresses the granting of interim measures by arbitral tribunals and their enforcement by national and foreign courts analyzes issues raised by illegality in the formation and performance of contracts and in the conduct arbitrations and provides a systematic overview of the answers given by legislation arbitrators and courts provides insight into the attitudes of arbitrators and parties regarding dispute settlement processes addresses the changing public perception of arbitration under investment treaties

over the last half century as uncitral official professor arbitrator and father of the willem c vis arbitration moot eric bergsten has been at the forefront of progress in international commercial arbitration now on the occasion of his eightieth birthday the international arbitration and sales law community has gathered to honour him with this substantial collection of new essays on the many facets of the field to which he continues to bring his intellect integrity inquisitive nature eye for detail precision and commitment to public service celebrating the long standing and sustained contribution eric bergsten has made in international commercial law international arbitration and legal education more than fifty colleagues among them quite a few of the best known arbitrators and arbitration academics in the world present 45 pieces that individually both engaging and incisive collectively present a thorough and far reaching account of the state of the field today with contributions covering international sales law commercial law commercial arbitration and investment arbitration in addition nine essays on issues in legal education mirror the great importance of the renowned willem c vis international commercial arbitration moot eric s vienna project which has offered a life changing experience for so many young lawyers from all over the world

cases materials covers all essential aspects of the arbitral process are divided between commentary texts the book accomplishes both an informational analytical function cases statutes are followed by extensive rigorous evaluations while focusing principally on domestic arbitration within the united states the work does not ignore either the cross border or the comparative dimensions of arbitral dispute resolution the materials address a number of procedural questions that have arisen in practice emphasize as critically important the drafting of arbitration agreements counseling on matters of arbitration the book begins with considerable attention to the theoretical basis for enforcing arbitration agreements awards in this connection carbonneau respects explains the vital distinction between labor commercial disputes better than many judges scholars have done two chapters are spent on the important issue of how federalism affects arbitration law an excellent chapter on arbitration statutory rights takes the reader through the doctrinal evolution of subject matter arbitrability both in the traditional problems areas of securities antitrust in the more current hot topics of age sex discrimination in employment four chapters deal with international aspects of arbitration including a look at arbitration law in several non american jurisdictions an examination of treaty created arbitration under nafta the iran claims tribunal the iraqi war claims commissions the book s great strengths are twofold first its encyclopedic completeness misses no major case second professor carbonneau devotes an almost loving attention to detail in his clear introductions carefully weighed analytic comments questions with grace elegance style professor carbonneau has put together a superb work on american arbitration law his materials would be a bargain even at twice the price william w park professor of law boston university counsel ropes gray boston vice president london court of international arbitration tom carbonneau s cases materials on commercial arbitration is a major contribution to the literature on arbitration it contains not only excerpts of the most important u s cases on arbitration

but also extensive commentary analysis that will prove invaluable to practitioners policy makers academics who are already familiar with the field the documentary supplement will also prove immensely valuable particularly to those who are interested in international arbitration practice jean r sternlight professor of law florida state university director of education research florida dispute resolution center

asia has witnessed an extraordinary growth in the use of international arbitration in the past two decades arbitration in asia is an ideal reference to guide practitioners and business people in the proper selection of a suitable arbitral seat or jurisdiction in asia the book includes substantive chapters reflecting detailed commentary and analysis on 18 asian jurisdictions from the area s leading arbitration practitioners and experts the materials in this looseleaf volume provide a practical reference guide and resource tool for the law and practice of international commercial arbitration in asia

previous edition 1st published in 2005

this book explains how and why arbitration works offering comprehensive coverage of the basic requirements including recent changes in arbitration laws rules and guidelines

arbitration of international business disputes 2nd edition is a fully revised and updated anthology of essays by rusty park a leading scholar in international arbitration and a sought after arbitrator for both commercial and investment treaty cases this collection focuses on controversial questions in arbitration of trade financial and investment disputes the essays address some of the most interesting topics in cross border business dispute resolution many of which have endured over several decades and remain subject to radically different views examples include the proper role of judicial review the allocation of jurisdictional tasks evolution of arbitration s statutory and treaty framework free trade and bilateral investment agreements and the balance between fixed rules and arbitral discretion the book is structured around three themes arbitration s legal framework the conduct of arbitral proceedings and a comparison of arbitration in specific fields such as finance intellectual property and taxation in each of these areas analysis includes the tensions between fairness and efficiency and the accurate application of substantive law as well as the implications of mandatory procedural norms augmented by more than a dozen new contributions and a revised introduction this 2nd edition retains all of its earlier practical and scholarly relevance and includes a foreword by v v johnny veeder qc

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

in the past few decades the united states supreme court has led an extraordinary embrace of commercial arbitration as a favored form of alternative dispute resolution

first using an extremely broad definition of interstate commerce it has extended the preemptive reach of the federal arbitration act faa and the underlying federal caselaw of arbitration to the fullest possible constitutional limit so as to preempt state law attempts to regulate arbitral processes in any manner deemed at all hostile to federal policies second operating under the faa the court has ruled that so called public statutory claims for discrimination securities fraud antitrust and rico are covered by conventional pre dispute agreements to arbitrate even under contracts of adhesion with this incredible growth of arbitration on both the national and international levels has come increased focus on whether and if so when arbitrators may depart from specific rules of law to do perceived justice so too as the supreme court continues to resolve issues as to which lower courts are in conflict certain legal uncertainties are given resolution but others are created including those of the maintainability of arbitral class actions and party flexibility to expand the scope of otherwise highly limited judicial review of awards this text attempts to combine the theoretical with the practical so it also focuses on arbitral procedures and discusses differences in handling certain types of cases in arbitration as opposed to court to the extent arbitration is a creature of contract there is also attention paid to the use of drafting to accomplish client objectives there are also ample appendices containing rules of arbitral tribunals statutory texts and other authoritative materials hopefully this book will serve not only as the basis for a two or three point law school course but as a useful law office reference as well nicholas r weiskopf is professor of law st john s university school of law he graduated from columbia college in 1966 and columbia law school magna cum laude in 1969 he practiced as a litigator in major new york city firms for over a decade during which time he was lecturer in law at columbia law school at st john s since 1982 professor weiskopf teaches contracts and commercial arbitration he has served as a neutral and as a designated arbitrator in major commercial disputes and as an expert witness in arbitrations both here and abroad he has also participated in many commercial and securities arbitrations as counsel he has written in the areas of securities regulation contracts and commercial arbitration over a forty year span

assembled from dispute resolution journal the flagship publication of the american arbitration association the chapters in the handbook have all where necessary been revised and updated prior to publication the book is succinct comprehensive and a practical introduction to the use of arbitration and adr written by leading practitioners and scholars the handbook begins with an exploration of drafting commercial arbitration clauses and provides advice on selecting the right arbitrator for any given commercial arbitration dispute it supplies practitioners with guidelines for use in their arbitration practice and covers such topics as evidence and discovery arbitral subpoena powers procedural and interim orders it also offers guidance on witness preparation expert testimony and cross examination there are chapters that specifically address the arbitration of large complex cases healthcare disputes and entertainment industry disputes arbitrators are provided with recommendations regarding professional conduct and responsibility arbitral awards and remedies are covered extensively and arbitrators are provided with practical approaches and information on drafting awards punitive damages the finality of awards and post decision debriefing lastly this book discusses commercial arbitration as it relates to the legal system the chapters were selected from an extensive body of writings and in the main represent world class assessments of arbitration and adr practice all the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments they not only acquaint but also ground the reader in the field

arbitration clauses in investment treaties often provide investors with a choice between icsid arbitration on the one hand and rules originally drafted for commercial arbitration on the other the use of commercial arbitration rules in investment treaty

disputes studies how domestic courts and commercial arbitration institutions impact the scope of arbitral tribunal jurisdiction when commercial arbitration rules are used based on extensive studies of court decisions and previously unknown arbitral awards joel dahlquist s book analyses the practice of domestic courts in reviewing treaty based jurisdiction and explains how the two most used commercial arbitration institutions the icc and the scc have drafted interpreted and applied their arbitration rules in treaty based disputes

this illuminating book contributes to knowledge on the impact of brexit on international commercial arbitration in the eu entering the fray at a critical watershed in the eu s history chukwudi ojiegbe turns to the interaction of court litigation and international commercial arbitration offering crucial insights into the future of eu law in these fields

international commercial arbitration in spain miguel gómez jene although this book will be of inestimable value to comparative law and arbitration specialists it provides especially useful guidance for practitioners confronting specific questions during an arbitration with a seat in spain or an award to be enforced in spain the author a prominent spanish lawyer and legal scholar describes in detail all the relevant areas of international commercial arbitration under spanish and applicable european and international law with a rigorous analysis of the international comparative and internal jurisprudence embedded in spanish regulation of international commercial arbitration twelve expository chapters explicitly follow the scheme of the spanish arbitration act and two introductory chapters cover the international and european instruments of international commercial arbitration as applied in spain the author covers such key principles and customary practices as the following criteria to determine internationality formal validity and effects of arbitration agreements communications service and computation of time limits arbitrability appointment selection and removal of arbitrators cases in which an arbitrator may be held liable when an arbitrator may grant interim measures pleading and evidence of foreign law effect of insolvency limitation of judicial intervention and court jurisdiction judicial proceeding to set aside an arbitral award and recognition and enforcement of arbitral awards an up to date indispensable tool for all professionals working in the world of international arbitration this one of a kind book will be welcomed by arbitrators lawyers practising as counsel or arbitrators global law firms companies doing transnational business arbitration academics and international arbitration centres

focusing on practical principles or guidelines for arbitrators this book covers everything a prospective international commercial arbitrator should know about conducting an arbitration in hong kong specifically geared to those interested in or starting work as an international commercial arbitrator in hong kong the book takes readers step by step through the problems that are likely to arise in the conduct of a commercial arbitration and in the development of their careers as international commercial arbitrators

providing a full range of clauses forms and documents needed from the beginning of arbitral proceedings right through the issuing of the arbitral award this handbook is an indispensable working tool for practitioners it contains insightful commentaries and offers insider information and know how regarding arbitration in specific countries including the asian countries which are becoming important players in the field of international arbitration written by renowned experts in the field the handbook will assist practitioners be they lawyers counsel or arbitrators in the practical area of arbitral proceedings the handbook covers the following countries and arbitration rules uncitral icc wipo viac austria cietac china diac dubai lcia england wales dis germany hkiac hong kong ica india malaysia klrca siac singapore scc sweden swiss rules switzerland

arbitration clauses in international commercial contracts are often reused from existing contracts by so doing the parties choose to apply for example either ad hoc or institutional arbitration and the uncitral icc lcia scc swiss or other arbitration rules without necessarily being aware of the consequences moreover parties often assume that an arbitration clause has the effect of excluding any kind of interference from a court of law and of rendering any but the chosen law redundant this book highlights the specific features of various forms of arbitration and enables lawyers to make informed choices when drafting arbitration clauses chapters explain the framework for arbitration its relationship with national law and the features of the main arbitration institutions in europe the book also highlights new trends in other parts of the world that may have repercussions on the theory of international arbitration

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 staredecisis

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

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