



Anti-Suit Injunctions in International Arbitration

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Antisuit Injunctions In International Arbitration

International Arbitration No 2

Alexander J. Belohlávek



Antisuit Injunctions In International Arbitration International Arbitration No 2:

Anti-suit Injunctions in International Arbitration Emmanuel Gaillard, 2005-03-01 IAI Series No 2 The International Arbitration Institute IAI series on international arbitration is a new periodic series of publications that will focus on cutting edge issues and developments in international arbitration About the IAI The International Arbitration Institute IAI an organization created under the auspices of the Comité Français de Arbitrage CFA was created to promote exchanges in international arbitration The IAI is designed to promote exchanges on current issues in the field of international commercial arbitration Its activities include the regular organization of international conferences colloquiums as well as conducting various research projects About the Book Anti suit injunctions are a device originally found in common law countries whereby a court which retains its jurisdiction or anticipates to do so and which seeks to protect that jurisdiction or more generally the jurisdiction of the forum it deems to be the most appropriate orders a party to refrain from bringing a claim before the courts of another State or before an arbitral tribunal or if the party has already brought such a claim orders that party to withdraw from or the arbitrators to suspend the proceedings In the past few years the use of anti suit injunctions in the context of international arbitration has been spreading at a disturbing pace The courts of many common law countries but also those of civil law tradition frequently resort to this device at a party's request in order to disrupt the arbitration process or resist the enforcement of the award How best to resolve those conflicts arising as a result of national courts differing perspectives on the validity and scope of certain arbitration agreements Are anti suit injunctions in conformity with the requirements of public international law When the courts of certain States enjoin a party to refrain from proceeding with an arbitration should other courts enjoin them not to enjoin or should they like the U S Court of Appeal for the 5th Circuit in the Pertamina case exercise a commendable self restriction These are just a few of the issues addressed in Anti Suit Injunctions in International Arbitration **Pervasive Problems in International Arbitration** Loukas A. Mistelis, Julian D. M.

Lew, 2006-01-01 This important book will be of great interest to arbitration lawyers international lawyers and business people as well as to academics libraries and students of dispute resolution Publisher's website **Legal Theory of International Arbitration** Emmanuel Gaillard, 2010-05-03 Review excerpts from the book on Scribd International arbitration readily lends itself to a legal theory analysis The fundamentally philosophical notions of autonomy and freedom are at the heart of its field of study Similarly essential are the questions of legitimacy raised by the parties freedom to favor a private form of dispute resolution over national courts to choose their judges to tailor the procedure and to choose the applicable rules of law and by the arbitrators freedom to determine their own jurisdiction to shape the conduct of the proceedings and to choose the rules applicable to the dispute The present work based on a Course given at The Hague Academy of International Law in the Summer 2007 identifies the philosophical postulates that underlie this field of study and shows their profound coherence and the practical consequences that follow from these postulates in the resolution of international disputes Injunctive Relief

and International Arbitration Hakeem Seriki, 2014-07-25 This book explores from an English law and Institutional perspective the various types of injunctive relief that are available to a party before and during arbitral proceedings. In particular, this book examines the basis of the power of English Courts to grant such injunctions and explains when such injunctions will be granted. It considers any limitations attached to such injunctions and the relationship between section 44 of the Arbitration Act 1996 and section 37 of the Senior Courts Act 1981. It also provides an in-depth analysis of case law and the emerging trends in this area of arbitration as well as the powers of arbitrators under the ICC and LCIA Rules to grant such relief and other remedies that might be available to a party seeking to uphold an arbitration agreement. This book will be a vital reference tool for practitioners, arbitrators and postgraduate students.

Interim Measures in International Commercial Arbitration Ajar Rab, 2022-08-09 Interim measures by courts as well as tribunals are often critical to succeed in arbitration proceedings and to effectively safeguard the rights of parties pending the final adjudication of their dispute. This important book comprises a comprehensive review of interim measures in international commercial arbitration granted by courts and tribunals across jurisdictions that have adopted the UNCITRAL Model Law to critically assess the practical fault lines in the Indian arbitration regime. The book provides an in-depth analysis of the following: all reported judgments of the Indian Supreme Court and the High Courts from 1993 to 2022 on issues concerning interim measures; practical application of the UNCITRAL Model Law and the revisions in 2006 by national arbitration statutes of over 80 jurisdictions with respect to interim measures; comparative practice and jurisprudence on interim measures in international commercial arbitration; rules of major arbitral institutions on the power and scope of interim measures granted by tribunals; detailed analysis of different types of interim measures including anti-suit, anti-arbitration injunctions, security for costs, and interim measures in aid of foreign seated arbitrations; the standards to be applied and the burden of proof to be demonstrated for each type of measure; and issues of enforcement of interim measures in domestic, international and foreign seated arbitrations. The current position of law in India and the problems plaguing the country's Arbitration and Conciliation Act 1996 (IAA) as amended in 2015 with respect to interim measures are brought into direct comparison with other Model Law jurisdictions offering an analysis of case laws, practical insights and cogent suggestions based on best practices that can be adopted by parties and tribunals. The Appendices provide a detailed list of statutory provisions of countries that have adopted the Model Law along with rules of major arbitral institutions on interim measures. The author not only describes the current position of law in India and other Model Law jurisdictions on interim measures but also reveals a comprehensive understanding of the requests for interim measures and their enforcement in domestic, international and foreign seated arbitrations. This book engages in a comprehensive and clear discussion on the fine line between court assistance and court intervention, especially in the case of interim measures, and suggests draft provisions that India and other jurisdictions can adopt in order to align with the 2006 revisions to the Model Law to foster certainty, predictability and efficiency in case of

interim measures in international commercial arbitration

International and Domestic Arbitration in

Switzerland Bernhard Berger, 2025-05-15 This standard work is one of the leading authorities on Swiss arbitration law The fully revised and supplemented Fifth Edition provides up to date information on the law and practice of international and domestic arbitration in Switzerland The book provides a comprehensive analysis of all relevant aspects of arbitration including the concept of arbitration the sources of arbitration arbitrability and all aspects concerning the validity and scope of the arbitration agreement and its autonomy Other topics include competence competence the jurisdiction of the arbitral tribunal the arbitral procedure the effects and limits of arbitral awards setting aside as well as the recognition and enforcement of awards in Switzerland Frequently referred to in the case law of the Swiss Federal Supreme Court the book is an indispensable tool for legal scholars dealing in depth with a controversial issue At the same time it is an invaluable and user friendly source of information and reference for arbitration practitioners in Switzerland and abroad The book's appendices contain useful supplementary materials including a detailed table of cases and an accurate translation of the arbitration provisions of the Swiss Private International Law Act and the Swiss Code of Civil Procedure **2011** Andrea Bonomi, Gian Paolo Romano, 2012-07-30 The current volume of the Yearbook of Private International Law includes three special sections The first one is devoted to the recent European developments in the area of family law like the proposal on the matrimonial property regimes in its relation with other EU instruments such as Brussels IIbis or Rome III Another special section deals with the very hotly debated question of the treatment of and access to foreign law The third one presents some recent reforms of national Private International Law systems National reports and court decisions complete the book Recent highlights include multiple nationalities in EU Private International Law the European Court of Human Rights and Private International Law parallel litigation in Europe and the US arbitration and the powers of English courts conflict of laws in emission trading res judicata effects of arbitral awards **The Anti-Suit Injunction** Thomas Raphael QC, 2019

Recognition and Enforcement of Foreign Arbitral Awards Herbert Kronke, Patricia Nacimiento, Dirk Otto, 2010-01-01 The analysis thoroughly covers the major issues that have arisen in the application of the Convention including the following the use of reservations made by Contracting States the distinctions between recognition and enforcement and between recognition sought at the seat of the arbitration and outside the seat the role of the courts in reviewing arbitral awards and in particular the Convention's focus on safeguarding due process standards the more favourable rights A principle embodied in Article VII 1 the relevance of forum shopping and asset spotting to the application of the Convention and the role of formalities and formalism The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars regardless of location *Justice in International Law* Stephen M. Schwebel, 2011-05-19 Since 1947 Stephen M Schwebel has written some 200 articles and book reviews on topics of international law international arbitration and international relations This volume brings together thirty two of the legal

articles and commentaries written since the first volume of his essays was published in 1994 The essays analyze contentious issues of international arbitration and international law such as the place of preparatory work in interpreting treaties the role of a judge of the nationality of a party to a case sitting in judgment in the International Court of Justice and the meaning of the term investment in ICSID jurisprudence Together with his unofficial writings his judicial opinions are catalogued in the list of publications with which this volume concludes

International Arbitration and EU Law Nikos Lavranos, Stefano Castagna, 2024-08-06 In this substantially revised and updated second edition this work examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law It expertly illustrates the depth and breadth of EU law's impact on party autonomy and on the margin of appreciation available to arbitral tribunals This second edition covers all relevant new developments in law and practice and tracks the ever increasing influence of EU law and the jurisprudence of the Court of Justice of the EU CJEU in international arbitration

Twilight Issues in International Arbitration George Bermann, 2023-03-09 There are many issues of arbitral practice that remain largely unaddressed or very poorly addressed in the sources to which tribunals and counsel conventionally turn for procedural guidance the arbitration agreement the lex arbitri and rules of procedure This book brings together the most frequently recurring of such twilight issues so called because all participants in the arbitral process when facing them find themselves in the dark showing in each case where it is best for arbitrators counsel and parties to look for solutions offering logic certainty and predictability The issues ably covered by the author include among others the following Is a non signatory bound by or entitled to invoke an arbitration agreement When may res judicata or collateral estoppel subject Should a tribunal issue an anti suit injunction When may a tribunal treat as mandatory a law other than the chosen one On what basis may a witness invoke testimonial privilege When may a tribunal sanction counsel for what it considers misconduct By what standards is a determination of corruption to be made How should a tribunal determine the interest rate applicable to an award On what basis are costs to be allocated Examining in turn the guidance that may be provided by normative sources national law and if so which one simple exercise of good judgment or international standards derived from soft law arbitral jurisprudence international law and scholarly and professional commentary the analysis clearly shows how when conventional sources of legal guidance are unavailing decisions on important matters of arbitral practice and procedure are best made The book will prove of major relevance and value to any and all stakeholders in the international arbitral process whether commercial or investor state

Interim Measures in Cross-Border Civil and Commercial Disputes Deyan Draguiev, 2023-05-27 The book focusses on applying a holistic overview of interim measures and associated procedures in the context of cross border private law civil and commercial disputes that are the subject of international litigation and arbitration proceedings It reexamines key features of said problem and outlines novel findings on interim relief in the area of international dispute resolution The book analyses the rules of EU law EU law regulations such as the

Regulation Brussels Ibis and the rest of the Brussels regime as the single system of cross border jurisdictional rules as well as the rules of international arbitration both commercial and investment In the process it conducts a complete mapping of interim measures problems and explores the criteria for granting relief under national laws For this purpose it includes an extensive comparative law overview of many jurisdictions in Europe Asia Africa the Americas etc to reveal common standards for granting interim relief Interim relief is a salient problem in dispute resolution and serious international disputes usually require requests for such measures This makes a more complete understanding all the more important For scholars and practitioners alike there are various ways to seek relief precisely this complexity calls for a more complex and multilayered analysis which does not as is usually the case adopt the perspective of either litigation or arbitration but instead weighs the pros and cons and considers the viability and reliability of the different options viewed from all angles *International Arbitration and the Rule of Law*, 2017-09-22 Volume 19 of the Congress Series contains the proceedings of ICCA's 2016 Mauritius Congress the first ICCA Congress held in Africa In this volume renowned practitioners scholars and jurists from the region and around the world explore the contribution of arbitration to the rule of law and economic development the conformity of arbitration with international standards of due process and the rule of law and the benefits and challenges of arbitration in Africa Topical issues of interest for practitioners academics and students of arbitration in the region and internationally include Due process issues in constituting the arbitral tribunal and challenging its members Interim measures issued by arbitral tribunals and domestic courts Burden standard and types of proof in the corruption defence What to do and what to avoid doing to prepare a persuasive case Do post award remedies ensure conformity of the arbitral process with the rule of law Do rules and guidelines properly regulate the conduct of arbitration The interface between domestic courts and arbitral tribunals What are appropriate remedies for findings of illegality in investment arbitration The effect of foreign national court judgments relating to the arbitral award What does the future hold for investment arbitration in Africa and beyond **Handbook of ICC Arbitration** Thomas H. Webster, Dr Michael Buhler, 2014 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 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

Arbitration Law of Czech Republic: Practice and Procedure Alexander J. Belohlávek, 2013-03-01 A comprehensive review of the arbitration law and practice in the Czech Republic including discussion of arbitration practice and procedure an examination of the jurisdiction of the arbitral tribunal the appointment of arbitrators including the challenge and replacement of arbitrators an analysis of the various types of awards including a discussion on deliberations agreements settlements and the costs of arbitration a discussion on the amendment and challenge of awards including the liability of arbitrators and a review of the enforcement of domestic and foreign arbitration awards

Provisional and Emergency Measures in International Arbitration Julien Fouret, 2023-07-01 The increase in the complexity and length of international arbitration procedures has resulted in a growing demand for both provisional and emergency measures to facilitate the preservation of the parties rights until a final award is rendered In *Provisional and Emergency Measures in International Arbitration* Julien Fouret has brought together many of the leading international arbitration practitioners to examine this highly topical subject

The Roster of International Arbitrators ,2010

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