# TABLE OF CONTENTS

**Preface** vii  
**Foreword** ix  
**Table of Contents** xi  
**Abbreviations** xv  
**Table of Cases** xvii  
**Table of Awards** xxv  
**Table of Conventions, Model Laws and Rules** xxix  
**Table of National Legislation** xxxv  
**Table of Treaties** xxxvii

## I—Commentary on the ICC Rules of Arbitration

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

## CHAPTER 1

### INTRODUCTORY PROVISIONS

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1</td>
<td>International Court of Arbitration</td>
<td>11</td>
</tr>
<tr>
<td>Article 2</td>
<td>Definitions</td>
<td>35</td>
</tr>
<tr>
<td>Article 3</td>
<td>Written Notifications and Communications; Time Limits</td>
<td>38</td>
</tr>
</tbody>
</table>

## CHAPTER 2

### COMMENCING THE ARBITRATION

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4</td>
<td>Request for Arbitration</td>
<td>51</td>
</tr>
<tr>
<td>Article 5</td>
<td>Answer to the Request; Counterclaims</td>
<td>67</td>
</tr>
<tr>
<td>Article 6</td>
<td>Effect of the Arbitration Agreement</td>
<td>79</td>
</tr>
</tbody>
</table>

## CHAPTER 3

### THE ARBITRAL TRIBUNAL

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7</td>
<td>General Provisions</td>
<td>115</td>
</tr>
<tr>
<td>Article 8</td>
<td>Number of Arbitrators</td>
<td>128</td>
</tr>
<tr>
<td>Article 9</td>
<td>Appointment and Confirmation of the Arbitrators</td>
<td>137</td>
</tr>
<tr>
<td>Article 10</td>
<td>Multiple Parties</td>
<td>147</td>
</tr>
<tr>
<td>Article 11</td>
<td>Challenge of Arbitrators</td>
<td>154</td>
</tr>
<tr>
<td>Article 12</td>
<td>Replacements of Arbitrators</td>
<td>175</td>
</tr>
</tbody>
</table>
CHAPTER 4

THE ARBITRAL PROCEEDINGS

Article 13 Transmission of the File to the Arbitral Tribunal 185
Article 14 Place of the Arbitration 187
Article 15 Rules Governing the Proceedings 196
Article 16 Language of the Arbitration 200
Article 17 Applicable Rules of Law 207
Article 18 Terms of Reference; Procedural Timetable 225
Article 19 New Claims 243
Article 20 Establishing the Facts of the Case 247
Article 21 Hearings 268
Article 22 Closing of the Proceeding 280
Article 23 Conservatory and Interim Measures 285

CHAPTER 5

AWARDS

Article 24 Time Limit for the Award 299
Article 25 Making of the Award 307
Article 26 Award by Consent 315
Article 27 Scrutiny of the Award by the Court 318
Article 28 Notification, Deposit and Enforceability of the Award 324
Article 29 Correction and Interpretation of the Award 342

CHAPTER 6

COSTS

Article 30 Advance to Cover Costs of the Arbitration 351
Article 31 Decision as to the Costs of the Arbitration 360

CHAPTER 7

MISCELLANEOUS

Article 32 Modified Time Limits 383
Article 33 Waiver 386
Article 34 Exclusion of Liability 391
Article 35 General Rule 398

II—Models, Precedents and Examples

A List of Models, Precedents and Examples

B Introduction Regarding Models, Precedents and Examples

Document 1: Distribution Agreement with ICC Arbitration Clause
CONTENTS

Document 2  Request for Arbitration 417
Document 3  Answer to Request for Arbitration 425
Document 4  Secretariat's Notification of the Answer 429
Document 5  Notification from Secretariat of ICC Court Decision setting in Motion Arbitration 430
Document 6  Notification from Secretariat to the Claimant's Nominee as Arbitrator 432
Document 6.1 ICC Arbitrator's Declaration of Acceptance and Statement of Independence 434
Document 6.2 ICC Model Curriculum Vitae for Arbitrators 436
Document 7  Transmittal of Declaration of Independence and Curriculum Vitae of Claimant's Nominee to Respondent 440
Document 8  Notification from Secretariat to Respondent to Propose an Arbitrator 441
Document 9  Secretariat's Notification of Confirmation of the two co-arbitrators 442
Document 10 Secretariat's Notification of Designation of Chairman 443
Document 10.1 Confirmation of the Chairman Agreed Upon by the Parties 444
Document 10.2 Appointment of the Chairman by the ICC Court 445
Document 11 Secretariat's Transmittal of the File to the Tribunal 449
Document 11.1 ICC Notice to Arbitrators on Personal and Arbitral Tribunal Expenses 451
Document 11.2 ICC Note Concerning the Appointment of Administrative Secretaries by Arbitral Tribunals 453
Document 12 Notification by Tribunal to the Parties and Invitation to Comment on the Claims 454
Document 13 Points for Consideration for the Procedure 456
Document 14 Terms of Reference 463
Document 15 Provisional Timetable 464
Document 16 Procedural Order No. 1 466
Document 17 Summary Minutes of Hearing 468
Document 18 Partial Award on Jurisdiction 473
Document 19 Procedural Order No. 2 (Hearing on the Substance) 475
Document 20 List of Attendance 476
Document 21 Power of Attorney 477
Document 22 Final Award 485
Document 23 ICC Note on Correction and Interpretation of Arbitral Awards 485

III—Appendices and Further Materials

1. ICC Rules of Arbitration: Foreword and Appendices I-III 487 only
2. List of Other ICC Dispute Resolution Services 497
3. New York Convention 498
4. UNCITRAL Model Law 503
5. Excerpt from the French New Code of Civil Procedure 516
6. Excerpt from the Swiss Private International Law 519
7. Excerpt from the US Federal Arbitration Act 524
8. Excerpt from the English Arbitration Act 1996 531
9. IBA Rules of Evidence 563
10. IBA Guidelines on Conflict of Interest 571
11. ABA/AAA Code of Ethics for Arbitrators 584
12. UNCITRAL Notes on Organizing Arbitral Proceedings 585
13. List of useful arbitration websites 602

Selected Bibliography 609

Index 629

About the Authors 659