



International Chamber of Commerce
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ICC - Hong Kong, China

International Court of Arbitration®

"The 2012 ICC Rules of Arbitration"

an official launch event of the new ICC Rules of Arbitration

10th and 11th October, 2011

THE CHINA CLUB, 13/F, The Old Bank of China Building, Bank Street, Central, Hong Kong

The Event

The ICC Rules of Arbitration, which are used worldwide to resolve hundreds of business disputes each year, have been newly revised to take account of current requirements and developments in arbitration practice and procedure since the last revision in 1998. The new version is the fruit of two years of active work within the ICC Commission on Arbitration, a think tank of 620 dispute resolution specialists from 90 countries. A core group comprising Commission members and representatives of the Secretariat of the ICC International Court of Arbitration have drawn on their own professional experience and feedback from a 200-member task force to draft the new Rules. This conference will unveil and explain the changes made to the Rules in this, its third, revision and will be the first opportunity in Asia for practitioners to acquire a comprehensive overview of the changes in readiness for the subsequent entry into force of the new Rules on 1 January 2012, and to have a direct exchange with several of the experts from the drafting group.

The Speakers

Speakers for the event will include:

Mr John Beechey – Chairman of the ICC International Court of Arbitration

Mr Jason Fry – Secretary-General of the ICC International Court of Arbitration

Mr Peter Wolrich – Chair of the ICC Commission on Arbitration, Chair of the Taskforce on the Revision of the ICC Rules of Arbitration and Attorney-at-law, Paris (Curtis)

Mr W. Laurence Craig – Co-Chair of the Taskforce on the Revision of the ICC Rules of Arbitration and Attorney-at-law, Paris (Orrick)

Ms. Teresa Cheng, S.C. – Vice Chair of the ICC International Court of Arbitration and Barrister, Des Voeux Chambers (Hong Kong)

Mr Philip Yang – ICC Court Member for Hong Kong and independent arbitrator

Mr Kevin Kim – ICC Court Member for Korea and Partner, Bae, Kim & Lee LLC

Mr Ciccu Mukhopadhaya – Vice Chair of the ICC International Court of Arbitration and Senior Partner & Country Head (Litigation & Dispute Resolution) Amarchand & Mangaldas & Suresh A. Shroff & Co., Delhi, India

Mr Andrew Foyle – Barrister and a member of One Essex Court (London)

Ms. Francesca Mazza, Secretary, ICC Commission on Arbitration (Paris)

Ms. Cheng Yee Khong – Director and Counsel, Secretariat of the ICC International Court of Arbitration - Asia Office

Ms. Kim Rooney – Chair, ICC Hong Kong Arbitration Committee, and Barrister, Gilt Chambers (Hong Kong)

Mr Christopher To – Executive Director, Construction Industry Council (Hong Kong)

Mr Justin D'Agostino – Member of ICC Commission on Arbitration and Partner, Herbert Smith (Hong Kong)

PROGRAMME

DAY ONE

Monday, 10 October 2011

8.30

Registration

9.00-9.30

Welcome and Opening remarks

9.30-10.10

General Provisions

The focus of the first part of this session is on the opening provision of the Rules and the changes made to it seeking to provide clarification on the respective roles of the Court, its Secretariat and arbitral tribunals. It also clarifies that ICC arbitration is available for a full range of disputes, including both commercial arbitration and treaty investment arbitrations. Other changes to the rules, which will be presented in this session, recognize the specifics of treaty investment arbitrations and arbitrations involving states or state entities. Articles 4 and 5 concerning the Request for Arbitration and the Answer are key provisions in the Rules, as these documents set the initial stage for the arbitration. This session will address the revisions made to these provisions and explain the requirements which parties will have to meet when submitting the Request and the Answer. In addition, revision to the rules explicitly allowing for tailor-made confidentiality orders as well as other modifications concerning confidentiality will be presented.

10.10 – 10.40

Q&A on General Provisions

10.40-11.00

Coffee Break

11.00-12.00

Emergency Arbitrator Provisions

The 2012 ICC Rules for Arbitration will include provisions permitting parties to seek the appointment of an Emergency Arbitrator to decide upon urgent conservatory or interim measures that cannot await the constitution of the arbitral tribunal. This session will present the revisions made to the rules in this respect, as well as the wholly new Appendix which sets out the rules for emergency arbitrator proceedings (Article 29, and the Appendix).

12.00-12.45

Q&A on Emergency Arbitrator Provisions

12.45-14.15	<i>Lunch</i>
14.15-15.15	<p><u>Improving Time & Cost Efficiency</u></p> <p>One of the primary goals of the rules revision was to find ways to encourage the controlling of time and cost in arbitration. This effort was specifically requested and encouraged by the corporate users of ICC arbitration. This session will present the revisions proposed in order to permit the Secretariat to constitute the arbitral tribunal more rapidly (Article 6(3)) and improve the turnaround time for draft awards (Articles 27, 31). The new provisions addressed to parties and arbitral tribunals concerning the conduct the arbitration proceedings in an expeditious and cost-effective manner and the corresponding cost provisions will also be presented (Articles 22- 24, Appendix V, Article 36). Finally, a user’s perspective will be presented.</p>
15.15-16.00	Q&A on Improving Time & Cost Efficiency
16.00-16.20	<i>Coffee Break</i>
16.20-16.50	<p><u>The Arbitral Tribunal</u></p> <p>An often used <i>maxim</i> says that « an arbitration is only as good as the arbitrator » and the provisions concerning the constitution of the arbitral tribunal are at the core of any set of arbitration rules. This session will focus on the revisions made to those provisions, including the appointment of the arbitrators by the Court (Article 13), the arbitrators’ duty of impartiality and independence (Articles 11 and 14), and the notification of reasons for Court’s decisions concerning challenges, non-confirmation and replacement of arbitrators.</p>
16.50-17.20	Q&A on The Arbitral Tribunal
17.20-17.30	Closing Remarks for Day One
17.45-19.00	Cocktails

DAY TWO

Tuesday, 11 October 2011

9.30-10.45

Multi – party, multi-contract arbitration and consolidation

The Court has seen a considerable increase in cases involving multiple parties or multiple contracts in the past decade, which reflects an increasing complexity of the transactions underlying the disputes giving rise to ICC arbitrations. The 2012 Rules of Arbitration contain for the first time a chapter devoted to arbitrations involving multiple parties or contracts and consolidation. This session will present those new provisions and related provisions concerning the fixing of the advances on costs in such situations (Articles 7, 8, 9, 10 and 36) and focus on how they will operate in practice.

10.45-11.45

Q&A on Multiparty, multi-contract arbitration and consolidation

11.45-12.00

Concluding Remarks

12.00-13:30

Lunch

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