

Hong Kong Arbitration

A User's Guide

By
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Hong Kong Arbitration A Users Guide

Albert A Gayle



Hong Kong Arbitration A Users Guide:

□□□□□□□ Michael J. Moser, Teresa Y. W. Cheng, 2008 *Practitioner's Handbook on International Arbitration and Mediation - Third Edition* Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner's Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field. It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral venues. This Handbook is intended to make the reader into a better practitioner or arbitrator/mediator. Moreover, each chapter has been written to provide practical advice and guidance. Unlike many works with multiple authors, this work is not simply a collection of essays on a general subject. This book is a unified work with cross references among the chapters and a consistent format throughout. The Practitioner's Handbook is divided into three parts. Part One describes in detail each step of the international arbitration process and offers tips. Part Two deals with each step and facet of an international mediation. Each of these chapters is filled with Practitioners' Expert Commentary. Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong, England, Switzerland, and France. These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction. As a result, the chapters in Part Three are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules. The CD ROM that accompanies this Work contains relevant original source material that is germane to the text. A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered.

Basic Documents on International Trade Law Chia-Jui Cheng, 2012-04-27 Anyone involved in trade law knows the time consuming nature of obtaining primary source material and consulting each of the main trade laws. Now in its fourth edition, *Basic Documents in International Trade Law* solves this problem by assembling in a single, easy to use resource, a very comprehensive collection of the most important and frequently used documents on the law of international trade. In addition to its obvious practical value, this work reveals much about the process of harmonization in international trade law and the operation of the key international trade bodies. This makes the book a helpful reference for international business lawyers, researchers, legislators, and government officials in the field. Since the successful publication of the previous editions of the book, the appearance of new conventions and model laws has considerably enriched the law of international trade, and the present edition contains a wealth of new material. The book has been substantially revised, and several new instruments have been included. Among the most significantly important improvements to this new edition are new chapters added to different parts of the book, a redesigned and thoroughly revised Part 6 reflecting the expansion of intellectual property rights under the framework of treaties administered by World Intellectual Property Organization, and bibliographies and other research resources updated and enlarged to include an extraordinarily rich collection of books and articles in many trading languages besides English, including for the first time

major Chinese works in the international trade law field As the late Prof Clive M Schmitthoff commented on the first edition the book is not only of practical usefulness but has also considerable jurisprudential value and reveals the methodology of the harmonization process in the area of international trade law The International Business Lawyer first commented in 1987 that the book can only be described as a vade mecum for every international business lawyer an assessment that now seems more merited than ever International Dispute Resolution Dennis Campbell,2010-06-24 This special issue of the Comparative Law Yearbook of International Business examines a variety of issues relating to international dispute resolution National systems such as Brazil England and Wales Hong Kong India Italy Slovakia the United States are reviewed The treatment of special issues ranges from document production discovery and ethics to public policy telecommunications contracts and expatriate employees Finally the issue surveys various topics dealing with matters such as the general principles of law international rules international contract law consolidation and class actions and enforcement of arbitral awards

Recognition and Enforcement of Foreign Arbitral Awards George A. Bermann,2017-07-17 This book examines how the Convention on the Recognition and Enforcement of Foreign Arbitral Awards commonly known as The New York Convention has been understood and applied in insert number jurisdictions including virtually all that are leading international arbitration centers It begins with a general report surveying and synthesizing national responses to a large number of critical issues in the Convention's interpretation and application It is followed by national reports all of which are organized in accordance with a common questionnaire raising these critical issues Following introductory remarks each report addresses the following aspects of the Convention which include its basic implementation within the national legal system enforcement by local courts of agreements to arbitrate including grounds for withholding enforcement recognition and enforcement of foreign awards by local courts under the Convention including grounds for denying recognition and enforcement and essential procedural issues in the courts conduct of recognition and enforcement Each report concludes with an overall assessment of the Convention's interpretation and application on national territory and recommendations if any for reform The New York Convention was intended to enhance the workings of the international arbitral system primarily by ensuring that arbitral awards are readily recognizable and enforceable in States other than the State in which they are rendered subject of course to certain safeguards reflected by the Convention's limited grounds for denying recognition or enforcement It secondarily binds signatory states to enforce the arbitration agreements on the basis of which awards under the Convention will be rendered Despite its exceptionally wide adoption and its broad coverage the New York Convention depends for its efficacy on the conduct of national actors and national courts in particular Depending on the view of international law prevailing in a given State the Convention may require statutory implementation at the national level Beyond that the Convention requires of national courts an apt understanding of the principles and policies that underlie the Convention's various provisions Through its in depth coverage of the understandings of the Convention that prevail across

national legal systems the book gives practitioners and scholars a much improved appreciation of the New York Convention on the ground

International Commercial Arbitration in Hong Kong Stephen D. Mau, 2019-10-21 International Commercial Arbitration in Hong Kong A Guide provides an essential introduction to commercial arbitration law and practices focusing on Hong Kong as an example of a model law jurisdiction with a pro arbitration stance With the evolution and increasing popularity of dispute resolution in the international arena one is no longer able to rely purely on knowledge of the local law and practices This timely book is written in simple English and clearly arranged in a step by step format Newcomers to this legal field will find the principles covered in the book easy to understand It begins with an overview of the various Alternative Dispute Resolution choices available in Hong Kong The remainder of the book covers all the aspects that one needs to know about commercial arbitration including the advantages and disadvantages of arbitration in general the laws and rules the appointment of a sole arbitrator or a tribunal the arbitrator s jurisdiction duties and authorities and how they are defined within the Arbitration Ordinance Cap 609 the arbitration process the contents of an arbitral award and the recognition and enforcement of the award and cost saving techniques in arbitration Experienced arbitrators and senior legal practitioners will also find International Commercial Arbitration in Hong Kong A Guide to be a valuable reference on the various concepts and latest case precedents Dr Stephen Mau s reference book provides invaluable expert guidance on international commercial arbitration and other ADR mechanisms in Hong Kong The book offers in depth practical as well as theoretical analysis of the main features associated with Hong Kong s international commercial arbitration market It should be of great use not only to professionals and academics in the field of international arbitration but also to anyone interested in learning about out of court dispute resolution in Hong Kong Professor Dr Nayla Comair Obeid former president Chartered Institute of Arbitrators This book provides a simple yet comprehensive framework of conducting an arbitration with the essential elements that are crucial in managing a dispute within the jurisdictional context of Hong Kong The book is written in a way all readers such as students lawyers arbitration practitioners and academics will find the contents to be current precise easy to follow and above all a pleasure to read Dr Christopher To barrister at law Gilt Chambers

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 Dallal 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 Doing Business In China Michael J. Moser ,Fu Yu,2014-04-01 Doing Business in China provides over 3 000 pages of extensive and comprehensive analysis on Chinese business and commercial law and practice This work is the most thorough reference and guide to all major areas of business law and investment in the People s Republic of China and offers a wide ranging analysis and commentary on Chinese business laws For over thirty years Doing Business in China has been one of the premier sources of practical information and analysis on issues affecting foreign investment in China This multi volume treatise captures the collective experiences and knowledge of prominent practitioners and business and legal experts with respect to the essential areas of PRC investment and commercial law Designed for those who are either planning to invest in China or who already have an established presence Doing Business in China provides a detailed examination of all relevant legislation and practice in China that affects business and investment It also closely examines key issues and potential pitfalls involved in all areas of business and investment **Intellectual Property Law of China** Michael J. Moser,2011-04-01 Intellectual property law what it is and how it is implemented and enforced in China is a topic of critical importance for both foreign and Chinese companies Intellectual Property Law of China provides an up to date summary of the law of intellectual property in today s China Each of the chapters contained in this book deals with a selected topic and is authored by a leading expert in the field The essays

provide a short course on intellectual property law in China dealing not only with the black letter law and legislation but also with practical issues This book is a necessary resource for IP practitioners and in house counsel as well as business managers operating in China s increasingly regulated and complex business environment Dispute Resolution in China Michael J. Moser, 2012-07-01 Dispute Resolution in China provides an up to date summary commentary and analysis of how disputes are settled in today s China Like in many other jurisdictions litigation and arbitration are the main dispute resolution methods to settle large commercial disputes in China While litigation is more commonly used in domestic commercial disputes arbitration is the most popular dispute resolution method among foreign parties who conduct business in China or with Chinese parties Each of the chapters contained in this book deals with a selected topic in dispute resolution and is authored by a leading expert in the field This book is a necessary resource for arbitration and litigation attorneys as well as other professionals conducting business in China s increasingly regulated and complex business environment **Practitioner's Handbook on International Commercial Arbitration** Frank-Bernd Weigand, 2009-12-24 The Practitioner s Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings as well as commentaries on well known arbitration rules which are frequently incorporated in international legal agreements Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts This second edition of the Practitioner s Handbook includes newly updated country chapters expanded international coverage and commentary on the most important arbitration rules worldwide It is written by world leading arbitration practitioners and academics and combines a practical approach with in depth legal research and analysis of important national and international case law The book is unique in its coverage providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume There are individual chapters for the following countries Austria Belgium China and provides details of national arbitration laws arbitral institutions in the jurisdiction model arbitration clauses and a bibliography including a list of key judicial decisions The first edition was reviewed as an outstanding book and an extremely useful tool The work is an indispensable one stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries *The Developing World of Arbitration* Anselmo Reyes, Weixia Gu, 2018-02-22 The Developing World of Arbitration studies the recent emergence of Asia Pacific jurisdictions as regional or international arbitration centres thanks to various reform efforts and initiatives This book provides an up to date and comprehensive analysis of the ways in which arbitration law and practice have recently been reformed in Asia Pacific jurisdictions Leading contributors across the Asia Pacific region analyse twelve major jurisdictions representing varying patterns and degrees of development whether driven from top down bottom up or by some hybrid impetus Setting the arbitration systems and reforms of each investigated jurisdiction in the context of its economic political and judicial dynamics this book presents for the first time a cross jurisdiction comparative and contextual

study of the developing world of arbitration in the Asia Pacific and contributes to comparative international arbitration literature from an Eastern perspective It also aims to identify an Asia Pacific model of arbitration modernisation one that may be distinct from a Western model and predicts future trajectories of development and challenge in light of the ever increasing competition between Eastern and Western based arbitration centres This edited collection will be an invaluable addition to the libraries of academics and practitioners in the field of international commercial arbitration

Dispute Resolution in Asia Michael Charles Pryles, 2006-01-01 Prized by practitioners since the first edition appeared in 1998 *Dispute Resolution in Asia* provides a much wider spectrum of Asian laws and approaches to dispute resolution than is traditional in comparative studies It examines arbitration litigation and mediation in thirteen countries with detailed practical essays each written by a senior lawyer with vast knowledge and experience of dispute resolution in his or her own country Contributions vary in style and content and thus reflect the diversity of legal systems and cultures in Asia The third edition of this popular book has been expanded by the inclusion of a chapter on Korea and a discussion of investment treaty arbitrations All chapters have been revised and updated to incorporate recent developments such as the enactment of relevant new legislation in Malaysia Statistics on arbitration centres in Asia are also included As a comprehensive practical guide to the practice and procedure of dispute resolution in the important trading countries of Asia this book will be of great value to corporate counsel and international lawyers and business people as well as to students of dispute resolution For more information on the editor Professor Michael Pryles please visit his website <http://www.michaelpryles.com>

Asian Yearbook of International Law, Volume 11 (2003-2004) B.S. Chimni, Masahiro Miyoshi, Surya Subedi, 2006-09-01 The *Asian Yearbook of International Law* is a major refereed publication dedicated to international law issues as seen primarily from an Asian perspective This is a special publication of its kind edited by a team of leading international law scholars from across Asia The *Asian Yearbook of International Law* provides a forum for the publication of articles in the field of international law and other Asian international law topics written by experts from the region and elsewhere Its aim is twofold to promote international law in Asia and to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues As a rule each volume of the *Asian Yearbook* normally contains articles notes a section on State practice an overview of the participation of Asian countries in multilateral treaties a chronicle of events and incidents surveys of the activities of international organizations which have special relevance to Asia such as a survey of the activities of the Asian African Legal Consultative Committee and book review bibliography and documents sections

Bias Challenges in International Commercial Arbitration Sam Luttrell, 2009-01-01 Shows how dirty challenge tactics are made viable primarily by the prevalence of a judicially derived test for bias which focuses on appearances rather than facts and He argues that the most commonly used test of bias the reasonable apprehension test makes it easy to allege a lack of impartiality and independence

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

International Commercial Arbitration Simon Greenberg, Christopher Kee, J. Romesh Weeramantry, 2011-01-17 There has been an exponential rise in the use of ICA for resolving international business disputes yet international arbitration is a scarcely regulated specialty industry *International Commercial Arbitration An Asia Pacific Perspective* is the first book to explain ICA topic by topic with an Asia Pacific focus Written for students and practising lawyers alike this authoritative book covers the principles of ICA thoroughly and comparatively For each issue it utilises academic writings from Asia Europe and elsewhere and draws on examples of legislation arbitration procedural rules and case law from the major Asian jurisdictions Each principle is explained with a simple statement before proceeding to more technical theoretical or comparative content Real world scenarios are employed to demonstrate actual application to practice *International Commercial Arbitration* is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region within a global context

International Organizations and the Promotion of Effective Dispute Resolution, 2019-06-26 This second volume of the AIIB Yearbook of International Law examines the role of international organizations in promoting effective dispute resolution It is divided into five parts to reflect a series of overarching themes and relationships Firstly international arbitration's effectiveness and affinity with multilateral institutions Second international organizations as proponents of the norms of dispute resolution Third the dispute resolution mandates of international organizations Fourth the role of dispute resolution and economic development Together this diversity of perspectives offers convincing evidence that effective dispute resolution is a precondition to successful economic development and that international organizations have an essential role to play in promoting both The fifth part presents the 2018 AIIB Law Lecture given by Georg Nolte Chair of the International Law Commission on the subject of International Organizations in the Recent Work of the International Law Commission and the 2018 AIIB Legal Conference Report

Arbitration Rules--international Institutions Loukas A. Mistelis, Laurence

Shore,Stavros L. Brekoulakis,Hans Smit,2010-05 International Arbitration Institutions have led the way in rulemaking for international commercial arbitration The institutional rules and commentary compiled in this easy to use reference tool are those promulgated by the institutions most often named in international agreements The institutional rules and commentary compiled in this easy to use reference are those promulgated by the institutions most often named in international agreements Arbitration Rules International Institutions is the only resource to compile such an extensive array of commentary and analysis written by leading arbitration authorities along with the full text of each set of rules

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Table of Contents Hong Kong Arbitration A Users Guide

1. Understanding the eBook Hong Kong Arbitration A Users Guide
 - The Rise of Digital Reading Hong Kong Arbitration A Users Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Hong Kong Arbitration A Users Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Hong Kong Arbitration A Users Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Hong Kong Arbitration A Users Guide
 - Personalized Recommendations
 - Hong Kong Arbitration A Users Guide User Reviews and Ratings
 - Hong Kong Arbitration A Users Guide and Bestseller Lists
5. Accessing Hong Kong Arbitration A Users Guide Free and Paid eBooks
 - Hong Kong Arbitration A Users Guide Public Domain eBooks
 - Hong Kong Arbitration A Users Guide eBook Subscription Services
 - Hong Kong Arbitration A Users Guide Budget-Friendly Options
6. Navigating Hong Kong Arbitration A Users Guide eBook Formats

- ePub, PDF, MOBI, and More
- Hong Kong Arbitration A Users Guide Compatibility with Devices
- Hong Kong Arbitration A Users Guide Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Hong Kong Arbitration A Users Guide
 - Highlighting and Note-Taking Hong Kong Arbitration A Users Guide
 - Interactive Elements Hong Kong Arbitration A Users Guide
- 8. Staying Engaged with Hong Kong Arbitration A Users Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Hong Kong Arbitration A Users Guide
- 9. Balancing eBooks and Physical Books Hong Kong Arbitration A Users Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Hong Kong Arbitration A Users Guide
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Hong Kong Arbitration A Users Guide
 - Setting Reading Goals Hong Kong Arbitration A Users Guide
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Hong Kong Arbitration A Users Guide
 - Fact-Checking eBook Content of Hong Kong Arbitration A Users Guide
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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