



# International Arbitration Group

Our International Arbitration Group advises clients on all aspects of international arbitration, from helping them to choose the most appropriate sort of arbitration clause for their international contracts, through to advising on and conducting international arbitrations on their behalf.

## Why choose arbitration?

With any trading relationship, there is always a risk that a dispute may arise. No business likes to find itself involved in a dispute and that is particularly so where the other party, or the subject matter of the dispute, is based in another country.

Rather than risk litigation in a foreign jurisdiction with the vagaries of an unfamiliar court system, contracting parties frequently agree to refer disputes to arbitration. In so doing, they are taking control over the dispute resolution process that will apply to their business arrangement.

Advantages of arbitration, as opposed to litigating through the courts, can include:

- Freedom to select the arbitrator(s), perhaps with a trade or technical background
- Freedom to agree procedures that suit the case

- Privacy of proceedings and outcome
- Neutral venue can be specified
- Speed and finality of decision
- Wide international enforceability of arbitral awards.

## What sort of arbitration and where?

There are a number of international arbitral institutions which not only offer ready-made arbitration rules, but also undertake administrative services, such as maintaining lists of approved arbitrators, appointing arbitrators, receiving and acting upon requests to arbitrate and vetting arbitral awards to check that they are enforceable.

Amongst the most commonly used arbitral institutions are the London Court of International Arbitration ("LCIA"), the International Chamber of Commerce ("ICC"), the International Court of Arbitration, the German Institution of Arbitration ("DIS")

and the American Arbitration Association ("AAA"). There are, however, many other arbitral institutions which may meet the needs of parties.

If an arbitral institution does not provide the correct "fit", an arbitration agreement can be tailor-made to suit the particular circumstances, either at the contracting stage or after a dispute has arisen.

The UNCITRAL (UN Commission on International Trade Law) Arbitration Rules offer the half-way house of a ready-made set of rules, but without the administrative services of an arbitral institution (though an institution can be nominated to appoint the arbitrator(s)).

An arbitration has to have a "seat" in a particular country. The arbitration law of that country will usually apply to the arbitration, though where the arbitration rules of an institution or of UNCITRAL are chosen, the national law will usually apply only where those rules are silent or where an aspect of the national law has mandatory effect. The choice of seat may also affect the ease with which an arbitral award may be enforced.

forms of alternative dispute resolution which are increasingly used before or during arbitration proceedings.

- We have the expertise and support services to be expected of a European firm of over 1,100 lawyers and support staff, including electronic document management systems and video conferencing.

## Why choose Taylor Wessing LLP?

- The lawyers in our International Arbitration Group have extensive experience of arbitrations, both ad hoc and institutional, in a wide range of venues, including London, Paris, Stockholm, Germany, Switzerland, China and elsewhere in the world, both as party representatives and as arbitrators.
- We have specialist expertise in handling arbitrations in the particular business sectors where arbitration is most often used, including construction and engineering, infrastructure projects, shipping, insurance and reinsurance, international trade, e-commerce, financial services, intellectual property and sport.
- We routinely advise upon issues of conflict of laws, jurisdiction and enforcement. We also conduct litigation in the English, German, French and Belgian Courts and manage litigation elsewhere in the world. Our breadth of experience enables us to give informed and balanced advice upon whether to choose arbitration and, if so, its form and location, as well as to make effective use of court proceedings when necessary, for example to obtain security for an arbitration claim.
- Having within the firm a number of accredited mediators, we are experienced in conducting mediation and the other

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Taylor Wessing has an enviable track record in serving knowledge-based and technology-orientated businesses. A market leader in intellectual property, the firm also has a strong market presence in corporate, finance and real estate.

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- **Private client** - International asset protection, tax and succession planning
- **Shipping and international trade** - Claims, shipbuilding, commodities, sale and purchase, finance, logistics

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