KluwerArbitration

Participant Training Guide

Wolters Kluwer
Law & Business

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Introduction

Welcome to training for KluwerArbitration, the most comprehensive, fully-searchable database of world-wide primary and secondary materials in the field of international commercial arbitration.

KluwerArbitration is brought to you by **Kluwer Law International**, in association with the **International Council for Commercial Arbitration (ICCA) and the Institute for Transnational Arbitration (ITA).**

This Guide is intended for use during a training session conducted by a Wolters Kluwer Legal Training Consultant. It will also serve as a helpful reference tool once the training has been completed.

Objectives

Upon completion of this course, you will be able to:

- Access KluwerArbitration
- Access newly added information and blog articles
- Browse to locate Books, Journals, and other materials
- Conduct searches to find selected information
- Navigate through search results
- Use customizable charts
- Save your findings

Logging In

~~**Direct access** with User ID/password users:~~
1. ~~Go to:~~ **http://www.kluwerarbitration.com**

2. ~~Log in:~~ 🔒 Login

3. ~~Enter **User ID and Password.**~~

IP authenticated ~~subscribers need to login to *IntelliConnect* and use the referral~~ ~~link to access Kluwer Arbitration:~~
1. ~~Go to: http://intelliconnect.cch.com~~
2. ~~Click Practice Tools~~
3. ~~Click International Securities & Business~~
4. Click Kluwer Arbitration

Home Page

Access IAI Tool and Smart Charts

Login Status. If logged in, icon appears as:
CCH user | Log off

Search options.

Browse through contents.

Access news articles.

Sign up for Newsletter email.

Access internet Blog articles.

ITA Home Page

ICCA Home Page.

News

News service

All News

You can read the latest news as covered by the Institute of Transnational Arbitration (ITA) Reporters. The News tab at the top of the Home page and the All News link on the left side of the Home page will take you to a list that combines all the new cases, awards, blog postings, and latest material added to the system.

News

Online Dispute Resolution: Theory and Practice (by Mohamed S. Abdel Wahab, Ethan Katsh and Daniel Rainey, Eleven International Publishing, 2012), Kaplan (ed) - ITA Newsletter 7 August 2012
by DeenKaplan, Hogan Lovells (ed)
7 August 2012

All news 🔊
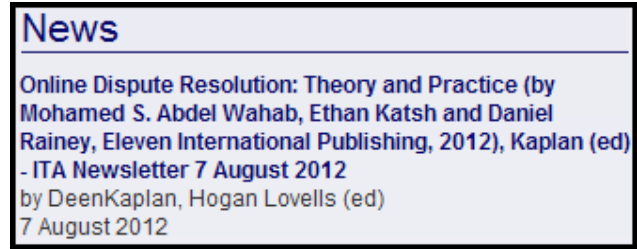
Click here to subscribe to an RSS feed of the updates.

Blogs

Blog

Visit the KluwerArbitrationBlog to enjoy thought-provoking posts from expert contributors and take part in the discussion by adding your comments. The Blog is searchable. The Blog tab at the top of the Home page and the Blog link at the bottom
left will take you to the Blog postings. Once on the Blog, you can sign up for an RSS feed for Articles Summary or the Full Article. Note: Access the **Kluwer Mediation Blog** by using the Related Sites command within Kluwer Arbitration Blog.

KluwerArbitrationBlog   🔊 Blog

6 Aug 2012   by Matthias Scherer

Enforcement ... ts may disper... requiremen... ied translation of an award under Art. IV(2) of the New York Convention

Click here to see complete Blog.

In its recent decision dated 2 July 2012 in case 5A_754/2011, the Swiss Supreme Court ruled for the first time on the issue of whether, pursuant to Art.

🔊 Read more

Click Read More to read the top story and leave a Reply

ITA Monthly Report

Stay on top of recent developments. Read the most recent newsletter found on the right side of the Home page. Sign up for a monthly email of the ITA Arbitration Report containing recent developments, cases, awards, and events.

ITA Arbitration Report

Global developments brou...
Free by the ITA Board of Reporters.

SUBSCRIBE   LATEST NEWSLETTER

Click here to open the latest newsletter.

**Click Subscribe to set up monthly email.**

🔊 RSS

At the bottom right on every screen, there is an RSS link for users to sign up for RSS feeds for All News, News, Updates, and Supplements.

Browsing Categories

- **BITs** - The full text of almost 1700 Bilateral Investment Treaties. The full text of more than 20 Multilateral Investment Treaties, organized by country

- **Conventions** – Contains important conventions dealing with International Commercial Arbitration.

- **Jurisdictions** – Organizations, court decisions, BITs, awards, national arbitration legislation, rules, and full-text commentary for each country.

- **NY Convention Decisions** – Locate cases and commentary dealing with specific Article and Topic of the NY Convention. Find the Article and topic and then click Case Law or Commentary tab.
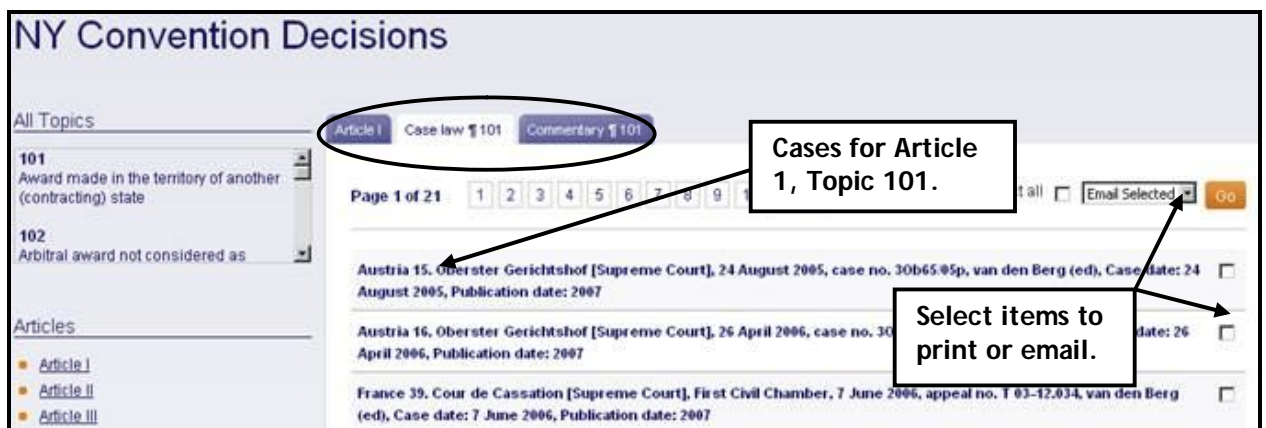
- **Legislation** –300+ national laws from 100+ nations; the UNCITRAL Model Law; and country-specific laws, organized by country.

- **Rules** – List of Most Significant Arbitral Institutions with links to their rules.   For more country specific organizations' rules, select the jurisdiction on the drop down on the left.
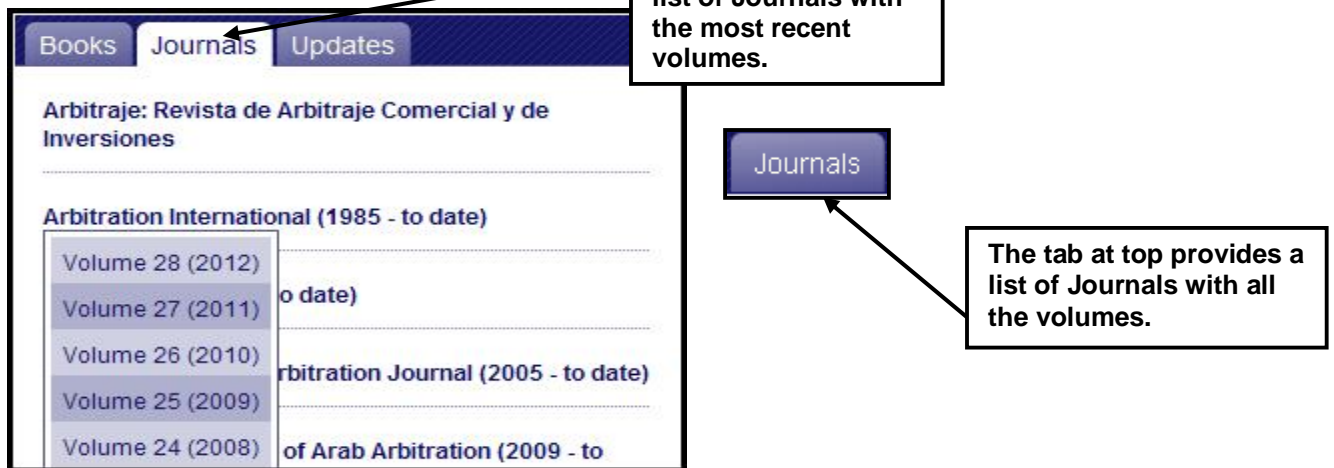
Browsing Books and Journals

Browse through commentary published in several of the foremost treatises in the area of arbitration as well as leading journals, the ICCA Yearbook Commercial Arbitration, Handbook on Commercial Arbitration and Congress Series.

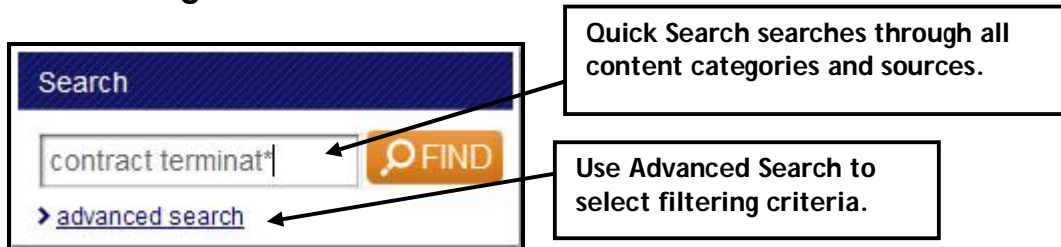**Books –** list of top 6 books with links to All books.

Books | Journals | Updates

Comparative International Commercial Arbitration
(Lew, Mistelis and Kröll; 2003)

› All books

Access complete listing sorted by title, author or publication date.

Document Contents
- 1 The Netherlands Arbitration Institute
- 2 The NAI Arbitration Rules
- 3 The NAI Rules and Other Means of Dispute Resolution
- 4 Interpretation of the Arbitration Agreement and the NAI Rules
- 5 Main Characteristics of NAI Arbitration
- 6 Contractual Relationships under the

Back <   Down ˅

You can print or email this document.

Previous document | Table of Contents | Next document

Navigate through this book.

Document Information

Author
› Bommel
› Marnix Le
› Marc Yp

1. The Netherla having their own arbitration institutes are usually su
page "3" (e.g., the construction industry) Important areas in which disputes are often submitted to NAI arbitration include share purchase

Footnotes take you to the footnote at the bottom.

Page indicator at the start of new page.

Journals

This tab provides the list of Journals with the most recent volumes.

Books | Journals | Updates

Arbitraje: Revista de Arbitraje Comercial y de Inversiones

Arbitration International (1985 - to date)

Volume 28 (2012)
Volume 27 (2011)
Volume 26 (2010)
Volume 25 (2009)
Volume 24 (2008)

o date)

rbitration Journal (2005 - to date)

of Arab Arbitration (2009 - to

The tab at top provides a list of Journals with all the volumes.

Updates
See a listing of the most recent updates to Books and Journals.

Books | Journals | Updates

6 July 2012
International Journal of Arab Arbitration, Volume 4 (2012) Issue 1
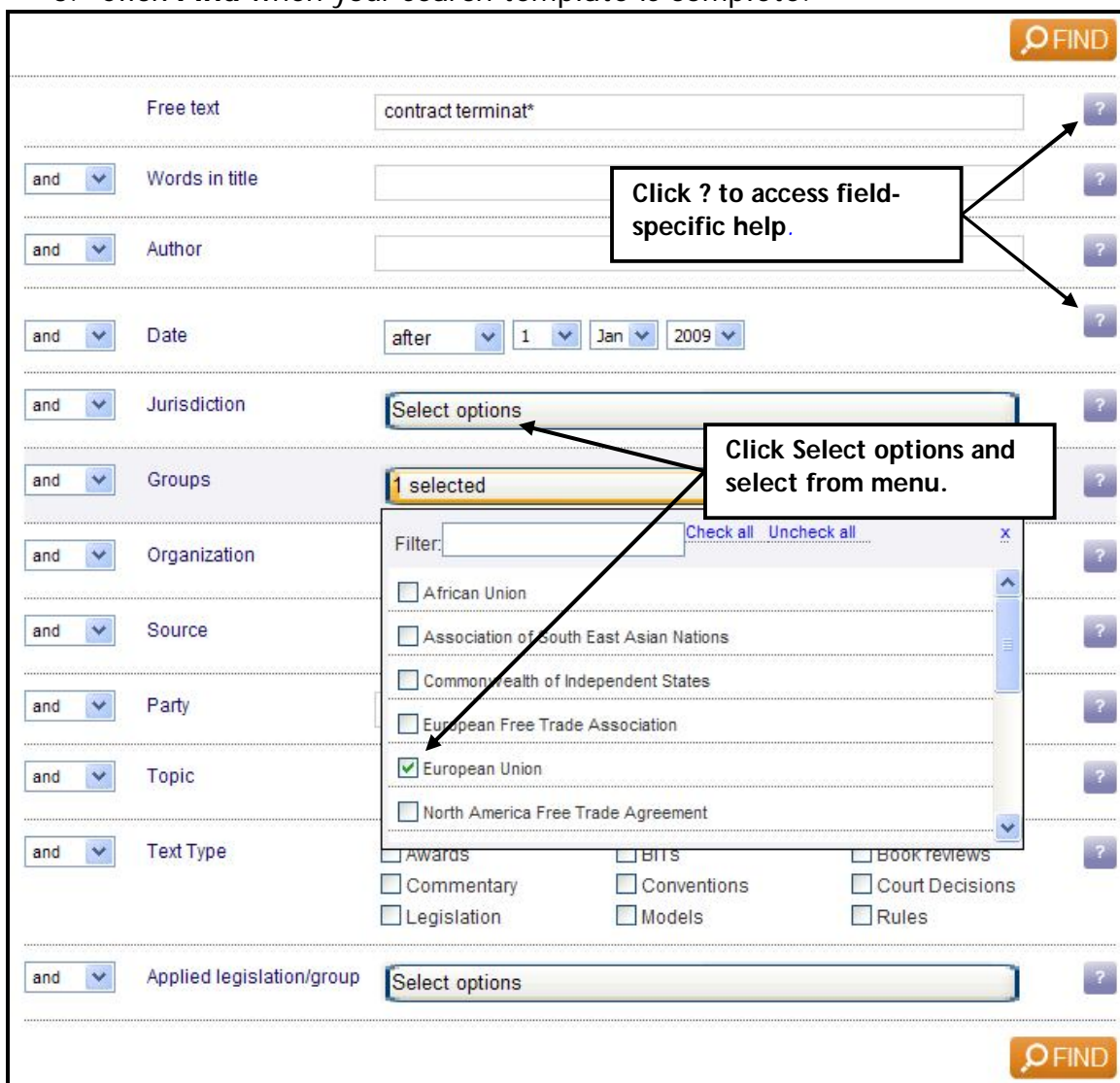
Searching

Quick Search searches through all content categories and sources.

Use Advanced Search to select filtering criteria.

1. To retrieve the Advanced Search template, click **advanced search**

2. Enter **terms** and select **criteria**. See Appendix A for **Search Tips**.

3. Click **Find** when your search template is complete.

Click ? to access field-specific help.

Click Select options and select from menu.

Search Results

- Search results are displayed in reverse chronological order using the publication date. You can navigate through the list by selecting the next page of results.

- You can filter the results using the tabs at the top or the filters in the left panel.

You can filter the list various ways.

Select items to print or email.

Click show all to get full list.

Click here to go through the pages.

See list of all Parties.

You can add a date restriction to the search results

Click here to go through the pages.

Viewing a Document

- Click on a Search Result to open the document in the same pane, or you can right click on a result to open it in a new window and still have your results list available.

- **Footnotes** will pop up when you place your cursor on it. Click footnote to take you to the bottom of the document at that referenced footnote. Clicking the footnote number at the bottom, or using the back button on your browser, will return you to the location in the document where the footnote appeared.

- **Document Information** indicates Author, Jurisdiction, Court, Case date, Parties, Key words, Applicable Legislation, Publication Date, NY Convention Article/Topic codes, and the Source of this information.

Tip: To locate initial search term, use Browser Edit > Find (Ctrl/F in MS IE)

Saving your Research

- Use the **Printer icon** to open a text-only version of the document.   This will include the Document Information, page numbers and footnote links, but no graphics and no table of contents menu. *Note: If a PDF printer is available on your network, you can use File>Print from browser command to save to a PDF file.*

- To print only a portion of a web page, highlight desired content, use Browser commands File>Print, choose Selection, and click Print.

- Once you have opened the print preview, you could click **File>Save as** to download the document or copy/paste desired selection(s).

- Use the email icon to open a page for entering the email address and your message. The email function will send only the title and a "Read More" link which directs the recipient to KluwerArbitration.com.

- **Print/Email selected documents from a list:**

Practice Tools

Practice Tools includes the *IAI Arbitrator Tool*, a search-for-an-arbitrator tool developed with the International Arbitration Institute (IAI) and 5 easy-to-use question and answer *Smart Charts*, edited by Clifford Chance LLP.

IAI Arbitrator Tool

The *IAI Arbitrator Tool* allows users to search for and compare profiles of arbitration specialists from the International Arbitration Institute directory. Searches can be run based on name or a number of criteria: country of residence; nationality; languages spoken; experience - both as arbitrator or as counsel. Plus, where available, links will be included to the text of publications and awards on *KluwerArbitration*.

Smart Charts

These charts allow users to quickly examine and compare specific content by particular jurisdiction or arbitral institution. The charts include:

- **Kluwer Arbitral Institutions**
  An at-a-glance comparative summary of the procedural rules of the major international Arbitral Institutions. This tool provides key questions and focused answers, offering practical guidance on specific aspects of an arbitral institution, on an institution-by-institution basis.

- **Kluwer Drafting Arbitration Agreements**
  This chart provides key questions and focused answers, offering practical guidance on specific aspects of drafting agreements, on a jurisdiction-by-jurisdiction basis. It assists with the drafting of valid and binding arbitration agreements and helps ensure that awards rendered in those jurisdictions are not subject to challenge or have difficulty being enforced.

- **Kluwer Sovereign Immunity**
  A comparative summary of the circumstances in which, and legal basis on which, immunity from enforcement may be claimed by States and State entities across key jurisdictions. It assists with dispute management and planning with enforcement once a favorable Award has been rendered.

- **Kluwer Appointment and Challenge of Arbitrators**
  Appointment and Challenge of Arbitrators Questions and Answers provide key questions and focused answers, offering practical guidance on specific aspects of appointment and challenge on a jurisdiction-by-jurisdiction basis.

Revocation / Challenge / Resignation / Replacement > Revocation of Authority >
Can an arbitrator's authority be revoked, and in what circumstances?

Jurisdiction	Answer	Up to date as of	Contributor
Russian Federation	Yes. According to Article 12(2) of the Law on ICA, an arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made. According to § 19 of the ICAC Rules, where an arbitrator is legally or actually incapable of fulfilling his duties, or does not, for any other reasons, fulfill such duties without unjustified delay, his powers may be terminated in response to his application for voluntary withdrawal or by agreement between the parties. In all other cases, where differences remain over any of the reasons referred to above, each party may request the ICAC Presidium to make a decision on the termination of the powers of an arbitrator. The ICAC Presidium may, in its discretion, make the decision to terminate the powers of an arbitrator for the reasons referred to above.	June 2012	Timur Aitkulov & Dmitry Malukevich, Clifford Chance CIS Limited

Revocation / Challenge / Resignation / Replacement > Challenge >
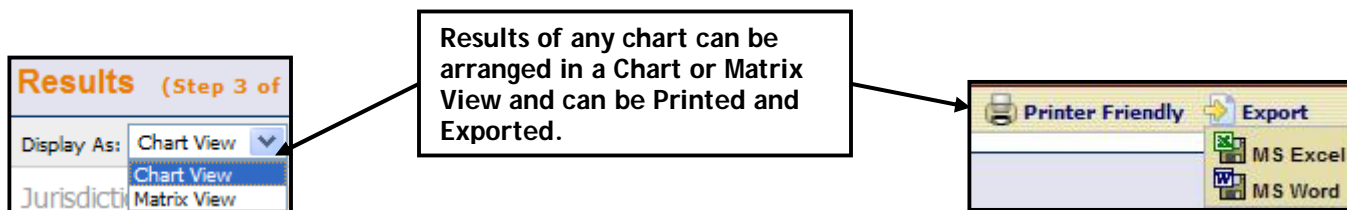**Can a party challenge / remove an arbitrator through the courts and, if so, in what circumstances?**

Jurisdiction	Answer	Up to date as of	Contributor
Russian Federation	No.	June 2012	Timur Aitkulov & Dmitry Malukevich, Clifford Chance CIS Limited

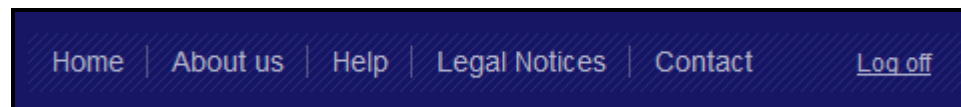- **Kluwer Privacy and Confidentiality of Arbitration**
  Privacy and Confidentiality in Arbitration Questions and Answers provide key questions and focused answers, offering practical guidance on specific aspects of privacy and confidentiality on a jurisdiction-by-jurisdiction basis.

Are the rules relating to privacy / confidentiality found in the applicable arbitration legislation?

Jurisdiction	Answer	Up to date as of	Contributor
England & Wales	No. The Arbitration Act 1996 does not contain any rules relating to privacy/confidentiality of arbitration proceedings. (The rules relating to court applications are found in the CPR.) The reason for this is that the Departmental Advisory Committee which drafted the Act concluded that 'grave difficulties arose over the myriad exceptions' to privacy and confidentiality, making it too difficult to formulate a statutory rule.	June 2012	Audley Sheppard & James Dingley, Clifford Chance LLP
France	Yes, but only in respect of domestic arbitration (article 1464 of the French civil procedure code). The French civil procedure code does not provide for any confidentiality rule in respect of international arbitration proceedings. There has been no case law holding that international arbitration was confidential by default since the entry into force of the 2011 decree on arbitration on 1 May 2011.	June 2012	Sandrine Colletier & Céline Lachmann, Clifford Chance LLP
Germany	No, the applicable arbitration legislation, sections 1025-1066 ZPO, do not contain any explicit rules on privacy or confidentiality.	June 2012	Tim Schreiber & Arne Kuder, Clifford Chance LLP

Results (Step 3 of

Display As: Chart View ▾

Chart View
Jurisdicti Matrix View

Results of any chart can be arranged in a Chart or Matrix View and can be Printed and Exported.

🖨 Printer Friendly ⇨ Export

📊 MS Excel
📄 MS Word

General Information & Support

- **Home** brings you back to the home page from any location in the Kluwer Arbitration site. It can also be accessed from the tab at the top of the page.

- **About us** provides information about:
  - Kluwer Arbitration - product and its contents
  - Other online products – you will be redirected to the "other products" page of the KluwerLaw.com site.

- **Help** provides access to specific functions including explanations of search fields. It can also be accessed from the tab at the top.

- **Legal Notices:** Under this section you will find Copyright notice, Disclaimer, General terms of use, Privacy policy, and Terms and conditions for subscribers.

- **Contact:** Select Feedback form to send an email to the product support staff.

  To send an email, select Feedback form.

- ~~**Telephone Support** :~~

  - ~~Wolters Kluwer Technical Support North America: **1-877-471-5632** available Monday through Friday 3:00am-10:00pm CST.~~

  - ~~Wolters Kluwer Technical Support Europe and rest of the world: +1 773 866 6335 (toll free) available Monday through Friday, 9:00am to 3:00am GMT~~

Appendix – Search Tips

BOOLEAN OPERATORS	
OPERATOR	**EXAMPLE**
AND Search for documents containing each term at least once.	computer AND software Will find hits in which both 'computer' and 'software' occur either or not combined.
OR Search for documents containing at least one of the terms.	software OR programs Will find hits in which either one of the terms 'software' or 'programs' or both terms occur at least once.
AND NOT Search for documents containing the first term but not the second. Please note that the system will automatically change NOT into AND NOT.	Software AND NOT programs Will find hits in which only the term 'software' occurs and not the term 'programs.' Computer AND software AND NOT programs. Will find hits in which both the terms 'computer' and 'software' occur, separately or combined, but not the term 'programs.'
NEAR	First word within 4 words of second word, e.g., *contract near terminat**

SYMBOLS	
SYMBOL	**EXAMPLE**
" " To define a phrase rather than a simple collection of terms.	"computer software" Will find occurrences of the phrase 'computer software', i.e. the combination of 'computer' with software, but not each of the two words separately and on their own. Other examples: "article 3(1)(b)" "demand and supply"
* Wildcard to replace one or more characters at the end of a word. Use for plurals.	Engine* Will find occurrences of 'engines', 'engineering', etc. Ira* Will find occurrences of 'Iran' and/or Iraq.

BANNED SYMBOLS
Some symbols cannot be used in any of the search fields - they will cause the search to return an error message. These symbols mostly comprise of non-English characters like: 硯, ©, 餕, й, д,ﺱﺭﺩﻔﻞ Also banned: Forward slash /   Comma ,   Semi colon ; Colon :   Round brackets/parentheses ( ) Square brackets [ ]. However, you can use some of the banned symbols if you enclose the phrase in quotes. Example: looking for cases dealing with section V(2)(b) of the NY Convention – in free text field put the "V(2)(b)" in quotes.

ACCENTS/DIACRITICS
Include accents/diacritic in your search term(s), e.g., with Numlock on, Alt+130 give é. To find these codes, use the "?" next to the Free Text field, click "accents or diacritic marks", then click "Alt Code." Example of correct entry for author: *Kroll* may retrieve no results but Kröll will retrieve 178.