Kluwer Arbitration

Participant Training Guide

May, 2014
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Introduction

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


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 Kluwer Arbitration
- 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 Smart Charts and other practice tools
- Save your findings
Logging In -  http://www.kluwerarbitration.com

- Click  

If you have a User ID and Password, enter your credentials  and click Login.

- If you have IP authentication - click IP ACCESS.

You can also login to IntelliConnect (http://intelliconnect.cch.com) and use the referral link to access Kluwer Arbitration:
1. Click International Securities & Business
2. Click KluwerArbitration.com

Access IAI/IMI tools and Smart Charts.

Access News articles.

Access Blog articles.

Search options.

Browse contents.

Sign up for Newsletter email.

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

ITA Home Page

If you have IP authentication - click IP ACCESS.
News

News service

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.

Blogs

Visit the KluwerArbitration Blog 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.

ITA Arbitration 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.

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 over 2100 Bilateral Investment Treaties. The full text of more than 25 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.

- **Chinese Court Summaries** - This is a collection of English summaries of Chinese court decisions (related to arbitration), edited by WunschARB. The collection consists of case summaries of cases concerning enforcement of arbitral awards, validity of arbitration clauses and annulment of arbitral awards. This collection is updated on a quarterly basis as further court decisions are issued on these topics.
Browsing Books, Journals and Updates

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.

**Journals**

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

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

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.
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.

See list of all Parties.

You can add a date restriction to the search results.

Click here to go through the pages.

Select items to print, email or download.

Filter the list various ways.

Change the search criteria or Save a link to access these search results via RSS.

Click show all to get full list.

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.

- Use the download icon to download document in PDF format.

- Print/Email/Download selected documents from a list:
Practice Tools

Practice Tools include the IAI Arbitrator & IMI Mediator Tools, search-for arbitrator/mediator tools developed with the International Arbitration Institute (IAI) and International Mediation Institute (IMI), plus 6 easy-to-use question and answer Smart Charts, plus the NEW International Handbook of Commercial Arbitration Compare Jurisdictions tool.

**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.
IAI Arbitrator Tool (cont.)

Select arbitrators and click Compare to get a side by side comparison.

Links to this arbitrator's publications.

IMI Mediator Tool

The IMI Mediator Tool works similarly to the IAI Arbitrator tool. Notice the ability to search by Mediation Style.

Smart Charts

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

- **Arbitral Institutions**
  This chart provides 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.
• **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.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Answer</th>
<th>Up to date as of</th>
<th>Contributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>Although the legal requirement that the parties should designate the arbitrator(s) or the mechanism for their designation is applicable to domestic arbitration only (French Civil Procedure Code, Art. 1444), parties in international arbitration usually provide for the constitution of the arbitral tribunal and agree upon the place of arbitration, rules of procedure, the language of the arbitration, and sometimes interim relief, partial or provisional.</td>
<td>June 2011</td>
<td>Peter Steurer, Sandrine Colleber &amp; Colin Lachmann, Offert &amp; Partners LLP</td>
</tr>
</tbody>
</table>

• **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.

<table>
<thead>
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<td>June 2011</td>
<td>Peter Steurer, Sandrine Colleber &amp; Colin Lachmann, Offert &amp; Partners LLP</td>
</tr>
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</table>

• **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.

<table>
<thead>
<tr>
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<th>Contributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>According to Article 12(2) of the Law on CA, failing agreement of the parties to the contrary, a party which intends to challenge an arbitrator shall, within fifteen days of becoming aware of the conclusion of the arbitral tribunal or after becoming aware of any circumstance referred to in Article 12(2) of the Law on CA, send a written statement of the reasons for the challenge to the arbitral tribunal. According to the IAC Rules, a party may send a written notice of challenge stating the reasons therefor to the IAC within 30 days after being notified of the composition of the arbitral tribunal or having become aware of circumstances that can serve as a reason for a challenge. Unless a party raises a challenge within the period of time referred to above, he shall be deemed to have waived his right to challenge (Article § 16(1) of the IAC Rules).</td>
<td>September 2011</td>
<td>Tax Advisory &amp; Oliver &amp; Kirshner, Oliver &amp; Kirshner</td>
</tr>
</tbody>
</table>

• **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.

<table>
<thead>
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<th>Up to date as of</th>
<th>Contributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turkey</td>
<td>Confidentiality is normally waived when information is requested by courts or competent authorities.</td>
<td>September 2011</td>
<td>Seker Dincer, Ulla Kemeni Kihnr &amp; Aliç Eter, Dincer &amp; Partners</td>
</tr>
</tbody>
</table>
• VAT Treatment of Arbitrator Services

VAT Treatment of Arbitrator Services provides key questions and focused answers, offering practical guidance on VAT for arbitrator services on a jurisdiction-by-jurisdiction basis.

Do the services of arbitrators fall within the scope of the VAT system in your country?

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Answer</th>
<th>Update</th>
<th>Contributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Yes, the services of arbitrators are JCT taxable in Japan</td>
<td>March 2014</td>
<td>Kotaku Kimu, Email: <a href="mailto:kotaku.kimu@kpmg.com">kotaku.kimu@kpmg.com</a>, Tel: +81-352912713</td>
</tr>
</tbody>
</table>

Results (Step 3 of 3):

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

• International Handbook Commercial Arbitration Compare Jurisdictions

This new tool allows users to compare information included in the ICCA Handbook country reports. Simply select the topics/subtopics you are interested in and compare on a jurisdiction-by-jurisdiction basis.


1. Select Jurisdiction(s)

- A-C
- D-F
- G-J
- J-L

Select at least 2 jurisdictions and at least 1 topic.

Submit

National Report for the United States of America (2013)

1. Select Jurisdiction(s)

- A-C
- D-F
- G-J

Select at least 2 jurisdictions and at least 1 topic.

Submit

Results of any chart can be arranged in a Chart or Matrix View and can be Printed and Exported.
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 and FAQ’s. It can also be accessed from the tab at the top.

- **Legal Notices**: Under this section you will find Disclaimer, Copyright notice, Privacy and Cookie statement, General terms of use, Terms and Conditions and Rights and Permissions for subscribers.

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

- **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: +1 733 866 6335 (toll free) available Monday through Friday, 9:00am to 3:00pm GMT
Appendix A - Search Tips

Using Wildcards

- **The Asterisk (*) Wildcard** - Type an asterisk (*) in place of a character in your search term to indicate that any number of characters can be substituted in place of the asterisk. For example, if you type Arbitra* as your search term, your results will include arbitrability, arbitration, arbitrations, etc.

- **The Double Quotes (" ") Wildcard** - Use double quotes (" ") to define a phrase rather than a simple collection of terms.

Using Boolean Operators

- Boolean operators are words that are used to combine different kinds of searches within one field. You can use the Boolean operators to refine your search term(s) as follows:

  AND - search for documents containing each term at least once.
  OR - search for documents containing at least one of the terms.
  AND NOT - search for documents containing the first term but not the second term.
  NEAR - search for documents with the first term and the second term, and with maximal 4 words between them.

- **Precedence of Boolean operators** - NOT, NEAR, AND, OR. Queries like ‘x near y and z near a’ are processed from left to right and operators are handled in order of precedence. Operator NOT has the highest rank, while operator OR has the lowest.

- **Examples**:
  - ‘x near y and z near a’
    
    Operator ‘near’ has precedence over ‘and’, so the process order will be:
    1. x near y
    2. z near a
    3. ‘result of 1’ and ‘result of 2’
  - ‘a near b and not c’
    
    is processed like this:
    1. a near b
    2. not c
    3. ‘result of 1’ and ‘result of 2’