

# **KluwerArbitration**

## **Participant Training Guide**

September, 2011

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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

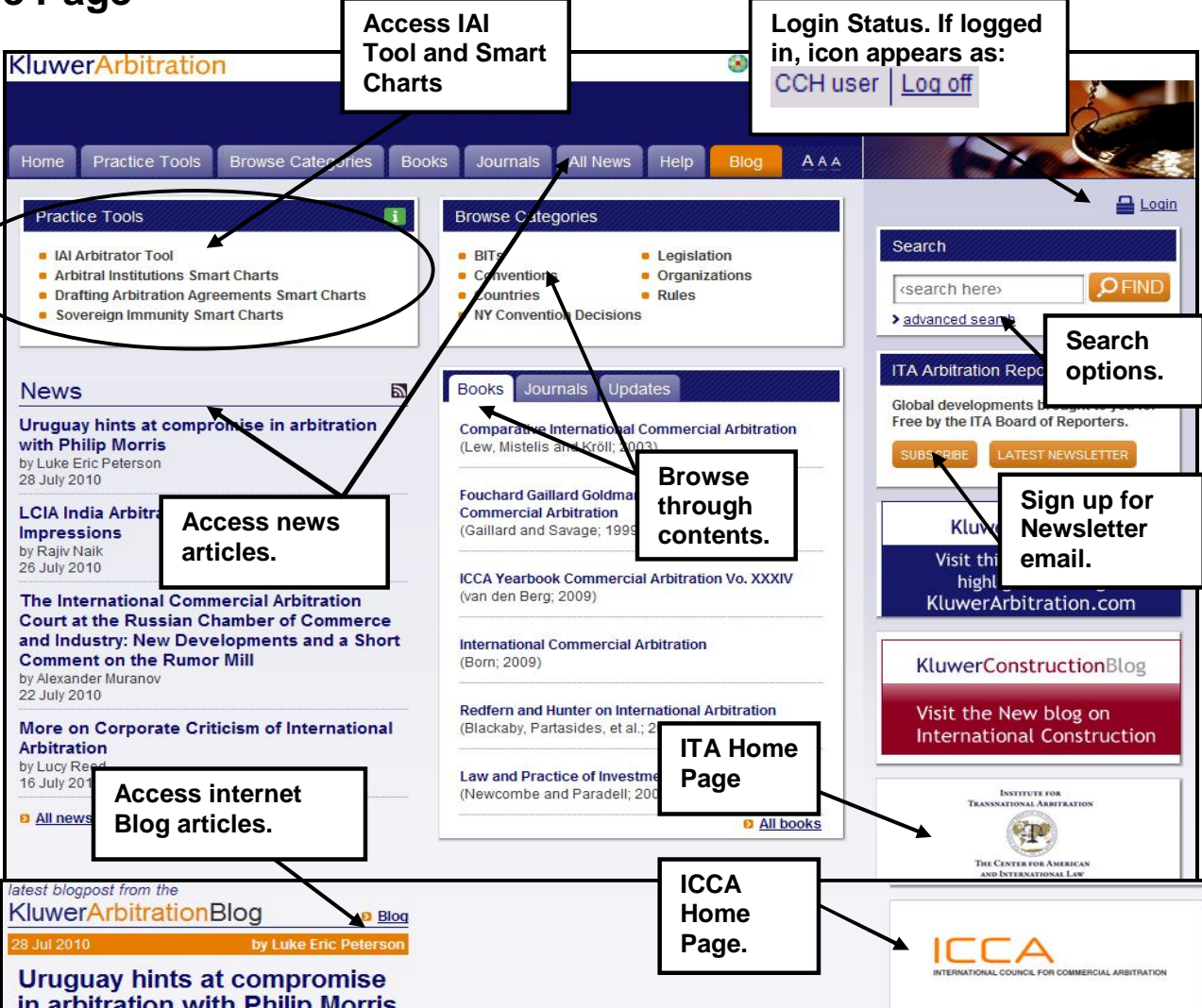
**Direct access** with User ID/password users:

1. Go to: <http://www.kluwarbitration.com>
2. Log in: 
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



The screenshot shows the KluwerArbitration website interface with several callout boxes:

- Access IAI Tool and Smart Charts:** Points to the 'IAI Arbitrator Tool' and 'Arbitral Institutions Smart Charts' in the Practice Tools section.
- Login Status. If logged in, icon appears as:** Points to the 'CCH user | Log off' link in the top right corner.
- Search options:** Points to the search bar and 'advanced search' link.
- Sign up for Newsletter email:** Points to the 'SUBSCRIBE' and 'LATEST NEWSLETTER' buttons.
- Access news articles:** Points to the 'Uruguay hints at compromise in arbitration with Philip Morris' article in the News section.
- Access internet Blog articles:** Points to the 'Uruguay hints at compromise in arbitration with Philip Morris' article in the 'latest blogpost from the KluwerArbitrationBlog' section.
- Browse through contents:** Points to the 'Browse Categories' section, which includes BITs, Conventions, Countries, NY Convention Decisions, Legislation, Organizations, and Rules.
- ITA Home Page:** Points to the 'ITACONSTRUCTIONBlog' section.
- ICCA Home Page:** Points to the 'ICCA INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION' logo at the bottom right.

## 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.



Click here to subscribe to an RSS feed of the updates.

### Blogs



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.



Click here to see complete Blog.

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.



Click here to open the latest newsletter.

Click Subscribe to set up monthly email.



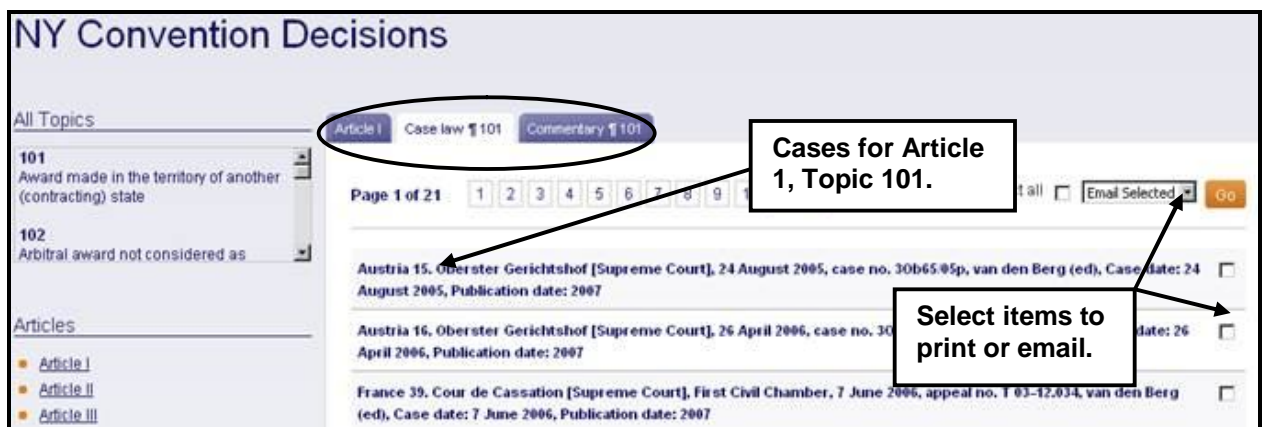
At the bottom right on every screen, there is an RSS link for users to sign up for RSS feeds for All News, News, Updates, and Supplements.

## Browsing Categories



Browse 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.

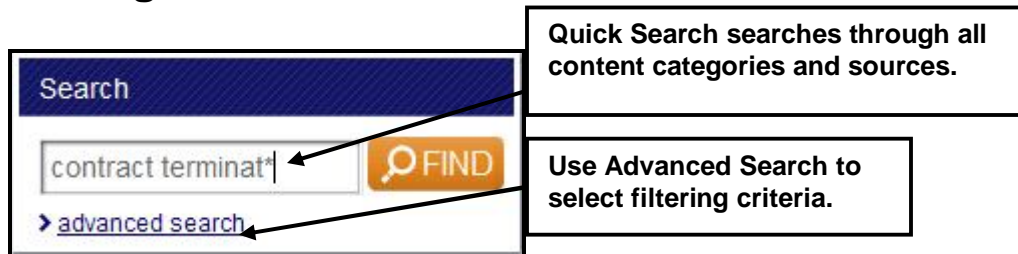
**Books** – list of top 6 books with links to All books.

### Journals

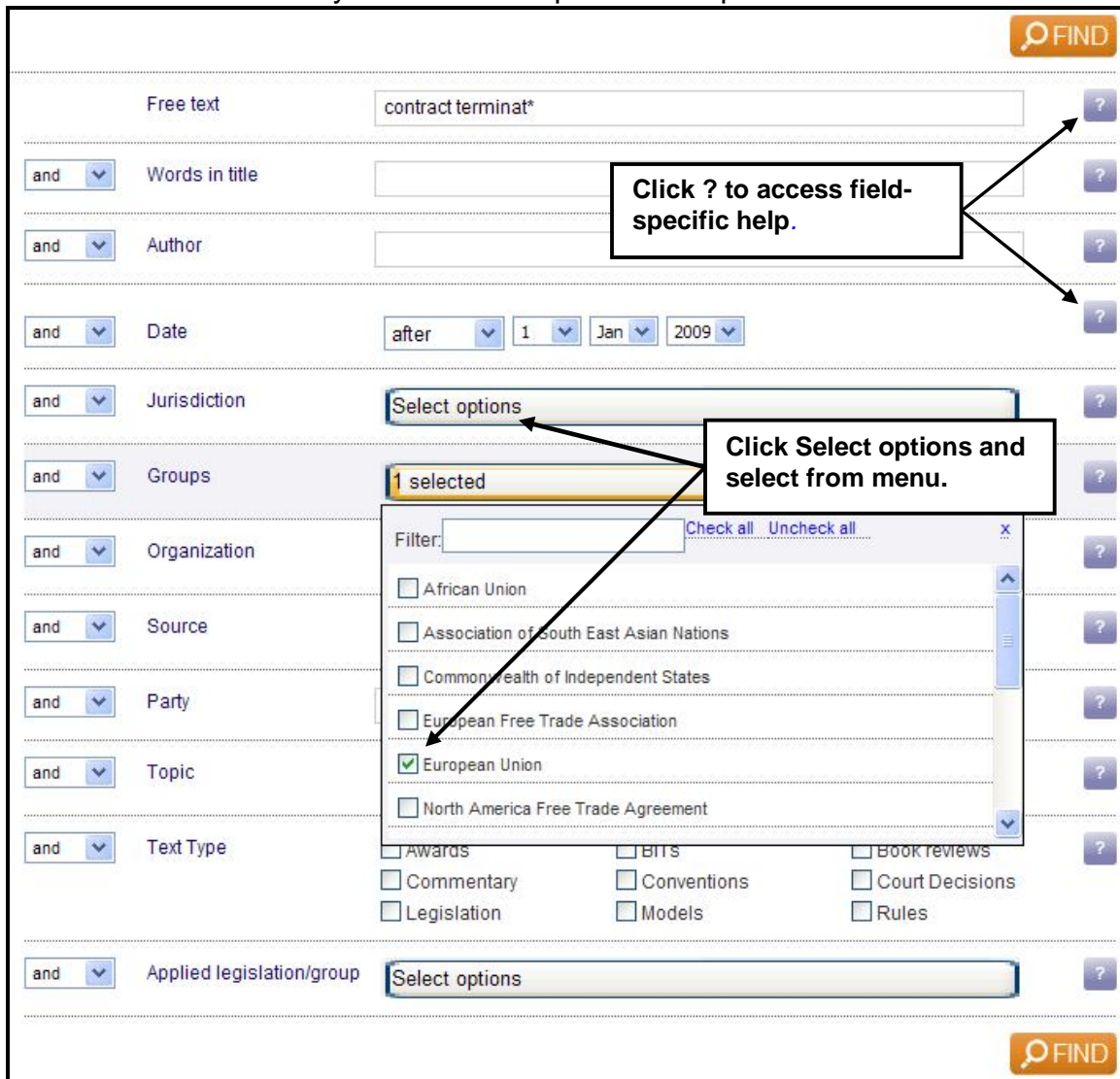
### Updates

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.

**You can filter the list various ways.**

**Search Results Filters**

All BIT (625) Commentary (525) Award (266) Court Decision (169) Rule (155) Legislation (138) Convention (9) Models

**By Author**

- Berg (285)
- Sanders (51)
- Prager (30)
- [show all \(100\)](#)

**By Country**

- United States (191)
- Netherlands (73)
- China (73)
- [show all \(145\)](#)

**By Source**

- Supplied by the Research Staff a... (624)
- Yearbook Commercial Arbitration ... (285)
- Journals (253)
- [show all \(100\)](#)

**You searched for:**  
[contract terminate](#)

Page 1 of 190 1 2 3 4 5 6 7 8 9 10 Next

**Select items to print or email.**

Select all  Email Selection    
 Email Selection    
 Print Selection

**Click show all to get full list.**

**Click here to go through the pages.**

de Cassation 3 February 2010. A contribution by the ITA Board of Reporters 15 May 2010, ... and the parties jointly decid... DP became... ely applicable to

X v. Y, Arbitral Tribunal 19 January 2009, A contribution by the ITA Board of Reporters 15 April 2010, Case date: 10 February 2009  
 ...Agreement expressly provided that each party was entitled to **terminate** the Agreement in case of: a) Cessation of production activities...occurred to X because of its unilateral termination of the **contract**, both as actual damages and loss of profits. Parties: unknown...

The Kaplan Lecture 2009'The Kaplan Lecture was established in 2006 to honor the contributions of Neil Kaplan CBE QC to arbitration in Asia. The lecture is sponsored annually by the Hong Kong International Arbitration Centre., Journal of International Arbitration Volume 27 Issue 2 (2010)

**By Legislation**

- UNCITRAL Model Law (4)

**By Party**

- Buyer (nationality not indicated... (2)
- Not indicated (2)
- ... (2)
- [show all \(90\)](#)

**By Date**

From dd mm yy To dd mm yy

**See list of all Parties.**

**You can add a date restriction to the search results**

**Click here to go through the pages.**

14 November 2008 - High Court of Justice, QBD, CC, Case date: 14 November 2008  
 ...of the Builder to **terminate**, rescind, cancel...the Shipbuilding **Contract**. 2. The Builder...Original Buyer to **terminate**, rescind, cancel...the Shipbuilding **Contract**. 7. MISCELLANEOUS...be " obliged to **terminate** proceedings which...been no...

...g and moreover to...

...urt, QBC, Case date: 24 October 2008  
 ...compliance with the **contract** until trial/arbitration. The letter...declaration that Premier was ...agreement...Defendant asserted that there was no **contract** between the parties. The Court of

2 October 2008 - Queen's Bench Division, Commercial Court, Case date: 2 October 2008  
 ...end, ... and, be... the **contract**. The aim of the rules...

30 July ... to the project... at NASA cancelled or **terminated** the COMET ... ng with respect to the **contract** should be

3 July 2008 - QBD (Comm), Case date: 3 July 2008  
 ...d) During the term of this **Contract** Consultant shall provide consulting...related to the scope of this **Contract** exclusively to R. Consultant...period of 6 months from the **termination** of this **Contract**. e) For the avoidance of doubt...

3 July 2008 - High Court, QBD, Commercial Court, Case date: 3 July 2008  
 ...relevant to the question of whether or not ...been satisfied. Moreover...Joseph's statem... agreement. That was determined in the pa... itration agreement have ...ted the affiliation

Page 1 of 5 1 2 3 4 5 Next

Select all  Email Selected

## 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.

The screenshot shows a document viewer for the article "Summary Arbitration Proceedings: A Comparison Between the English and Dutch Regimes". The interface includes a left sidebar with a "Document Contents" table of contents, a main text area with an abstract and body text, and a right sidebar with "Document Information" including author, jurisdiction, and source details. Annotations with callout boxes provide the following information:

- Document Contents:** A callout box pointing to the table of contents in the left sidebar, stating: "Enables you to quickly access sections of this document."
- Document Information:** A callout box pointing to the right sidebar, stating: "Option to print or email." (This also points to print and email icons in the top right of the document area).
- Navigation:** A callout box pointing to "Previous document", "Table of Contents", and "Next document" buttons, stating: "These selections appear on Commentary and Legislation to navigate through the Source."
- Page Indicator:** A callout box pointing to a small icon in the text area, stating: "Indicates start of a new page. (Available for ICCA documents, but not IntADR documents.)"
- Footnote:** A callout box pointing to a footnote in the text area, stating: "David W. Rivkin, 'Towards a New Paradigm in International Arbitration: the Town Elder Model Revisited' in (2008) 24(3) Arb. Int'l 380."

- 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.

Email recipient

Your Email

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

Page 1 of 2    1   2   Next

---

UNCITRAL Arbitration Rules (as revised in 2010), Public source materials, Legislation date: 2010  
 ...terms of the **contract**, if any, **and** shall take...grounds for **termination** 1. If, before...5. After a **termination** order or  
 final...deposits received **and** return any...relating to this **contract**, or the breach, **termination** or invalidity...

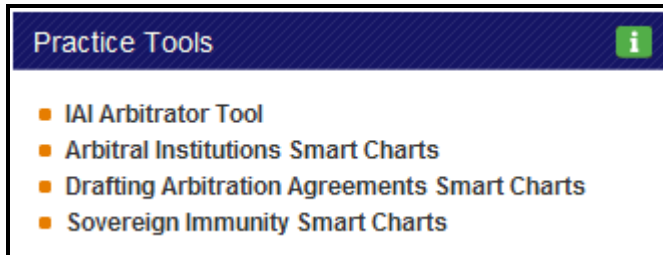
CCIR Arbitration Rules 2009 English, Public source materials, Legislation date: 1 September 2009  
 ...Where only **termination** or confirmation of **termination** of a **contract** is claimed...arbitral fee **and**, if the  
 value...connection with this **Contract**, or regarding...of Commerce **and**

Select all          
 Email Selection  
 Print Selection

**Check the desired document(s) and click either Email or Print.**

## Practice Tools

Practice Tools includes the *IAI Arbitrator Tool*, a search-for-an-arbitrator tool developed with the International Arbitration Institute (IAI) and 3 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*.

Search + Results **Compare** Search and select at least 2 arbitrators to make a comparison.

**Search by name:** Name of the arbitrator  **Search**

or

**Search by criteria:**

Include nationality	Exclude nationality	Country of residence	Country	Language	Experience as an arbitrator	Experience as a counsel	Type
<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	Tunisia	<input type="checkbox"/> Czech	<input type="checkbox"/>	<input type="checkbox"/>	AAA
<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	UK	<input type="checkbox"/> Dutch	<input type="checkbox"/>	<input type="checkbox"/>	ACICA
<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	Ukraine	<input type="checkbox"/> English	<input type="checkbox"/>	<input type="checkbox"/>	ad hoc
<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	USA	<input type="checkbox"/> Farsi	<input type="checkbox"/>	<input type="checkbox"/>	AFA
<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	Venezuela	<input type="checkbox"/> Finnish	<input type="checkbox"/>	<input type="checkbox"/>	CAFTA

**Select criteria or enter arbitrator name.**

---

**Results** **Compare** Page 1 of 2 (16 results) 1

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

Name	Nationality	Country of residence
<input type="checkbox"/> BARRINGTON, Louise	Canada, UK	UK

**Links to this arbitrator's publications.**

[view full IAI profile](#)

**Languages** English, French, Spanish

**Academic Position**

**Experience as Arbitrator** ad, hoc, ICC

**Experience as Counsel**

**Publications** [View all](#)

- Selected Perspectives on ADR in Asia, in ADR International Applications 31 (ICC Pub. No. 640E, 2001)
- "Hubco v. WAPDA: Pakistan Top Court Rejects Modern Arbitration," 11(3) Am. Rev. Int'l Arb. 385 (2000)
- "Cultural Do's and Taboos in International

## Smart Charts

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

- **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.

Introduction > Written Communications and Timing >  
**What is the address of the Arbitral Institution?**

Organization	Answer	Up to date as of	Contributor
International Chamber of Commerce (ICC)	The Secretariat is located at the headquarters of the ICC.  Secretariat of the ICC International Court of Arbitration (Headquarters) 38 cours Albert 1er 75008 Paris, France	June 2010	<a href="#">Peter Rosher</a> , <a href="#">Sandrine Colletier</a> & <a href="#">Céline Lachmann</a> , <a href="#">Clifford Chance LLP</a>

- **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.

Format and Content of an Arbitration Agreement >  
**What matters are commonly dealt with in an arbitration agreement governed by the laws of this country?**

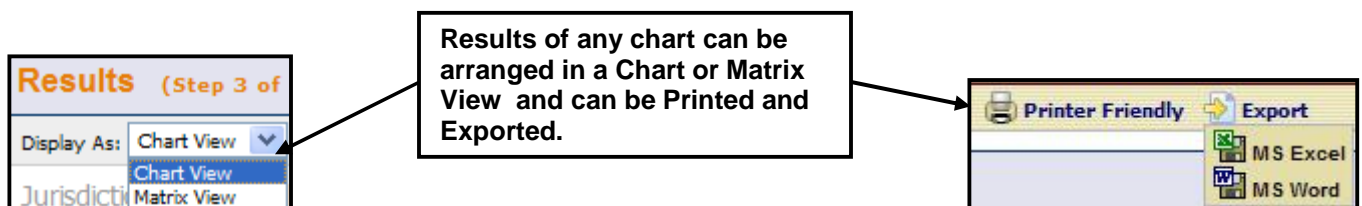
Jurisdiction	Answer	Up to date as of	Contributor
France	Apart from the legal requirement applicable to domestic arbitration agreements that they should designate the arbitrator(s) or the mechanism for their designation (French Civil Procedure Code, Art 1443), parties usually agree upon the place of arbitration, rules of procedure, the language of the arbitration, and sometimes interim relief, joinder or consolidation.	June 2010	<a href="#">Peter Rosher</a> , <a href="#">Sandrine Colletier</a> & <a href="#">Céline Lachmann</a> , <a href="#">Clifford Chance LLP</a>

- **Sovereign Immunity**

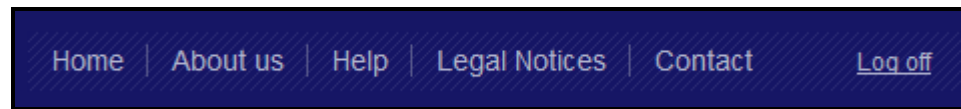
A comparative summary of the circumstances in which, and legal basis on which, immunity from enforcement may be claimed by States and State entities across key jurisdictions. It assists with dispute management and planning with enforcement once a favorable Award has been rendered.



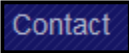
Jurisdiction of National Courts Regarding States and Connected Persons > Persons Entitled to Immunity from Jurisdiction >  
**Are foreign sovereign states and connected persons entitled to assert immunity from jurisdiction in civil court proceedings?**

Jurisdiction	Answer	Up to date as of	Contributor
Hong Kong	Yes, based on the customary international law principle of restrictive immunity that has been incorporated into the common law.	June 2010	<a href="#">Cameron Hassall</a> & <a href="#">Chris Yates</a> , <a href="#">Clifford Chance LLP</a>



## 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**.

- Sales staff
  - Publisher
  - Rights and permissions
  - Technical support staff
  - Feedback form**
  - Our office addresses
- **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

BOOLEAN OPERATORS	
OPERATOR	EXAMPLE
<b>AND</b> 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.
<b>OR</b> 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.
<b>AND NOT</b> 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.'
<b>NEAR</b>	First word within 4 words of second word, e.g., <i>contract near terminat*</i>
SYMBOLS	
SYMBOL	EXAMPLE
<b>“ ”</b> 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"
<b>*</b> 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, ©, 餒, й, д, س, ر, ف, ل	
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: <i>Kroll</i> may retrieve no results but <i>Kröll</i> will retrieve 178.	