

Dispute Resolution on i-law.com

Content update: August 2024

Highlights:

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- ▶ *Arbitration Law Monthly* product focus
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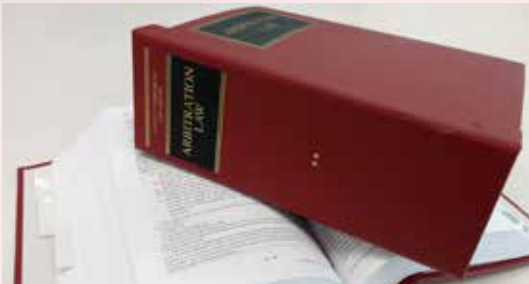
Written by experts in arbitration and mediation law, Dispute Resolution on i-law.com contains a large collection of news, commentary and English and international law case reports.

Dispute Resolution on i-law.com features our industry-leading titles, *Arbitration Law Monthly* and *Arbitration Law looseleaf*. It also includes fully searchable access to key texts including *Civil Jurisdiction and Judgments* and *Merkin and Flannery on the Arbitration Act 1996*.

Arbitration Law looseleaf – product update

Stay on top of all the latest developments in both commercial and consumer arbitration cases and arbitral processes and discover their implications in the UK and abroad.

Written by commercial law expert Professor Robert Merkin KC, and updated three times per year, *Arbitration Law* explains the facts of important cases and their implications. It is available in hardcopy and online via i-law.com.



Arbitration Law provides you with:

- ▶ Regular updates, so unlike an ordinary textbook, the content of *Arbitration Law* changes in line with the law, ensuring the information is always up to date.
- ▶ Coverage of over 3,000 cases – including all case law arising from the Arbitration Act 1996.
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- ▶ Analysis of all the important international Conventions (UNCITRAL Model Law, New York Convention) and EU measures (Brussels I Regulation, Brussels Regulation Recast, Lugano and Rome Conventions).

Service Issue 97

Available on i-law.com and in print, the current service issue discusses recent cases including:

- *Bagata Pty Ltd & Anor v Sunstorm Pty Ltd* [2024] QCA 17
- *Border Timbers Ltd v Zimbabwe* [2024] EWHC 58 (Comm); [2024] 1 Lloyd's Rep 427
- *COSCO Shipping Specialised Carriers Ltd v PT OKI Pulp & Paper Mills* [2024] SGHC 92
- *Cupreus Sarl v Whiteshell Group Ltd* [2023] EWHC 3449 (Comm)
- *Czech Republic v Diag Human SE* [2024] EWHC 503 (Comm); [2024] 1 Lloyd's Rep 367

Portfolio highlights

Coming soon

Hong Kong SAR arbitration case law 2024: a half-year review

This article will summarise the most noteworthy cases in relation to arbitration handed down by the Hong Kong SAR courts in the first six months of 2024. It will also explore legislative initiatives which will likely have significant ramifications for the arbitration community. This is important information for all involved in this area of law, both in Hong Kong and internationally.

Available in *Arbitration Law Monthly*, August 2024



Still available

Arbitration law in 2023: a review of key legal developments

This review covers the court decisions and developments in the field of arbitration in 2023 which caught the authors' attention. It covers the main cases and trends in England and Wales, as well as in other key common law arbitration seat jurisdictions including Hong Kong SAR and Singapore.

Written by Caroline Thomas and Vanessa Tsang, the review examines topics including:

- ▶ Challenging the award: serious irregularity (section 68)
- ▶ Appeal on point of law (section 69)
- ▶ Court assistance and intervention
- ▶ Enforcement of awards
- ▶ EU law
- ▶ Public policy and fraud
- ▶ Law reform
- ▶ Review of the 1996 Act

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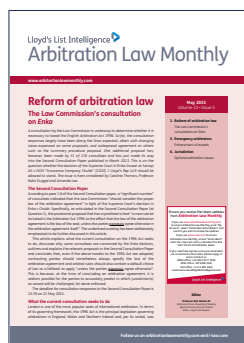


- *Ganz v Goren* [2024] EWHC 1011 (Comm)
- *Ganz v Petronz FZE* [2024] EWHC 635 (Comm)
- *H1 v W* [2024] EWHC 382 (Comm); [2024] 1 Lloyd's Rep 449
- *London Steam-Ship Owners' Mutual Insurance Association Ltd v Trico Maritime (Pvt) Ltd* [2024] EWHC 884 (Comm)
- *Quaid-E-Azam Thermal Power (Private) Ltd v Sui Northern Gas Pipelines Ltd* [2024] EWHC 70 (Comm); [2024] Lloyd's Rep Plus 18
- *Sodzawiczny v Smith* [2024] EWHC 231 (Comm); [2024] 1 Lloyd's Rep 466
- *SY Roro 1 Pte Ltd v Onorato Armatori SRL* [2024] EWHC 611 (Comm)

Access *Arbitration Law* on i-law.com

Product focus: Arbitration Law Monthly

In each content update we focus on new articles available in our case law resource, *Arbitration Law Monthly*.



Anti-suit injunctions: scope of arbitration clause

The judgment of S Mohan J in the Singapore High Court in *COSCO Shipping Specialized Carriers Ltd v PT OKI Pulp & Paper Mills* [2024] SGHC 92 contains a valuable analysis of the approach to be adopted in determining whether an arbitration clause covers a claim in tort.

www.i-law.com/ilaw/doc/view.htm?id=439604

Jurisdiction: *res judicata*

The decision of *Sacofa Sdn Bhd v Super Sea Cable Networks Pte Ltd and Another* [2024] SGHC 54 raised a number of issues on the interpretation of an arbitration clause where there had been a partial carve out of issues under a separate agreement. The key point of interest in the decision is, however, the court's approach to the question whether a decision of an enforcing court had preclusive effect where a later challenge to the award was made in the curial court.

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Jurisdiction: validity of arbitration agreement

The issue in *Ganz v Petronz FZE and Another* [2024] EWHC 635 (Comm) was in essence the factual resolution of an appeal under section 67 of the Arbitration Act 1996 as to whether there was a valid arbitration agreement between the parties.

www.i-law.com/ilaw/doc/view.htm?id=438817

Stay of proceedings: the scope of the obligation to stay

Section 9(1) of the 1996 Act provides that: "A party to an arbitration agreement against whom legal proceedings are brought ... in respect of a matter which under the agreement is to be referred to arbitration may ... apply to the court in which the proceedings have been brought to stay the proceedings so far as they concern that matter". There is conflicting authority on the meaning of the word "matter" as used in section 9.

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Arbitration and third parties: *The Prestige* again

The events giving rise to *London Steam-Ship Owners' Mutual Insurance Association Ltd v Kingdom of Spain (The Prestige)* [2023] EWHC 2473 (Comm); [2024] 1 Lloyd's Rep 199 have come before arbitrators, the English courts, the Spanish courts and even the Court of Justice of the European Union on a series of occasions. There is more to come.

www.i-law.com/ilaw/doc/view.htm?id=439603

Arbitration Law Monthly is a specially designed information service that offers critical and essential analysis of global court arbitration decisions. Access it on i-law.com and at www.arbitrationlawmonthly.com

February 2001

First issue of *Arbitration Law Monthly* published

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Key books on i-law.com

Here are our key books titles available as part of Dispute Resolution on i-law.com. See i-law.com for all available titles

Arbitration Clauses and Third Parties

Asli Arda

This is the first book to focus on the legal question of the incorporation of arbitration clauses, even though this issue is a common problem that arises frequently in practice. It compares different branches of law, namely shipping, reinsurance, and construction, where the legal notion of incorporation is often implemented. It evaluates how the differences and peculiarities of the said branches of law impact the outcome of the incorporation of arbitration clauses.

View this title on i-law.com [here](#).

Full details of this publication can be found [here](#).



Merkin and Flannery on the Arbitration Act 1996, 6th Edition

Professor Robert Merkin KC and Louis Flannery KC

This book is an essential resource for anybody involved in arbitration. It is an updated section-by-section commentary on the Arbitration Act 1996, split into a separate set of notes for each section, and subdivided into

the relevant issues within that section. It contains elements of international comparative law, citing authorities from many other common law and civil law jurisdictions.

View this title on i-law.com [here](#).

Full details of this publication can be found [here](#).

Civil Jurisdiction and Judgments, 7th Edition

Professor Adrian Briggs KC

Now in its 7th edition, this book remains an established treatise in the field of civil jurisdiction and judgments. It aims to make a full and complete statement of English law on civil jurisdiction and the effect of foreign judgments against the backdrop of significant uncertainty about the consequence of Brexit.

View this title on i-law.com [here](#).

Full details of this publication can be found [here](#).



International Investment Dispute Awards

Esra Yildiz Üstün

This book examines how international investment arbitral awards can be facilitated. It sets out to achieve a fuller conceptualisation and theorisation of awards through a discussion of relevant issues and themes, as

well as demonstrating how they can be achieved through a comparative approach that has been conceived and developed with reference to existing deficiencies in the research literature.

View this title on i-law.com [here](#).

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Introduction to our experts

Our articles, analysis and summaries are written and compiled by experts in all areas of dispute resolution law. Their industry knowledge and familiarity with key issues and current trends ensures *Dispute Resolution on i-law.com* is an essential source of insight and information.

Professor Robert Merkin KC (Co-Author of *Lloyd's Law Reports* and *Lloyd's Maritime Law Newsletter*, General Editor of *Arbitration Law and Arbitration Law Monthly*, Co-Author of *Arbitration Act 1996* and *Singapore Arbitration Legislation Annotated*)

Rob is Professor of Law, University of Reading, and is Special Counsel for Duncan Cotterill in New Zealand. He is past president of the British Insurance Law Association, vice-president of the International Association of Insurance Law (AIDA) and was a consultant to the English and Scottish Law Commissions for their project on the reform of insurance law. Rob gives regular seminars for companies, brokers, regulators and law firms in the UK and internationally. He is the author of a number of texts and his works have been cited in many cases internationally.

Edward Yang Liu LLM (Contributor, *Arbitration Law Monthly*)

Edward is Legal Director at Hill Dickinson Hong Kong. His main area of practice is in commercial and shipping litigation and arbitration. He also has extensive experience in handling international commercial disputes covering areas such as sale of goods/trade and commodities, energy and offshore projects, joint ventures, and international investment (particularly connected with Belt & Road projects). He has handled a wide variety of cases of different types and sizes under LMAA terms and HKIAC-administered arbitration rules. He also advises banks, insurers and trading companies on non-contentious matters concerning asset finance, trade finance and shipping finance.

Professor Adrian Briggs KC (Author of *Civil Jurisdiction and Judgments*; member of the Editorial Board of *LMCLQ*)

Adrian combines practice at the Bar with being Emeritus Professor of Private International Law at the University of Oxford. His practice is dominated by advisory work, especially on all aspects of private international law, with particular emphasis on the law on jurisdiction and the enforcement of foreign judgments. He is frequently instructed to give expert evidence, in the context of proceedings before foreign courts on questions of English private international law, such as: whether judgments or settlements in foreign proceedings would be regarded as conclusive in England; whether causes of action pleaded before foreign courts could be asserted in English proceedings; and so on.

Dr Johanna Hjalmarsson LLM (Co-Author of *Lloyd's Law Reports*, Co-Author of *Singapore Arbitration Legislation Annotated*)

Johanna is Lloyd's List Intelligence Associate Professor in Maritime and Commercial Law, Southampton Law School, University of Southampton. She has been at the University since completing her LLM in Maritime Law in 2004. She takes a particular interest in jurisdictions undergoing comprehensive development and has co-edited *Maritime Law in China* and *Insurance Law in China*, and co-authored two editions of *Singapore Arbitration Legislation Annotated*.

Louis Flannery KC (Co-Author of *Arbitration Act 1996*)

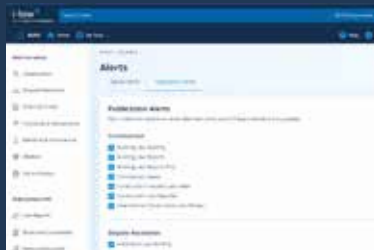
Louis specialises in arbitration and litigation with a particular emphasis on fraud and/or conflict law issues. Louis is a regular speaker on arbitration and civil fraud at conferences all over the world. He has extensive experience of international commercial arbitration under the major institutional rules, as well as substantial High Court litigation in England. Louis was named as a leading international arbitration practitioner in "Who's Who Legal: Arbitration 2018".

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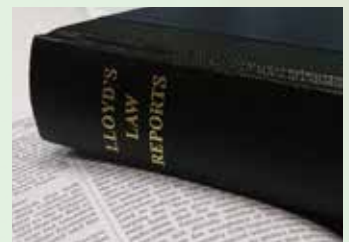
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