

ICC DISPUTE RESOLUTION BULLETIN

2017 | ISSUE 1

ICC Dispute Resolution Bulletin | Issue 1

Quarterly e-journal of the International Chamber of Commerce (ICC)

Périodique numérique trimestriel de la Chambre de commerce internationale

Editors-in-Chief | Rédacteurs en chef

Julien Fouret

Dyalá Jiménez

Editorial Board | Comité de rédaction

Cecilia Azar

Frédéric Bachand

Domitille Baizeau

Chiann Bao

Utku Cosar

Valeria Galindez

Rémy Gerbay

Samaa Haridi

Daniel Kalderimis

Tejas Karia

Swée Yen Koh

Yasmine Lahlou

Reza Mohtashami

Ziad Obeid

Ucheora Onwuamaegbu

Dámaso Riaño

Galina Zukova

Alberto Zuleta

ICC Publication No. @17BUL1
ISBN: 978-92-842-0456-4
ISSN: 2520-6052

Price | Prix

Subscription | abonnement: 180 euros (excl. VAT | hors TVA)

Per issue | par numéro: 49 euros (excl. VAT | hors TVA)

Publication date | Date de parution

April | avril 2017

Published by | Édité par

ICC Services
Wholly-owned affiliate of the International Chamber of Commerce
Filiale à 100 % de la Chambre de commerce internationale (ICC)

SAS au capital de 305 562 euros
SIREN 313 975 237
RCS Paris B 313 975 237
Président, directeur de la publication: Philip Kucharski

Directeur général, directeur adjoint de la publication:
Emmanuel Jolivet

publications@iccwbo.org
www.storeiccwbo.org

Copyright © 2017 International Chamber of Commerce (ICC)

All rights reserved. No part of this work may be reproduced, distributed, transmitted, translated or adapted in any form or by any means except as permitted by law without the written permission of the ICC. Permission can be requested from ICC through copyright.drs@iccwbo.org.

Tous droits réservés. Il est interdit de reproduire, de distribuer, de transmettre, de traduire ou d'adapter tout ou partie de cet ouvrage, sous quelque forme ou par quelque procédé que ce soit, en dehors des exceptions prévues par la loi, sans l'autorisation écrite de la Chambre de commerce internationale. Toute demande d'autorisation est à adresser à copyright.drs@iccwbo.org.

Disclaimer

Except where otherwise indicated, the views expressed and statements made herein are those of their authors and should not be construed as creating any duty, liability or obligation on the part of the ICC and its constituent bodies, including the International Court of Arbitration, the International Centre for ADR and their respective Secretariats.

Sauf indication contraire, les points de vue et les commentaires exprimés dans la présente publication sont ceux de leur(s) auteur(s) et ne sauraient créer aucun devoir, ni aucune responsabilité ou obligation à la charge de la Chambre de commerce internationale ou de ses organes, y compris la Cour internationale d'arbitrage, le Centre international d'ADR et leurs secrétariats respectifs.

Trademarks

ICC, the ICC logo, CCI, International Chamber of Commerce (including Spanish, French, Portuguese and Chinese translations), World Business Organization, International Court of Arbitration and ICC International Court of Arbitration (including Spanish, French, German, Arabic and Portuguese translations) are all trademarks of the ICC, registered in several countries.

ICC, le logo ICC, CCI, International Chamber of Commerce (y compris des traductions en espagnol, français, portugais et chinois) World Business Organization, International Court of Arbitration et ICC International Court of Arbitration (y compris des traductions en espagnol, français, allemand, arabe et portugais) sont des marques de la Chambre de commerce internationale et ont été enregistrées dans plusieurs pays.

- > Alexis Mourre
Message from the President 5
- > Dyalá Jiménez Figueres and Julien Fouret
Welcome from the Editors-in-Chief 7

GLOBAL DEVELOPMENTS

- > Ndanga Kamau
Angola: Ratification of New York Convention 10
- > Mak Shin Yi
Singapore, Hong Kong: Legislative Reform Embracing
Third-Party Funding in Arbitration 11
- > Paula Gibbs
New Zealand: Arbitration Amendment Act 2016 13
- > Christina Schuetz
England: Where to Seek Injunctive Relief Before the Constitution
of the Arbitral Tribunal? 14
- > Paulius Docka
Lithuania: An Arbitral Institution’s Independence in Question 16
- > Roman Zykov
Russia: Arbitral Institutions Now Required to be State-Registered 17
- > Thierry Tomasi and Marcos de Campos Ludwig
Brazil: No Recognition of Foreign Arbitral Award Set Aside
in the Country where the Award was Issued 19
- > Yasmine Lahlou and Jungmin Cho
United States: Court of Appeals for Second Circuit Provides Guidance
on Enforcement Against Alter Egos of Defunct Debtors 21

COMMENTARY

- > Andrea Carlevaris and Joel Dahlquist Cullborg
Investment Treaty Arbitration at ICC 25
- > Patricio Grané Labat, Csaba Rusznak and Sally Pei
Enforcing International Arbitral Awards in U.S. Courts 32

CASE DECISIONS

- > Francisco Blavi
Bifurcation of ICC Arbitral Proceedings:
A Selection of Recent Procedural Orders 46

ICC PRACTICE AND PROCEDURE

- > **José Ricardo Feris**
**The 2017 ICC Rules of Arbitration and
the New ICC Expedited Procedure Provisions:**
A View from Inside the Institution 63
- > **Giacomo Marchisio**
Recent Solutions to Old Problems:
A Look at the Expedited Procedure under the Newly Revised ICC Rules
of Arbitration..... 76
- > **Christopher Seppälä, Paul Brumpton and Mariele Coulet-Diaz**
**The New Assistance ICC Provides to Protect the Confidentiality
of a ‘Sealed Offer’** 84

ICC ACTIVITIES

- > **ICC Commission on Arbitration and ADR**
New Edition of Report on Information Technology 93
- > **ICC Arbitral Tribunals**
ICC Ushers in New Era of Transparency..... 93
- > **Secretariat of the Court**
ICC Court to Start Operating in Brazil 95
- > **ICC Institute of World Business Law**
A Taste of the ICC Advanced Arbitration Academy..... 95
- > **ICC Institute of World Business Law**
Annual Colloquium on Decision Making 96
- > **ICC Court**
Management Changes at the Secretariat of the Court 99

BOOK REVIEWS

- > **Nathan Searle**
Comparative Perspectives on Class Arbitration:
Class and Group Actions in Arbitration..... 101
- > **Niuscha Bassiri**
Arbitral Institutions in a New Light:
The Functions of Arbitral Institutions 103