

# New York Convention

Wolff

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# New York Convention

Convention on the Recognition and  
Enforcement of Foreign Arbitral Awards  
of 10 June 1958

Article-by-Article Commentary

edited by  
Dr. Reinmar Wolff  
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## Preface

The New York Convention safeguards global trade and investment: an effective arbitration regime is perceived as key to the protection of foreign investment. The effectiveness of an arbitration regime is in turn determined above all by its rules on recognition and enforcement of arbitral awards, which are globally standardized by the New York Convention. World Bank and OECD studies confirm that ratification of the New York Convention is a key indicator for the strength of an arbitration regime, which in turn correlates with foreign direct investment inflows, global competitiveness, perceived political risk and governance indicators.<sup>1</sup>

The New York Convention has the potential to foster arbitration by facilitating and harmonizing recognition and enforcement of arbitral awards. However, it can only fully exert its potential if the courts of the Contracting States apply its provisions consistently. After all, there is no central entity entrusted with the authoritative interpretation of the New York Convention. It is therefore of the utmost importance to maintain that consistency that all courts deciding on recognition and enforcement under the Convention (and all lawyers advising clients in such proceedings) employ the acknowledged means of interpretation to determine how the Convention shall be applied in a given case. This commentary aims to provide guidance on this point, firstly by routing its readers to pertinent case law and literature and, secondly, by taking a stance while explaining how the Convention is best to be interpreted in a given case and why this result follows from the means of autonomous interpretation.

The first edition of this commentary has been kindly received. The present second edition has updated the entire work, incorporated new case law and legal writings and added new developments. To make it easier for the reader to access legal writings, all books are now cited with a short title and all legal writings cited in a contribution are collected in the specific bibliography preceding that contribution. Given that 14 more States have acceded to the Convention since the first edition, Annex II now also lists the only remaining 35 United Nations Member States which are still not parties to the New York Convention. This work reflects the state of developments as of April 2019, though some important updates between then and September 2019 have been incorporated.

Special thanks for their invaluable support in editing the second edition go to Bartosz Kiwka for revising case law citations and updating the table of cases and awards and the index, to Jeremy Fenner for language-editing the entire work, to Johanna Platt for revising bibliographies and citations of legal writings and, last but not least, to Thomas Klich of C. H. Beck for enduring and accommodating the editor's requests.

The authors and editor expressly appreciate any remarks and suggestions (wolffr@staff.uni-marburg.de) which are essential to the further development of this work.

Marburg, in September 2019

*Reinmar Wolff*

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<sup>1</sup> *World Bank and International Finance Corporation, Arbitrating and Mediating Disputes*, October 2013, available at [http://iab.worldbank.org/~/\\_media/FPDKM/IAB/Documents/FDI-Arbitrating-and-Mediating-Disputes.pdf](http://iab.worldbank.org/~/_media/FPDKM/IAB/Documents/FDI-Arbitrating-and-Mediating-Disputes.pdf) (last visited Sep. 30, 2019); similarly *OECD, Policy Framework for Investment, 2015*, available at <https://www.oecd.org/daf/inv/investment-policy/Policy-Framework-for-Investment-2015-CMIN2015-5.pdf> (last visited Sep. 30, 2019).

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## Preface to the First Edition

The rise of international arbitration is closely intertwined with the New York Convention's success. The Convention, with its 147 current Member States one of the most effective international instruments (if not the most effective) in the field of commercial law, has pioneered the unification of international arbitration. It has done so both by directly facilitating recognition and enforcement of foreign awards and by indirectly establishing standards for arbitral proceedings. Conversely, the considerable growth of international arbitration during the last decades has given the Convention a meaning which could hardly have been foreseen back in 1958.

The Convention's unifying effect largely depends on the coherent interpretation and application of its provisions by the national courts. Only uniform interpretation allows one to predict the chances of success of an application for recognition and enforcement, which in turn furthers certainty in cross-border contracts and reduces transaction costs. The Convention's age – Article II(2)'s reference to the conclusion of contracts by exchange of telegrams is telling – and the dynamics during the 1958 conference, which resulted in remarkable last-minute amendments, reinforce the need for uniform interpretation.

International arbitration is characterized by converging procedural rules which utilize elements of various legal traditions. The same “best of all worlds” approach is beneficial for the tools increasing the Convention's accessibility. The present work adopts one of these concepts, *i.e.* the civil law commentary format. It is neither a case digest nor an anthology of essays. Instead, the Convention is annotated article by article, prerequisite by prerequisite. The reader will quickly find how each requirement under the respective provision has been understood and how it should be interpreted. The work provides a concise and reasoned opinion and supplies the reader with further references, both from international case law and scholarly writings. The commentary's systematic approach is complemented by a table of cases and awards and by an index. Other conventions, in particular the European Convention, are included where appropriate. All of the authors, who are experienced practitioners in international arbitration, are well-acquainted with the commentary concept.

Editing the present work was possible only with the tireless support of many individuals, three of whom shall expressly be honored. Jeremy Fenner has done a great service to the table of cases and awards and other registers. Hendrik Lauster has skillfully and thoroughly assembled the index. Last but not least, Dr. Wilhelm Warth of C. H. Beck, Munich, has encouraged and supported the project in an exemplary fashion.

The readers' comments on this commentary's concept and contents are of utmost value to the further development of this work. The authors and the editor expressly appreciate any remarks and suggestions (wolffr@staff.uni-marburg.de).

Marburg, in August 2012

Reinmar Wolff

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## List of Authors

|   |                              |
|---|------------------------------|
| Prof. Dr. Christian Borris, LL.M. ....<br>Rechtsanwalt (Germany) in Cologne                               | Art. V General, V(1)(c)–(d)  |
| Dr. Bernd Ehle, LL.M. ....<br>Avocat (Geneva) and Rechtsanwalt (Germany) in Geneva                        | Art. I                       |
| Todd J. Fox, LL.M. ....<br>Attorney at Law (New York, New Jersey, Pennsylvania) in Stuttgart              | Art. II(3), V(1)(a)          |
| Rudolf Hennecke.....<br>Rechtsanwalt (Germany) in Cologne   | Art. V General, V(1)(c)–(d)  |
| Dr. Angela Kölbl.....<br>Rechtsanwältin (Syndikusrechtsanwältin) (Germany) in Erlangen                    | Art. VIII–XVI                |
| Dr. Christoph Liebscher, MBA.....<br>Rechtsanwalt (Austria) and Advokát (Czech Republic) in Vienna        | Prel. Rem., Art. V(1)(e), VI |
| Dr. David Quinke, LL.M.....<br>Rechtsanwalt (Germany) in Düsseldorf                                       | Art. V(2)(a), VII            |
| Prof. Dr. Maxi Scherer, LL.M. ....<br>Solicitor (England & Wales) and Avocat à la cour (France) in London | Art. III, IV, V(1)(b)        |
| Dr. Stephan Wilske, LL.M. ....<br>Rechtsanwalt (Germany) and Attorney at Law (New York) in Stuttgart      | Art. II(3), V(1)(a)          |
| Dr. Reinmar Wolff .....<br>University of Marburg  | Art. II(1)–(2), V(2)(b)      |

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## List of Abbreviations and Acronyms

|                                |  |
|--------------------------------|--|
| A.D.2d .....                   | Appellate Division Reports (second series), New York   |
| A.D.3d .....                   | Appellate Division Reports (third series), New York  |
| AAA .....                      | American Arbitration Association   |
| AAA Rules .....                | International Arbitration Rules of the American Arbitration Association  |
| AAYB .....                     | Austrian Arbitration Yearbook (journal)  |
| ABA .....                      | American Bar Association   |
| ABA J. ....                    | ABA Journal  |
| ABGB .....                     | Allgemeines Bürgerliches Gesetzbuch (Austrian civil code)  |
| ABQB .....                     | Court of Queen's Bench (Alberta) (neutral citation), available at <a href="https://www.canlii.org/en/ab/abqb/">https://www.canlii.org/en/ab/abqb/</a> (last visited Apr. 29, 2019) |
| AC .....                       | The Law Reports, Appeal Cases, House of Lords  |
| ADR .....                      | Alternative Dispute Resolution   |
| aff'd .....                    | affirmed   |
| AG .....                       | Amtsgericht (German local court); Aktiengesellschaft (stock corporation)   |
| AIR .....                      | All India Reporter   |
| AJIL .....                     | American Journal of International Law  |
| Ala. ....                      | Alabama  |
| All E.R. ....                  | All England Law Reports  |
| ALR .....                      | Australian Law Reports   |
| ALT .....                      | Andhra Law Times (journal)   |
| alt. ....                      | alternative  |
| Am. ....                       | America(n)   |
| Am. Bus. L.J. ....             | American Business Law Journal  |
| Am. J. Comp. L. ....           | American Journal of Comparative Law  |
| Am. J. Int'l Arb. ....         | American Journal of International Arbitration  |
| Am. Rev. Int'l Arb. ....       | The American Review of International Arbitration (journal)   |
| Am. U. Int'l L. ....           | American University International Law Review (journal)   |
| Annals Fac. L. ....            | Annals of the Faculty of Law in Belgrade – International Edition   |
| Belgrade Int'l Ed. .           | Annals of the Faculty of Law in Belgrade – International Edition   |
| App. Div. ....                 | Appellate Division   |
| Apr. ....                      | April  |
| Arb. Int'l .....               | Arbitration International (journal)  |
| Arb. L.R. ....                 | Arbitration Law Reporter   |
| ArbAut News .....              | Austrian Arbitration Association Newsletter  |
| Arbitraje .....                | Revista de Arbitraje Commercial y de Inversiones (journal)   |
| Arbitration .....              | Arbitration – The Journal of the Chartered Institute of Arbitration  |
| arg. ....                      | <i>argumentum</i> (argument)   |
| Ariz. J. Int'l & Comp. L. .... | Arizona Journal of International & Comparative Law   |
| Ark. ....                      | Arkansas   |
| Art. ....                      | Article(s)   |
| ASA .....                      | Association Suisse de l'Arbitrage (Swiss Arbitration Association)  |
| ASA Bull. ....                 | Bulletin of the Swiss Arbitration Association  |
| Asian DR .....                 | Asian Dispute Review (journal)   |
| Asian Int'l Arb. J. ....       | Asian International Arbitration Journal  |
| ass'n .....                    | association  |
| assoc. ....                    | associate  |
| Atl. ....                      | Atlantic   |
| Aug. ....                      | August   |
| AUIntLawJl .....               | Australian International Law Journal   |
| Austl. Disp. Res. J. ....      | Australian Dispute Resolution Journal  |

## Abbreviations

*New York Convention*

|                         |  |
|-------------------------|--|
| Auth. ....              | Authority  |
| Azer. ....              | Azerbaijan   |
| Bah. ....               | Bahamas  |
| Barb. ....              | Barbados   |
| b-Arbitra .....         | Belgian Review of Arbitration  |
| BayObLG .....           | Bayerisches Oberstes Landesgericht (Highest Regional Court of Bavaria)   |
| BayObLGZ .....          | Sammlung der Entscheidungen des Bayerischen Obersten Landesgerichts in Zivilsachen (official collection of Highest Regional Court of Bavaria decisions in civil matters)           |
| BB .....                | Betriebs-Berater (journal)   |
| BCCA .....              | British Columbia Court of Appeal (neutral citation), available at <a href="https://www.canlii.org/en/bc/bcca/">https://www.canlii.org/en/bc/bcca/</a> (last visited Apr. 29, 2019) |
| BCDR .....              | Bahrain Chamber for Dispute Resolution   |
| BCDR Int'l Arb. ....    | BCDR International Arbitration Review (journal)  |
| Rev. ....               | Beck-Rechtsprechung (reporter)   |
| BeckRS .....            | Beilage (supplement)   |
| Beil. ....              | Belgium  |
| Belg. ....              | Bermuda  |
| Berm. ....              | Schweizerisches Bundesgericht (Swiss Supreme Court)  |
| BG .....                | Bürgerliches Gesetzbuch (German civil code)  |
| BGB .....               | Entscheidungen des Schweizerischen Bundesgerichts (official collection of Swiss Supreme Court decisions)   |
| BGE .....               | Bundesgerichtshof (German Federal Supreme Court)   |
| BGH .....               | Entscheidungen des Bundesgerichtshofs in Zivilsachen (official collection of German Federal Supreme Court decisions in civil matters)  |
| BGHZ .....              | brotherhood  |
| bhd. ....               | Bilateral investment treaty  |
| BIT .....               | Basler Juristische Mitteilungen (journal)  |
| BJM .....               | building   |
| blg. ....               | Business Law International (journal)   |
| BLI .....               | Beijing Law Review   |
| BLR .....               | Bombay Cases Reporter  |
| Bom. C.R. ....          | Bombay Law Reporter  |
| Bom. L.R. ....          | Brooklyn Journal of International Law  |
| Brook. J. Int'l L. .... | brothers   |
| bros. ....              | Bundestags-Drucksache (reports from the German Parliament)   |
| BT-Drucks. ....         | bulletin   |
| bull. ....              | Bulletin des arrêts de la Cour de Cassation / Chambre Civile (official collection of French Supreme Court decisions)   |
| Bull. civ. ....         | The Business Law Reports (England and Wales)   |
| Bus. L.R. ....          | Central District   |
| C.D. ....               | Code of Federal Regulations (US)   |
| C.F.R. ....             | Civil Justice Quarterly (journal)  |
| C.J.Q. ....             | Commonwealth Law Reports   |
| C.L.R. ....             | Court of Appeal; Cour d'appel (French or Luxembourg appellate court); Corte d'appello (Italian appellate court)  |
| CA .....                | California   |
| Cal. ....               | California Western International Law Journal   |
| Cal. W. Int'l L.J. ...  | Canada   |
| Can. ....               | Canadian Legal Information Institute (reporter), available at <a href="https://www.canlii.org/">https://www.canlii.org/</a> (last visited Apr. 29, 2019)                           |
| CanLII .....            | Carswell Ontario Cases   |
| CarswellONT .....       | casualty   |
| cas. ....               | Cour de Cassation (Belgian, French or Luxembourg Supreme Court); Corte di Cassazione (Italian Supreme Court)   |
| Cass. ....              | Caribbean Court of Justice (neutral citation), available at <a href="http://www.worldcourts.com/ccj/eng/">http://www.worldcourts.com/ccj/eng/</a> (last visited Apr. 29, 2019)     |
| CCJ .....               | <i>confer</i> (compare)  |
| cf. ....                |  |

|                       |   |
|-----------------------|---|
| Ch .....              | The Law Reports, Chancery Division  |
| ch. ....              | chapter   |
| Ch. Civ. ....         | chambre civil   |
| chem. ....            | chemical  |
| CIETAC .....          | China International Economic and Trade Arbitration Commission   |
| cir. ....             | circuit   |
| CISG .....            | United Nations Convention on Contracts for the International Sale of Goods (Apr. 11, 1980)  |
| CJ .....              | Cour de Justice de Genève (Appellate Court in Geneva)   |
| CJCR .....            | Cardozo Journal of Conflict Resolution  |
| CKN .....             | cywilna kasacja na wniosek (civil cassation)  |
| cl. ....              | clause  |
| CLC .....             | Commercial Law Cases (reporter)   |
| CLJ .....             | Current Law Journal   |
| CLOUT .....           | Case Law on UNCITRAL Texts, available at <a href="https://uncitral.un.org/en/case_law">https://uncitral.un.org/en/case_law</a> (last visited Apr. 29, 2019) |
| co. ....              | company   |
| coll. ....            | college   |
| Colo. ....            | Colorado  |
| Com.Cas. ....         | Company Cases (reporter)  |
| comm'n .....          | commission  |
| Conn. ....            | Connecticut   |
| constr. ....          | construction  |
| cont'l .....          | continental   |
| Contemp. Asia         |   |
| Arb. J. ....          | Contemporary Asia Arbitration Journal   |
| Cornell L. Rev. ....  | Cornell Law Review  |
| corp. ....            | corporation   |
| CPC .....             | Code de Procédure Civile Français (French code of civil procedure); code of civil procedure   |
| ct. ....              | court   |
| ctr. ....             | center  |
| D. ....               | District; Recueil Dalloz Sirey (journal)  |
| D.C. ....             | District of Columbia  |
| D.L.R. ....           | Dominion Law Reports (Canada)   |
| DB .....              | Der Betrieb (journal)   |
| Dec. ....             | December  |
| def. ....             | defense   |
| Del. ....             | Delaware  |
| dev. ....             | development   |
| Dir. Fall. ....       | Diritto Fallimentare (Italian insolvency act)   |
| DIS .....             | Deutsche Institution für Schiedsgerichtsbarkeit (German Arbitration Institute)  |
| DIS Rules .....       | Arbitration Rules of the German Arbitration Institute   |
| Disp. Res. J. ....    | Dispute Resolution Journal  |
| Disp. Resol. Int'l .. | Dispute Resolution International (journal)  |
| distrib. ....         | distributing, distributor   |
| doc. ....             | document  |
| DÖV .....             | Die Öffentliche Verwaltung (journal)  |
| DRC .....             | Democratic Republic of Congo  |
| DZWIR .....           | Deutsche Zeitschrift für Wirtschaftsrecht (journal)   |
| E.D. ....             | Eastern District  |
| e.g. ....             | <i>exempli gratia</i> (for example)   |
| EA .....              | East Africa Law Reports   |
| eastlex .....         | Eastlex: Fachzeitschrift für Wirtschafts- und Steuerrecht in Mittel- und Osteuropa (journal)  |
| EBLR .....            | European Business Law Review (journal)  |
| EC .....              | European Community, European Communities  |

## Abbreviations

New York Convention

|                           |   |
|---------------------------|---|
| ECC .....                 | United Nations Convention on the Use of Electronic Communications in International Contracts of Nov. 23, 2005 (Electronic Communications Convention)  |
| ECHR .....                | European Convention on Human Rights; European Court of Human Rights   |
| ECJ .....                 | European Court of Justice   |
| econ. ....                | economy, economic(s), economical  |
| ECOSOC .....              | United Nations Economic and Social Council  |
| ECR .....                 | European Court Reports  |
| ed. ....                  | editor, edited, edition   |
| EGBGB .....               | Einführungsgesetz zum Bürgerlichen Gesetzbuch (introductory act to the German civil code)   |
| EIAR .....                | European International Arbitration Review (journal)   |
| eIDAS Regulation .        | Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ 2014 No. L 257, p. 73) |
| EJIL .....                | European Journal of International Law   |
| elec. ....                | electric  |
| Emory Int'l L. Rev.       | Emory International Law Review  |
| eng'g .....               | engineering   |
| enter. ....               | enterprise  |
| equip. ....               | equipment   |
| <i>et al.</i> .....       | <i>et alii/aliae/alia</i> (and others)  |
| <i>et seq.</i> .....      | <i>et sequens/sequentes</i> (and the following)   |
| <i>etc.</i> .....         | <i>et cetera</i> (and so on)  |
| ETS .....                 | European Treaty Series  |
| EU .....                  | European Union  |
| EuGVVO .....              | Verordnung über die gerichtliche Zuständigkeit und die Anerkennung und Vollstreckung von Entscheidungen in Zivil- und Handelssachen (Regulation (EC) No. 44/2001, the Brussels I Regulation)  |
| European Convention ..... | The European Convention of 21 April 1961 on International Commercial Arbitration  |
| EuZW .....                | Zeitschrift für Europäisches Wirtschaftsrecht (journal)   |
| EvBl. ....                | Evidenzblatt der Rechtsmittelentscheidungen in „Österreichische Juristen-Zeitung – ÖJZ“ (journal)   |
| EWCA .....                | Court of Appeal of England and Wales  |
| EWCA Civ .....            | Court of Appeal of England and Wales Civil Division (neutral citation), available at <a href="http://www.bailii.org/ew/cases/EWCA/Civ/">http://www.bailii.org/ew/cases/EWCA/Civ/</a> (last visited Apr. 29, 2019)   |
| EWHC .....                | High Court of England and Wales, also known as High Court of Justice; neutral citation for same, available at <a href="http://www.bailii.org/ew/cases/EWHC/Comm/">http://www.bailii.org/ew/cases/EWHC/Comm/</a> (last visited Apr. 29, 2019)                |
| EWiR .....                | Entscheidungen zum Wirtschaftsrecht (journal)   |
| EWS .....                 | Europäisches Wirtschafts- & Steuerrecht (journal)   |
| exp. ....                 | export  |
| F. Supp. ....             | Federal Supplement (reporter)   |
| F. Supp. 2d .....         | Federal Supplement (second series) (reporter)   |
| F. Supp. 3d .....         | Federal Supplement (third series) (reporter)  |
| F.2d .....                | Federal Reporter (second series)  |
| F.3d .....                | Federal Reporter (third series)   |
| F.C. ....                 | Canada Federal Court Reports  |
| F.R.D. ....               | Federal Rules Decisions (reporter)  |
| FAA .....                 | Federal Arbitration Act (US)  |
| FAO .....                 | Food and Agriculture Organization of the United Nations   |
| FCA .....                 | Federal Court of Australia (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)  |
| FC AFC .....              | Federal Court of Australia Full Court (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)   |

|                                     |   |
|-------------------------------------|---|
| Feb. ....                           | February  |
| fed. ....                           | federal   |
| Fed. Appx. ....                     | Federal Appendix (reporter)   |
| fin. ....                           | finance, financial, financing   |
| Fla. ....                           | Florida   |
| Fordham Int'l L.J. .                | Fordham International Law Journal   |
| found. ....                         | foundation  |
| G.R. No. ....                       | Supreme Court of the Philippines Case Docket Number   |
| Ga. ....                            | Georgia   |
| Ga. J. Int'l &<br>Comp. L. ....     | Georgia Journal of International and Comparative Law  |
| GAR ....                            | Global Arbitration Review   |
| GATT ....                           | General Agreement on Tariffs and Trade  |
| GmbH ....                           | Gesellschaft mit beschränkter Haftung (limited liability company)   |
| GmbHR ....                          | GmbH-Rundschau (journal)  |
| gov't ....                          | government  |
| GRUR Int. ....                      | Gewerblicher Rechtsschutz und Urheberrecht – Internationaler Teil (journal)   |
| GVP ....                            | Gerichts- und Verwaltungspraxis (journal)   |
| H.M.S.O. ....                       | Her Majesty's Stationary Office   |
| H.R. ....                           | House of Representatives (US)   |
| Harv. J. on Legis. .                | Harvard Journal on Legislation  |
| Hastings L.J. ....                  | Hastings Law Journal  |
| HG ....                             | Handelsgericht (commercial court)   |
| HGB ....                            | Handelsgesetzbuch (German commercial code)  |
| HKC ....                            | Hong Kong Cases (reporter)  |
| HKCA ....                           | Hong Kong Court of Appeal (neutral citation), available at <a href="http://www.hkliv.hk/eng/hk/cases/hkca/">http://www.hkliv.hk/eng/hk/cases/hkca/</a> (last visited Apr. 29, 2019)           |
| HKCFI ....                          | Hong Kong Court of First Instance (neutral citation), available at <a href="http://www.hkliv.hk/eng/hk/cases/hkcfi/">http://www.hkliv.hk/eng/hk/cases/hkcfi/</a> (last visited Apr. 29, 2019) |
| HKEC ....                           | Hong Kong Electronic Cases (Westlaw neutral citation)   |
| HKIAC ....                          | Hong Kong International Arbitration Centre  |
| HKIAC Rules .....                   | HKIAC Administered Arbitration Rules  |
| HKLJ ....                           | Hong Kong Law Journal   |
| HKLR ....                           | Hong Kong Law Reports   |
| HKLRD ....                          | Hong Kong Law Reports & Digest  |
| HL ....                             | House of Lords (since 2009 Supreme Court of the United Kingdom)   |
| hosp. ....                          | hospital  |
| HR ....                             | Hoge Raad der Nederlanden (Netherlands Supreme Court)   |
| <i>i.a.</i> ....                    | <i>inter alia</i> (among others)  |
| <i>i.e.</i> ....                    | <i>id est</i> (that is)   |
| IBA ....                            | International Bar Association   |
| IBA Arb. Com-<br>mittee Newsl. .... | IBA Arbitration Committee Newsletter (journal)  |
| IBRD ....                           | International Bank for Reconstruction and Development   |
| ICAO ....                           | International Civil Aviation Organization   |
| ICC ....                            | International Chamber of Commerce   |
| ICC Bull. ....                      | Bulletin of the International Chamber of Commerce   |
| ICC Rules ....                      | Arbitration Rules of the International Chamber of Commerce  |
| ICCA ....                           | International Council for Commercial Arbitration  |
| ICDR ....                           | International Centre for Dispute Resolution   |
| ICJ ....                            | International Court of Justice, The Hague   |
| ICJ Reports .....                   | Report of the International Court of Justice, available at <a href="https://www.icj-cij.org/en/annual-reports">https://www.icj-cij.org/en/annual-reports</a> (last visited Apr. 29, 2019)     |
| ICLQ ....                           | International & Comparative Law Quarterly (journal)   |
| ICSID ....                          | International Centre for Settlement of Investment Disputes  |
| ICSID Rev. ....                     | ICSID Review – Foreign Investment Law Journal   |
| <i>id.</i> ....                     | <i>idem</i> (the same)  |
| IDA ....                            | International Development Association   |
| IDR ....                            | Journal of International Dispute Resolution   |

## Abbreviations

*New York Convention*

|                       |  |
|-----------------------|--|
| IEHC .....            | High Court of Ireland Decisions (neutral citation), available at <a href="http://www.bailii.org/ie/cases/IEHC/">http://www.bailii.org/ie/cases/IEHC/</a> (last visited Apr. 29, 2019)        |
| IFAD .....            | International Fund for Agricultural Development  |
| IFC .....             | International Finance Corporation  |
| IHR .....             | Internationales Handelsrecht (journal)   |
| IL Pr. ....           | International Litigation Procedure (reporter)  |
| ILA .....             | International Law Association  |
| Ill. ....             | Illinois   |
| ILM .....             | International Legal Materials  |
| ILO .....             | International Labour Organization  |
| ILR .....             | International Law Reports  |
| IMF .....             | International Monetary Fund  |
| IMO .....             | International Maritime Organization  |
| imp. ....             | import   |
| inc. ....             | incorporated   |
| indem. ....           | indemnity  |
| Indian J. Arb. L. ... | Indian Journal of Arbitration Law  |
| Indon. ....           | Indonesia  |
| indus. ....           | industry, industries, industrial   |
| ins. ....             | insurance  |
| INSC .....            | Supreme Court of India (neutral citation), available at <a href="http://www.liiofindia.org/in/cases/cen/INSC/">http://www.liiofindia.org/in/cases/cen/INSC/</a> (last visited Apr. 29, 2019) |
| Int. A.L.R. ....      | International Arbitration Law Review (journal)   |
| Int'l .....           | International  |
| Int'l J. Arab Arb. .. | International Journal of Arab Arbitration  |
| Int'l L. Practicum .  | International Law Practicum (journal)  |
| Int'l Law. ....       | International Lawyer (journal)   |
| Int'l Trade & Bus.    |  |
| L. Rev. ....          | International Trade and Business Law Review  |
| inv. ....             | investment   |
| IPRax .....           | Praxis des internationalen Privat- und Verfahrensrechts (journal)  |
| IPRG .....            | Bundesgesetz über das Internationale Privatrecht (Swiss international private law act)   |
| IPRspr. ....          | Die deutsche Rechtsprechung auf dem Gebiete des internationalen Privatrechts (reporter)  |
| ITA .....             | Institute for Transnational Arbitration  |
| ITU .....             | International Telecommunication Union  |
| J. Arb. Stud. ....    | Journal of Arbitration Studies   |
| J. Disp. Res. ....    | Journal of Dispute Resolution  |
| J. Int. Arb. ....     | Journal of International Arbitration   |
| J. Transnat'l L. &    |  |
| Pol'y .....           | Journal of Transnational Law & Policy  |
| J.L. & Com. ....      | Journal of Law and Commerce  |
| J.L. & Econ. ....     | The Journal of Law and Economics   |
| J.L. Soc'y & Dev. ..  | Journal of Law, Society and Development  |
| Jam. ....             | Jamaica  |
| Jan. ....             | January  |
| JBl .....             | Juristische Blätter (journal)  |
| JCP .....             | Juris-Classeur Périodique, La Semaine Juridique (journal)  |
| JDI .....             | Journal du droit international privé   |
| JdT .....             | Journal des Tribunaux (Switzerland)  |
| JIDS .....            | Journal of International Dispute Settlement  |
| JO .....              | Journal officiel de la République Française  |
| JSC .....             | Joint Stock Company  |
| JT .....              | Journal des Tribunaux (Belgium)  |
| JZ .....              | Juristenzeitung (journal)  |
| Kan. ....             | Kansas   |
| KG .....              | Kammergericht (Higher Regional Court in Berlin); Kommanditgesellschaft (limited partnership)   |

|                                   |  |
|-----------------------------------|--|
| KGR .....                         | KG-Report (reporter)   |
| KTS .....                         | Zeitschrift für Insolvenzrecht (journal)   |
| Ky. ....                          | Kentucky   |
| L. Ed. 2d .....                   | United States Supreme Court Reports, Lawyers' Edition (second series)  |
| L.N.T.S. ....                     | League of Nations Treaty Series  |
| La. ....                          | Louisiana  |
| LCIA .....                        | London Court of International Arbitration  |
| LCIA Rules .....                  | Arbitration Rules of the London Court of International Arbitration   |
| Les Cahiers de l'Arbitrage .....  | Les Cahiers de l'Arbitrage (The Paris Journal of International Arbitration)  |
| LG .....                          | Landgericht (German regional court)  |
| LJN .....                         | Landelijk Jurispr Nr (journal)   |
| Lloyd's Rep .....                 | Lloyd's Law Reports  |
| LMK .....                         | Kommentierte BGH-Rechtsprechung Lindenmaier-Möhring (journal)  |
| ltd. ....                         | limited  |
| M.D. ....                         | Middle District  |
| mach. ....                        | machine(ry)  |
| Mah. L.J. ....                    | Maharashtra Law Journal  |
| maint. ....                       | maintenance  |
| Mar. ....                         | March; maritime  |
| Mass. ....                        | Massachusetts  |
| MBCA .....                        | Manitoba Court of Appeal (neutral citation), available at <a href="https://www.canlii.org/en/mb/mbca/">https://www.canlii.org/en/mb/mbca/</a> (last visited Apr. 29, 2019) |
| Md. ....                          | Maryland   |
| MDR .....                         | Monatsschrift für Deutsches Recht (journal)  |
| Mealey's Int'l Arb. Rep. ....     | Mealey's International Arbitration Reports   |
| med. ....                         | medicine   |
| mem'l .....                       | memorial   |
| Mex. ....                         | Mexico   |
| mfg. ....                         | manufacturing  |
| mgmt. ....                        | management   |
| Mich. ....                        | Michigan   |
| MIGA .....                        | Multilateral Investment Guarantee Agency   |
| MIJIL .....                       | Michigan Journal of International Law  |
| Minn. ....                        | Minnesota  |
| Miss. ....                        | Mississippi  |
| mkt. ....                         | market   |
| Model Law .....                   | UNCITRAL Model Law on International Commercial Arbitration, 1985 (with amendments as adopted in 2006)  |
| MünchKommZPO                      | Münchener Kommentar zur Zivilprozessordnung (commentary on the German code of civil procedure)   |
| mut. ....                         | mutual   |
| n. ....                           | footnote(s)  |
| N. ....                           | North(ern)   |
| <i>n.b.</i> .....                 | nota bene  |
| N.C. ....                         | North Carolina   |
| N.C. J. Int'l L. & Com. Reg. .... | North Carolina Journal of International Law and Commercial Regulation  |
| N.D. ....                         | Northern District  |
| N.J. ....                         | New Jersey   |
| N.Y. ....                         | New York; New York Reports   |
| N.Y. Int'l L. Rev. ..             | New York International Law Review  |
| N.Y.2d .....                      | New York Reports (second series)   |
| N.Y.S.2d .....                    | West's New York Supplement (second series)   |
| N.Y.S.3d .....                    | West's New York Supplement (third series)  |
| NAI .....                         | Nederlands Arbitrage Instituut (Netherlands Arbitration Institute)   |
| NAI Rules .....                   | NAI Arbitration Rules  |
| nat'l .....                       | national   |

## Abbreviations

*New York Convention*

|                       |   |
|-----------------------|---|
| NCPC .....            | Nouveau Code de Procédure Civile (French new code of civil procedure [1975–2007])   |
| Neth. Int'l L. Rev.   | Netherlands International Law Review (journal)  |
| Nig. ....             | Nigeria   |
| NJOZ .....            | Neue Juristische Online-Zeitschrift (journal)   |
| NJW .....             | Neue Juristische Wochenschrift (journal)  |
| NJW-RR .....          | NJW-Rechtsprechungs-Report Zivilrecht (reporter)  |
| No. ....              | number(s)   |
| Nov. ....             | November  |
| NSWSC .....           | New South Wales Supreme Court (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)               |
| NWLR .....            | Nigerian Weekly Law Reports   |
| NYC .....             | Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958 (the New York Convention)  |
| NYSBA Int'l Chap.     |   |
| News .....            | New York State Bar Association International Chapter News (journal)   |
| NZG .....             | Neue Zeitschrift für Gesellschaftsrecht (journal)   |
| NZHC .....            | High Court of New Zealand (neutral citation), available at <a href="http://www.nzlii.org/nz/cases/NZHC/">http://www.nzlii.org/nz/cases/NZHC/</a> (last visited Apr. 29, 2019) |
| O.R. ....             | Ontario Reports   |
| Oct. ....             | October   |
| OG .....              | Obergericht (Swiss higher regional court)   |
| OGH .....             | Oberster Gerichtshof (Austrian Supreme Court)   |
| OJ .....              | Official Journal of the European Union  |
| OJ No. ....           | Ontario Judgments from Quicklaw (reporter)  |
| OJSC .....            | Open Joint Stock Company  |
| ÖJZ .....             | Österreichische Juristen-Zeitung (journal)  |
| Okla. ....            | Oklahoma  |
| OLG .....             | Oberlandesgericht (German or Austrian higher regional court)  |
| OLG-NL .....          | OLG-Rechtsprechung Neue Länder (journal)  |
| OLGR .....            | OLG-Report (reporter)   |
| Or. ....              | Oregon  |
| OTC .....             | Ontario Trial Cases (reporter)  |
| öZPO .....            | österreichische Zivilprozessordnung (Austrian code of civil procedure)  |
| p. / pp. ....         | page(s)   |
| P.R. ....             | Puerto Rico   |
| Pa. ....              | Pennsylvania  |
| Pac. ....             | Pacific   |
| Pace L. Rev. ....     | Pace Law Review   |
| Pak. ....             | Pakistan  |
| PAO .....             | Publitschnoje Akzionerhoje Obschtschestwo (Public Stock Company)  |
| para. / paras .....   | paragraph(s)  |
| Pas. ....             | Pasicrisie belge (journal)  |
| PCIJ .....            | Permanent Court of International Justice  |
| PCIJ Series A .....   | Permanent Court of International Justice Series A (reporter)  |
| Penn St. L. Rev. .... | Penn State Law Review   |
| pharm. ....           | pharmaceutics, pharmaceutical(s)  |
| Philip. ....          | Philippines   |
| PRC .....             | People's Republic of China  |
| Prel. Rem. ....       | Preliminary Remarks   |
| prod. ....            | production  |
| prop. ....            | property  |
| prot. ....            | protection  |
| pub. ....             | public  |
| QB .....              | Law Reports – Queen's Bench Division  |
| QCA .....             | Queensland Court of Appeal (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)                  |
| RAA .....             | Russian Arbitration Association   |
| RabelsZ .....         | Rabels Zeitschrift für ausländisches und internationales Privatrecht (journal)  |

|                              |   |
|------------------------------|---|
| RDJ .....                    | Revista de Derecho y Jurisprudencia y Gaceta de los Tribunales (journal)  |
| RdW .....                    | Recht der Wirtschaft (journal)  |
| Recueil des Cours .....      | Recueil des Cours, Académie de Droit International de la Haye = Collected Courses, Hague Academy of International Law   |
| ref. ....                    | refining  |
| res. ....                    | resource(s)   |
| Rev. arb. ....               | Revue de l'arbitrage (journal)  |
| Rev. crit. dr. int. pr. .... | Revue critique de droit international privé (journal)   |
| RG .....                     | Reichsgericht (Supreme Court of the German Reich until 1945)  |
| RGZ .....                    | Entscheidungen des Reichsgerichts in Zivilsachen (official collection of Supreme Court of the German Reich decisions in civil matters until 1945)   |
| RHDI .....                   | Revue hellénique de droit international   |
| RICO .....                   | Racketeer-Influenced and Corrupt Organizations Act (US)   |
| Riv. Dir. Int. Priv. ....    | Rivista di diritto internazionale privato e processuale (journal)   |
| Proc. ....                   | Rivista di diritto processuale (journal)  |
| Riv. Dir. Proc. ....         | Recht der Internationalen Wirtschaft (journal)  |
| RIW .....                    | Revista română de arbitraj (journal)  |
| RRA .....                    | Revue suisse de droit international et de droit européen (journal)  |
| RSDIE .....                  | United States Supreme Court (reporter)  |
| S. Ct. ....                  | South African Law Reports; Société Anonyme  |
| S.A. ....                    | Supreme Court Cases (India) (reporter)  |
| S.C.C. ....                  | Southern District   |
| S.D. ....                    | Steamship   |
| S.S. ....                    | South Western Reporter (second series)  |
| S.W.2d .....                 | Société Anonyme   |
| SA .....                     | Stockholm Chamber of Commerce   |
| SCC .....                    | Rules of the Arbitration Institute of the Stockholm Chamber of Commerce   |
| SCC Rules .....              | Zeitschrift für Schiedsverfahren (German Arbitration Journal)   |
| SchiedsVZ .....              | science   |
| sci. ....                    | Supreme Court Reports   |
| SCR .....                    | Supreme Court of the United Kingdom   |
| SCR .....                    | U.S. Securities and Exchange Commission   |
| SCUK .....                   | security/-ies   |
| SEC .....                    | section(s)  |
| sec. ....                    | September   |
| sect. ....                   | service   |
| sep. ....                    | Stockholm International Arbitration Review (journal)  |
| Sep. ....                    | La Semaine judiciaire (journal)   |
| serv. ....                   | Schweizerische Juristen-Zeitung (journal)   |
| SIAR .....                   | Singapore Law Reports   |
| SJ .....                     | Singapore Law Reports (Reissue)   |
| SJZ .....                    | Sąd Najwyższy (Polish Supreme Court)  |
| SLR .....                    | social  |
| SLR(R) .....                 | Stanford Journal of International Law   |
| SN .....                     | Steuer Revue (journal)  |
| soc. ....                    | Supreme Court   |
| Stan. J. Int'l L. ....       | Swiss International Arbitration Law Reports   |
| StR .....                    | system(s)   |
| Sup. Ct. ....                | Entscheidungen des österreichischen Obersten Gerichtshofes in Zivil- und Justizverwaltungssachen (official collection of Austrian Supreme Court decisions in civil and administration of justice matters) |
| Swiss Int'l Arb. L. ....     | Schweizerische Zeitschrift für internationales und europäisches Recht (journal)   |
| Rep. ....                    | Transnational Dispute Management  |
| Rep. ....                    | technology  |
| sys. ....                    | Tennessee   |
| SZ .....                     | Texas   |
| SZIER .....                  |   |
| TDM .....                    |   |
| tech. ....                   |   |
| Tenn. ....                   |   |
| Tex. ....                    |   |

## Abbreviations

New York Convention

|                               |  |
|-------------------------------|--|
| Tex. Int'l L.J. ....          | Texas International Law Journal  |
| Tex. L. Rev. ....             | Texas Law Review   |
| TGI .....                     | Tribunal de Grande Instance (French court of first instance)   |
| Thai. ....                    | Thailand   |
| TPI .....                     | Tribunal de Première Instance (court of first instance)  |
| trans. ....                   | translation  |
| transp. ....                  | transport  |
| Trin. & Tobago ....           | Trinidad and Tobago  |
| TS .....                      | Tribunal Supremo (Spanish Supreme Court)   |
| Tul. J. Int'l & Comp. L. .... | Tulane Journal of International & Comparative Law  |
| Tul. L. Rev. ....             | Tulane Law Review  |
| Tur. Com. L. Rev. ....        | Turkish Commercial Law Review  |
| TvA .....                     | Tijdschrift voor arbitrage (journal)   |
| U. Miami L. Rev. .            | University of Miami Law Review   |
| U. Pa. J. Int'l L. ....       | University of Pennsylvania Journal of International Law  |
| U.N.T.S. ....                 | United Nations Treaty Series   |
| U.S. ....                     | United States Reports (US)   |
| U.S. App. LEXIS ..            | LexisNexis database for U.S. Court of Appeals cases  |
| U.S. Dist. LEXIS ...          | LexisNexis database for U.S. District Court cases  |
| U.S.C. ....                   | United States Code   |
| UAE .....                     | United Arab Emirates   |
| UK .....                      | United Kingdom   |
| UKHL .....                    | United Kingdom House of Lords (neutral citation), available at <a href="http://www.bailii.org/uk/cases/UKHL/">http://www.bailii.org/uk/cases/UKHL/</a> (last visited Apr. 29, 2019)          |
| UKPC .....                    | United Kingdom Privy Council Decisions (neutral citation), available at <a href="http://www.bailii.org/uk/cases/UKPC/">http://www.bailii.org/uk/cases/UKPC/</a> (last visited Apr. 29, 2019) |
| Ukr. ....                     | Ukraine  |
| UKSC .....                    | United Kingdom Supreme Court (neutral citation), available at <a href="http://www.bailii.org/uk/cases/UKSC/">http://www.bailii.org/uk/cases/UKSC/</a> (last visited Apr. 29, 2019)           |
| UN .....                      | United Nations   |
| UN Doc. ....                  | Official documents of the United Nations   |
| UNCITRAL .....                | United Nations Commission on International Trade Law   |
| UNCITRAL Rules .....          | UNCITRAL Arbitration Rules   |
| UNESCO .....                  | United Nations Educational, Scientific and Cultural Organization   |
| UNIDO .....                   | United Nations Industrial Development Organization   |
| UNIDROIT .....                | International Institute for the Unification of Private Law   |
| Unif. L. Rev. ....            | Uniform Law Review   |
| univ. ....                    | university   |
| UNÜ .....                     | UN-Übereinkommen (the New York Convention)   |
| UNWTO .....                   | World Tourism Organization   |
| UPU .....                     | Universal Postal Union   |
| US .....                      | United States  |
| USSR .....                    | Union of Soviet Socialist Republics  |
| v. ....                       | <i>versus</i> (against)  |
| V.I. ....                     | Virgin Islands   |
| Va. ....                      | Virginia   |
| Va. J. Int'l L. ....          | Virginia Journal of International Law  |
| Vand. J. Transnat'l L. ....   | Vanderbilt Journal of Transnational Law  |
| VersR .....                   | Versicherungsrecht – Zeitschrift für Versicherungsrecht, Haftungs- und Schadensrecht (journal)   |
| Vestnik VAS RF ...            | Vestnik Visshij Arbitrazhnyj Syd, Russian Federation (Review of the Supreme Arbitrazh Court of the Russian Federation)   |
| vol. ....                     | volume   |
| VSC .....                     | Supreme Court of Victoria (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)                                  |
| W. ....                       | West(ern)  |
| W.D. ....                     | Western District   |

|                       |   |
|-----------------------|---|
| WAMR .....            | World Arbitration & Mediation Report (journal)  |
| WASC .....            | Supreme Court of Western Australia (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)                                  |
| WASCA .....           | Supreme Court of Western Australia (Appeal) (neutral citation), available at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> (last visited Apr. 29, 2019)                         |
| Wash. ....            | Washington  |
| wbl .....             | Wirtschaftsrechtliche Blätter (journal)   |
| WBR .....             | Wetboek van Burgerlijke Rechtsvordering (Netherlands code of civil procedure)   |
| WHO .....             | World Health Organization   |
| WIPO .....            | World Intellectual Property Organization  |
| Wis. ....             | Wisconsin   |
| WL .....              | Westlaw (database)  |
| WLR .....             | The Weekly Law Reports  |
| WM .....              | Wertpapier-Mitteilungen, Zeitschrift für Wirtschafts- und Bankrecht (journal)   |
| WMO .....             | World Meteorological Organization   |
| WWR .....             | Western Weekly Reports  |
| Wyo. ....             | Wyoming   |
| Y.B. ....             | Yearbook  |
| Y.B. Com. Arb. ....   | Yearbook of Commercial Arbitration (journal)  |
| Y.B. ILC .....        | Yearbook of the International Law Commission, available at <a href="http://legal.un.org/ilc/publications/yearbooks/">http://legal.un.org/ilc/publications/yearbooks/</a> (last visited Apr. 29, 2019) |
| Yale J. Int'l L. .... | Yale Journal of International Law   |
| Yale L.J. ....        | Yale Law Journal  |
| ZEuP .....            | Zeitschrift für Europäisches Privatrecht (journal)  |
| ZEV .....             | Zeitschrift für Erbrecht und Vermögensnachfolge (journal)   |
| ZfRV .....            | Zeitschrift für Rechtsvergleichung (journal)  |
| ZGR .....             | Zeitschrift für Unternehmens- und Gesellschaftsrecht (journal)  |
| ZIP .....             | Zeitschrift für Wirtschaftsrecht (journal)  |
| ZLR .....             | Zimbabwe Law Reports  |
| ZPO .....             | Zivilprozessordnung (German code of civil procedure)  |
| ZVglRWiss .....       | Zeitschrift für Vergleichende Rechtswissenschaft (journal)  |
| ZZP .....             | Zeitschrift für Zivilprozess (journal)  |

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