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Confidentiality In International Commercial Arbitration

Arbitration is an essential component in business. In an age when transparency is a maxim, important issues which the laws governing arbitration currently fail to address are the extent to which disclosure of information can be constrained by private agreement along with the extent to which the duty to preserve confidentiality can be stretched.

Confidentiality in International Commercial Arbitration ...

The scope of confidentiality is reviewed in the practice of arbitral tribunals and domestic courts, and from the perspective of international arbitration institutions, with detailed attention to various arbitration rules and numerous significant cases.

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The issue of confidentiality is key to the successful practice of international commercial arbitration. The confidentiality of arbitration proceedings is a reason for resorting to arbitration, as distinct from litigation. 1 It is a collateral expectation of parties to an arbitration that their business and personal confidences will be kept.

Confidentiality in International Commercial Arbitration ...

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Confidentiality In International Arbitration - Lawful Talks

Confidentiality is considered one of the main advantages of

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international commercial arbitration. However, what does the term 'confidentiality' mean in practice? The answer is sometimes unclear, even to accustomed international arbitration users. In contrast to the principle of public access, which applies in Ukraine's commercial and civil courts, arbitral confidentiality provides for the specific protection of information revealed in proceedings.

Problems Of Confidentiality In International Commercial

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The authors, in this article discuss the vital role played by national legislations, modal laws, and international treaties in International Commercial Arbitration (ICA) and their stance vis-à-vis confidentiality. The lacunas in these legal strictures, surrounding confidentiality are also analyzed.

The Conflicting Stakes for Confidentiality in ...

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The confidentiality of international arbitration proceedings and awards is one area with a crying need for corrective hands today. The conflicting needs of confidentiality and transparency in arbitration have compelled badly the courts and law makers to come with the innovations to harmonize the conflict.

The Issue of Confidentiality in International Commercial

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presumption of confidentiality exists in international commercial arbitration. However, the jurisprudence is inconsistent regarding the purpose of arbitration and its interplay with confidentiality. This research will concentrate on the concept and function of confidentiality

CONFIDENTIALITY IN INTERNATIONAL COMMERCIAL ARBITRATION ...

Confidentiality in International Arbitration: Obligations Under

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English, French and U.S. Laws. Confidentiality is often regarded as one of the core advantages of international arbitration. For instance, confidentiality reduces disclosure of sensitive information and the influence of public opinion. [1]

Confidentiality is to be distinguished from privacy, which concerns the fact that only parties to the arbitration agreement may attend hearings and participate in arbitral proceedings. [2]

Confidentiality in International Arbitration: Obligations ...

Confidentiality of Arbitration. All aspects of the arbitration, including but not limited to all documents, testimony, information or other things produced, inspected or otherwise made available in connection with the arbitration, shall be treated as Confidential Information. Neither the parties nor the arbitrators may disclose the existence, content or results of the arbitration, except as necessary to comply with applicable law or regulatory requirements.

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Confidentiality of Arbitration Sample Clauses

The Value Of Confidentiality In International Arbitration Law Commercial Essay Introduction. Confidentiality is often cited as one of the main benefits of arbitration as opposed to litigation. Although a presumption of confidentiality, whether implied or explicit exists between the parties to an international commercial arbitration, it is still difficult to examine exactly why confidentiality is important.

The Value Of Confidentiality In International Arbitration

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The Supreme Court ruled that “a party in arbitration proceedings cannot be deemed to be bound by a duty of confidentiality, unless the parties have concluded an agreement concerning this”. The Supreme Court asked itself whether there was any international consensus regarding confidentiality and concluded

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that there was none.

Confidentiality in International Arbitration (3)

In international commercial arbitration, the parties' duty to maintain the confidentiality of the proceedings may arise from three sources. First, the parties can expressly agree to keep the proceedings confidential, either in their arbitration agreement or at the outset of or during the proceedings.

CONFIDENTIALITY VS TRANSPARENCY IN INTERNATIONAL

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Confidentiality in arbitration has for many years been taken for granted by the parties involved. The question has, until recently, almost never been debated. Even though there has been an assumption that there is a duty of confidentiality, it normally does not rest on a statutory basis.

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Confidentiality in International Commercial Arbitration

It has been a standard practise now to include the term 'confidentiality' in the benefits of international commercial arbitration. The reason why the confidentiality clause is generally included in the contract or arbitration agreement is to save the parties from the glaring eyes of the media, competitors or even the savaging authorities.

Confidentiality In Arbitration: An Unsolved Arena - Academike

Cindy G. Buys, The Tensions Between Confidentiality and Transparency in International Arbitration, 14 AM. REV. INT'L ARB. 121, 138 (2003) (arguing for a presumption in favor of ... international commercial arbitration,⁴ and no basis for estimating how effective proposed reforms would be at promoting those interests. Given

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Transparency in International Commercial Arbitration

Confidentiality of proceedings in commercial arbitration is one of its foremost advantages. Specifically, in the field of international commercial arbitration, which involves multinational companies and sometimes even state utilities, confidentiality assumes great significance as a factor in preferring arbitration to litigation.

Third Party Funding in International Commercial ...

Author: Cindy G. Buys* Published: January 2004 Jurisdiction: International Topics: Categories of Disputes Commercial Disputes Confidentiality Arbitral Awards Confidentiality and Publication Description: Confidentiality is often cited as one of the...

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