

ARBITRATION

Germany

Court rules on New York Convention's more-favourable right provision

Author: Alexandra Diehl

The Federal Supreme Court recently confirmed that foreign arbitration agreements which do not adhere to the formal requirements of Article II(2) of the New York Convention may still be valid under the less strict criteria of Section 1031 of the Code of Civil Procedure.

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FT83D8>)

India

Supreme Court rules on dragging non-parties to arbitration

Author: Chakrapani Misra

Two recent Supreme Court judgments deal with a situation where, due to the peculiar facts of the case, non-parties to the arbitration agreement were joined in the arbitration proceedings. The court therefore considered whether the arbitration agreement should be allowed to have effect in relation to all parties before the court, or only with respect to the parties to the arbitration agreement.

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FT83E7>)

United Kingdom

Court of Appeal rules on arbitrability of shareholders' claims

Author: Matthew Weiniger

The extent to which parties may agree to submit intra-corporate disputes - in particular claims under company legislation - to arbitration has long been uncertain. The Court of Appeal recently ruled in favour of the arbitrability of a shareholder's unfair prejudice claim brought under Section 994 of the Companies Act 2006 and has provided important guidance on the arbitrability of corporate disputes more generally.

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FTST90>)

USA

US Supreme Court rules that class arbitration waivers are enforceable

Authors: James P Duffy, Leon C Skornicki

The US Supreme Court recently held that the Federal Arbitration Act preempted a California state law that prohibited most class arbitration waivers in consumer contracts. The decision reinforces the recent trend by US courts of enforcing arbitration agreements as they are written and limiting the bases upon which arbitration agreements may be invalidated.

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FUD5Q1>)