

ARBITRATION WORLD

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FROM THE EDITORS

Welcome to the 37th edition of Arbitration World, a publication from K&L Gates' International Arbitration group that highlights significant developments and issues in international and domestic arbitration for executives and in-house counsel with responsibility for dispute resolution. At the time of publication of this edition, countries worldwide are seeking to cope and come to terms with the emerging Coronavirus (COVID-19) pandemic. As a firm, we are publishing alerts and other content, including a webinar series, specifically devoted to the implications of the virus for the business community, on K&L Gates HUB under the section "Responding to COVID-19."

In this edition of Arbitration World, we include our usual update on developments from around the globe in international arbitration and investment treaty arbitration, including an update regarding the current status concerning the potential implications of the Achmea decision of the Court of Justice of the European Union. We review the Swedish Arbitration Act 2019, aimed at fostering Sweden's standing as an attractive venue for arbitration. Third party funding of arbitration is now permitted in Hong Kong and we consider the potential significant of this development. With regard to the United Arab Emirates (UAE), we review the UAE Arbitration Law, introduced in 2018, and how it can be expected to shape arbitration in the UAE going forward and consider a mechanism introduced to allow the expedited enforcements of foreign arbitration awards in the UAE. We also re-produce two articles that were previously the subject of Arbitration World Alerts, in particular a report of a decision by the New York Appellate Division, First Department affirming New York's pro-arbitration policy and the limits of judicial review of arbitration awards in the United States, and a discussion of 28.U.S.C. §1782 and how it can result in U.S. resident companies / persons having to provide information or documents to foreign arbitration proceedings, and its potential application to trade secrets.

We hope you find this edition of Arbitration World of interest and we welcome any feedback (e-mail Ian Meredith or Peter Morton).

IN THIS ISSUE:

Arbitration News from Around the World

by James Lightley-Hunt (Dubai) and Jonathan A. Graham (London)

Our usual survey of key recent developments in international arbitration.

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World Investment Treaty Arbitration Update

by Wojciech Sadowski (London)

The latest news from the investor-state arbitration scene, including a report on the potential implications of the Achmea decision of the Court of Justice of the European Union.

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New Swedish Arbitration Act

by Johann von Pachelbel (Frankfurt)

A review of the Swedish Arbitration Act 2019 aimed at fostering Sweden's standing as an attractive venue for domestic and international arbitration.

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Third Party Funding of Arbitration in Hong Kong is a Go

by Christopher Tung and Sacha M. Cheong (Hong Kong)

Third party funding of arbitration is now permitted in Hong Kong and there is growing anticipation as to what this development will bring.

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The 2018 UAE Arbitration Law

by Jonathan H. Sutcliffe and James Lightley-Hunt (Dubai)

A review of the UAE Federal Law No. 6 of 2018 on Arbitration and how it may shape arbitration in the UAE going forward.

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A Step Forward For Expedited Enforcement of Foreign Arbitral Awards in the United Arab Emirates

by Jonathan H. Sutcliffe, James Lightley-Hunt, and Mohammad Rwashdeh (Dubai)

As reported in an Arbitration World Alert last year, UAE Cabinet Resolution 57 of 2018 provides for an expedited procedure for the enforcement of foreign arbitration awards in the UAE.

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Daesang v. Nutrasweet: New York Appeals Court Restores Partially Vacated ICC Arbitration Award and Reinforces Pro-Arbitration Policy and Limits of Judicial Review of Arbitration Awards for “Manifest Disregard of the Law”

by Martin F. Gusy, Matthew J. Weldon, and Thomas A. Warns (New York)

As reported in an Arbitration World Alert, the New York Appellate Division, First Department, has reaffirmed New York's pro-arbitration policy and the limits of judicial review of arbitration awards in the United States.

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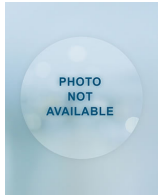
Congress Considers Closing Trade Secret "Discovery Loophole": Section 1782

by Carolyn M. Branthoover and Max A. Gelernter (Pittsburgh)

A discussion of 28 U.S.C. § 1782 and how it can result in US resident companies / persons having to provide information or documents to foreign arbitration proceedings, including considerations around trade secrets.

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