

# ARBITRATION WORLD

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## K&L Gates Publication

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## FROM THE EDITORS

Welcome to the 29th 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.

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In this edition, we are delighted to have a guest contribution from Colin Johnson (Head of International Arbitration, Forensic, Grant Thornton UK LLP) offering practical thoughts and perspectives on using and understanding financial models in international arbitration. We look at a case in which the U.S. court refused to enforce an award issued in Taiwan and a contrasting case in which the U.S. federal court compelled arbitration. We review a case involving the first application of *res judicata* in a NAFTA arbitration, and we look at recent changes to the Brussels Regulation on jurisdiction and the recognition and enforcement of judgments, and how they affect international arbitration. We continue our series on protection standards for investors in international investment agreements with a look at compensation rights. We report on the growth of disputes arising from pricing provisions in long-term gas and liquefied natural gas (LNG) supply contracts, we explore the ways in which art disputes may benefit from being submitted to arbitration, and we report on Dubai's new Maritime Arbitration Centre.

We also provide our usual update on developments from around the globe in international arbitration and investment treaty arbitration.

We hope you find this edition of *Arbitration World* of interest and we welcome any feedback (e-mail [ian.meredith@klgates.com](mailto:ian.meredith@klgates.com) or [peter.morton@klgates.com](mailto:peter.morton@klgates.com)).

## IN THIS ISSUE:

## Arbitration News from around the World

by Sean Kelsey (London)

Our usual survey of key recent developments in international arbitration.

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## World Investment Treaty Arbitration Update

by Wojciech Sadowski (Warsaw) and Patrycja Treder (Warsaw).

A report on the latest news from the investor-state arbitration scene.

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## Managing Financial Models without understanding Excel

by Colin Johnson (Head of International Arbitration, Forensic, Grant Thornton UK LLP)

A guest contribution from Mr. Johnson, offering practical thoughts and perspectives on using and understanding financial models in international arbitration.

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## US Court Refuses to Enforce Award Issued in Taiwan

by J.P. Duffy, Erica Iverson and Priya Chadha (New York)

A review of *Clientron Corp. v. Devon IT*, in which a US federal court refused to confirm an arbitration award on grounds that Taiwan is not a signatory to the New York Convention.

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## Apotex and the United States—Round III: The First Application of *res judicata* in a NAFTA Arbitration

by Martin King (London)

Analysis of a series of connected arbitrations signalling a willingness of some pharmaceutical companies to use investor-state arbitration to protect their international interests.

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## The Brussels Regulation (recast): implications for arbitration

by Sean Kelsey, London

A review of recent changes to the Brussels Regulation on jurisdiction and the recognition and enforcement of judgments, and how they affect international arbitration.

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## **US Court Grants Motion to Compel Made by Parties that Enjoined Arbitration Seated in India**

*by J.P. Duffy, Erica Iverson and Priya Chadha (New York)*

A report on a case in which the US federal court compelled arbitration, reaffirming the lengths to which parties must go to waive their right to arbitration under US law.

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## **Reparation/Compensation for the Investor: A primer on protecting foreign investments (Part7)**

*by Ania Farren and James Holden (London)*

The latest in our series on protection standards for investors in international investment agreements looks at compensation and reparation rights.

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## **The Growth of Gas and LNG Price Review Arbitrations**

*by Peter Morton (London)*

A report on the growth of disputes arising from pricing provisions in long-term gas and LNG supply contracts.

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## **Taking Art Disputes Out of the Courtroom—The Potential Benefits of Arbitration**

*by Desiree Moore (Doha/Chicago)*

An exploration of how art disputes may benefit from being submitted to arbitration.

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## **Dubai Announces New Maritime Arbitration Centre**

*by Eryn Correa (Dubai)*

A report on Dubai's new Maritime Arbitration Centre.

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