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CASE LAW ON UNCITRAL TEXTS (CLOUT)

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INTRODUCTION

This compilation of abstracts forms part of the system for collecting and disseminating information on court decisions and arbitral awards relating to conventions and model laws that emanate from the work of the United Nations Commission on International Trade Law (UNCITRAL). Information about the features of that system and about its use is provided in the User Guide (A/CN.9/SER.C/GUIDE/1/REV.1). CLOUT documents are available on the UNCITRAL website (<http://www.uncitral.org>).

Issues 37 and 38 of CLOUT introduced several new features. First, the table of contents on the first page lists the full citations to each case contained in this set of abstracts, along with the individual articles of each text which are interpreted by the court or arbitral tribunal. Second, the Internet address (URL) of the full text of the decisions in their original language are included, along with Internet addresses of translations in official United Nations language(s), where available in the heading to each case (please note that references to websites other than official United Nations websites do not constitute an endorsement by the United Nations or by UNCITRAL of that website; furthermore, websites change frequently; all Internet addresses contained in this document are functional as of the date of submission of this document). Third, abstracts on cases interpreting the UNCITRAL Model Arbitration Law now include keyword references which are consistent with those contained in the Thesaurus on the UNCITRAL Model Law on International Commercial Arbitration, prepared by the UNCITRAL Secretariat in consultation with National Correspondents, and in the forthcoming UNCITRAL Digest on the UNCITRAL Model Law on International Commercial Arbitration. Finally, comprehensive indices are included at the end, to facilitate research by CLOUT citation, jurisdiction, article number, and (in the case of the Model Arbitration Law) keyword.

Abstracts have been prepared by National Correspondents designated by their Governments, or by individual contributors. It should be noted that neither the National Correspondents nor anyone else directly or indirectly involved in the operation of the system assumes any responsibility for any error or omission or other deficiency.

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CASES RELATING TO THE UNCITRAL MODEL ARBITRATION LAW (MAL)

Case 526: MAL 1; 2

Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance (Yuen J)

Union Charm Development Ltd. v. B + B Construction Co. Ltd. (In Liquidation)

12 June 2001

Original in English

Unreported

Abstract prepared by Ben Beaumont

[**keywords:** *arbitrability; courts*]

The plaintiff applied for an order that it may proceed with arbitration notwithstanding the fact that the defendant was in liquidation.

The plaintiff was the employer in a contract in which the defendant was the contractor. The plaintiff claimed approximately HK\$ 1,100,000,000. An arbitrator was appointed. The hearing was due to commence within 14 days. As a result of the appointment of provisional liquidator, the arbitration was stayed.

The defendant's liquidator argued that the usual method of proceeding in such circumstances was not by litigation or arbitration but by proof of debt. The liquidators would then make an estimate of the value of the claim. The court ruled that the liquidators have a duty to act in a quasi-judicial capacity. The court ordered that the arbitration be permitted to proceed.

Case 527: MAL 7(1); 34(2)(a)(i); 34(2)(a)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i); 36(1)(a)(ii); 36(1)(a)(iv); 36(1)(b)(ii)

Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance (Woolley DJ)

Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co.

11 October 2001

Original in English

Unreported

Abstract prepared by Ben Beaumont

[**keywords:** *appointment procedures; arbitral tribunal; arbitration agreement; arbitrators—appointment of; award; award—recognition and enforcement; award—setting aside; courts; defences; documents; due process; enforcement; form of arbitration agreement; formal requirements; notice; ordre public; procedure; public policy; signatures*]

The plaintiff successfully applied for leave to enforce an award as a judgment, in accordance with article 35(1) of the Model Law. The defendant applied to have that decision set aside.

The defendant argued that it was not a party to the arbitration agreement and the signature of the person signing on its behalf was a forgery. However, the court found that there was a binding arbitration agreement, in accordance with article 7(1) of the Model Law.

The defendant argued that it had not been given proper oral notice of the arbitration proceedings, as required under articles 34(2)(a)(ii) and 36(1)(a)(ii) of the Model Law. The court found that there was ample evidence that either the defendant had notice of the proceedings or did not object to the application to set aside the award in the jurisdiction where the award was rendered.

The defendant submitted that it was anticipated that the dispute would be directed to Beijing Conciliation Centre and not the Chongqing Arbitration Commission, thus the composition of the tribunal was not in accordance with the agreement of the parties based on articles 34(2)(a)(iv) and 36(1)(a)(iv) of the Model Law. The court found that the Chongqing Arbitration Commission was a body authorized under Chinese Law and also that the defendants submitted to the jurisdiction of the Commission. The court dismissed that argument.

The defendant argued that the court, in its application to set aside the award in the jurisdiction where the award was rendered, refused to allow evidence or representation as to authenticity of the signature in the arbitration agreement, based on articles 34(2)(b)(ii) and 36(1)(b)(ii) of the Model Law. The defendant submitted that it would be a breach of the public policy of Hong Kong to enforce an award in such circumstances. The court found that the other court had made the necessary investigation and dismissed that submission. The court dismissed the application to set aside the award based on article 36(1) of the Model Law.

Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)

Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance (Chung J)

Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd.

15 October 2001

Original in English

Unreported

Abstract prepared by Ben Beaumont

[keywords: *applicable law; arbitral awards; arbitral proceedings; arbitral tribunal; arbitration agreement; award; award—recognition and enforcement; award—setting aside; contracts; courts; defences; due process; enforcement; form of arbitration agreement; formal requirements; procedure; validity*]

The plaintiff was granted leave to enforce a foreign award as a judgment, in accordance with article 35(1) of the Model Law. The defendant applied to have that order set aside.

The defendant argued that there was no binding arbitration agreement between the parties, based on articles 34(2)(a)(i) and 36(1)(a)(i) of the Model Law. The court held that the phrase “... that the arbitration agreement was not valid ...” meant that there must be a binding agreement to arbitrate in existence. The arbitral tribunal found that there was a valid arbitration agreement, in accordance with article 7(1) of the Model Law.

The court determined that the decision of the arbitral tribunal, in the absence of evidence that the law of that jurisdiction was different from that of Hong Kong, could not be challenged.

The defendant argued that the award should be set aside as it was delivered outside the permitted time limit thus not in accordance with the procedure agreed

The defendant relied upon the finding that the plaintiff had no capacity to enter into the contract, thus it was illegal to argue otherwise than by PRC Law. No challenge was made as to the capacity of the plaintiff to enter into the enforcement procedure.

The application was rejected.

Case 530: MAL 35(1); 36(1); 36(1)(a)(v); 36(2)

Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance (Burrell J)

Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire Holding v. Keen Lloyd Resources Ltd.

20 December 2001

Original in English

Unreported

Abstract prepared by Ben Beaumont

[**Keywords:** *arbitral awards; award; award—recognition and enforcement; award—setting aside; courts; enforcement; procedure*]

The plaintiff had been granted leave to enforce an ICC award rendered in its favour. The defendant sought leave to set aside the award on the basis that the award had not yet become binding upon the parties, or had been set aside or suspended by a competent authority of the country in which it was made (article 36(1)(a)(v) of the Model Law). The court noted that even where an applicant exhibited successfully that it had made out one of the grounds for resistance to the award, there remained a residual discretion to enforce (article 36(1) of the Model Law).

There was an appeal in France. The issue for determination was whether that appeal, as yet unresolved, came within article 36(1)(a)(v) of the Model Law.

The key question to be resolved was whether an appeal in France permitted an appeal on the merits of the case. If not, then the appeal could fall outside article 36(1)(a)(v) of the Model Law. The court held that the French appeal procedure did not permit an appeal on the merits.

The court held that the award was binding and refused the application of the defendant. The court also refused a last minute application from the defendant to adjourn its decision where an appeal was under way in another jurisdiction (article 36(2) of the Model Law) as having been made too late and without the benefit of full submissions from either side.

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

Case 529: MAL 34(1)(a)(iii); 34(2)(a)(i); 34(2)(a)(iii); 34(1)(b)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

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MAL 7(1)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

Case 528:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

MAL 34(1)(a)(iii)

Case 529:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

MAL 34(1)(b)(ii)

Case 529:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

MAL 34(2)

MAL 34(2)(a)(i)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

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Case 529:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

MAL 34(2)(a)(ii)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

MAL 34(2)(a)(iii)

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MAL 34(2)(a)(iv)

Case 528:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

MAL 34(2)(b)(ii)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

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MAL 35(1)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

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Case 530:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire Holding v. Keen Lloyd Resources Ltd. (20 December 2001)*

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MAL 36(1)(a)(ii)

Case 527:—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

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Case 526: MAL 1; 2—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Union Charm Development Ltd. v. B + B Construction Co. Ltd. (In Liquidation) (12 June 2001)*

Case 527: MAL 7(1); 34(2)(a)(i); 34(2)(a)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i); 36(1)(a)(ii); 36(1)(a)(iv); 36(1)(b)(ii)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Chongqing Machinery Import & Export Co. Ltd. v. Yiu Hoi & Others Trading as Tin Lee Ship Builders & Trading Co. (11 October 2001)*

Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

Case 529: MAL 34(1)(a)(iii); 34(2)(a)(i); 34(2)(a)(iii); 34(1)(b)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

Case 530: MAL 35(1); 36(1); 36(1)(a)(v); 36(2)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire Holding v. Keen Lloyd Resources Ltd. (20 December 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

Case 529: MAL 34(1)(a)(iii); 34(2)(a)(i); 34(2)(a)(ii); 34(1)(b)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

Case 530: MAL 35(1); 36(1); 36(1)(a)(v); 36(2)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire Holding v. Keen Lloyd Resources Ltd. (20 December 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

Case 530: MAL 35(1); 36(1); 36(1)(a)(v); 36(2)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire Holding v. Keen Lloyd Resources Ltd. (20 December 2001)*

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Case 529: MAL 34(1)(a)(iii); 34(2)(a)(i); 34(2)(a)(iii); 34(1)(b)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*

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Case 528: MAL 7(1); 34(2)(a)(i); 34(2)(a)(iv); 35(1); 36(1)(a)(i); 36(1)(a)(iv)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shenzhen City Tong Ying Foreign Trade Corp. Ltd. v. Alps Co. Ltd. (15 October 2001)*

Case 529: MAL 34(1)(a)(iii); 34(2)(a)(i); 34(2)(a)(iii); 34(1)(b)(ii); 34(2)(b)(ii); 35(1); 36(1)(a)(i)—*Hong Kong: High Court of the Hong Kong Special Administrative Region, Court of First Instance, Shantou Zheng Ping Xu Yueli Shu Kuao Trading Co. Ltd. v. Wesco Polymers Ltd. (14 December 2001)*
