



International Distribution Institute

IDArb – SCAI Project

Main purpose and objectives

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International Distribution Institute

Facilitating the recourse to arbitration in distribution disputes

Identifying arbitrators experienced in the field of distribution

Adapting arbitration procedure to the needs of distribution disputes



Selecting experienced arbitrators

Parties who decide to submit to arbitration a dispute regarding international distribution need to identify arbitrators having specific experience in that field. Submitting the dispute to an arbitrator who "knows the business" and who can place the dispute within its actual commercial framework will often be an additional guarantee for a fair and equitable award.

IDArb helps parties to identify prospective arbitrators with specific experience in distribution (commercial agency, sales representatives, exclusive and selective distribution, franchising, occasional intermediaries, etc.), having an actual understanding of the commercial background of the agreement in dispute.



The IDArb list of arbitrators - 1

The Selection criteria

- Candidates experienced international arbitration with specific experience in distribution (List A)
- Candidates who do not have extensive experience as arbitrators, with actual experience in distribution, e.g. as in-house counsel (List B)

The type of experience in litigation/arbitration is clearly evidenced in the arbitrator's profile.



IDArb list of arbitrators - 2

In order to warrant a more precise understanding of the specific arbitrator's experience in distribution, the candidates have been asked to specify in their CV a number of distribution cases they have been involved in.

The names of the IDArb arbitrators may be used for any type of arbitration, not only within SCAI, but also for ICC, AAA, or any other arbitral institution.



IDArb list of arbitrators - 3

The list of arbitrators is available without limitations on the IDI Website.

Chair/sole arbitrators

Horst BECKER | Germany

Victor BONNIN REYNES | Spain

Cecilia CARRARA | Italy

Juan Pablo CORREA DEL CASSO | Spain

Diederik DE GROOT | Netherlands

Party appointed arbitrators

Ignacio ALONSO | Spain

Lisette BIELEVELD | Netherlands

Salome CISNAL DE UGARTE | Belgium

Mercedes CLAVELL | Spain

Daniela DELLA ROSA | Italy

The detailed CV of the prospective arbitrator with the summary of the cases he has dealt with can be downloaded freely.



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Adapting the SCAI expedited procedure to distribution disputes

Especially for small claims, a cost-effective expedited procedure can favour the choice of arbitration instead of court litigation

The IDArb recommendations intend to make the expedited procedure more effective



The IDArb Clause - 1

Any dispute, controversy, or claim arising out of, or in relation to, this contract, including the validity, invalidity, breach, or termination thereof, as well as pre-contractual and extra-contractual related issues, shall be resolved by a sole arbitrator, in accordance with the Expedited Procedure under Article 42 of the Swiss Rules of International Arbitration of the Swiss Chambers' Arbitration Institution in force on the date on which the Notice of Arbitration is submitted in accordance with these Rules. The award shall be made within six months from the date on which the SCAI Secretariat transmitted the file to the sole arbitrator pursuant to Art. 42(1)(d) of the Rules.



The IDArb Clause - 2

The seat of the arbitration shall be Geneva. Hearings may be held in any location worldwide.

The language of the arbitration shall be ...

In order to make the procedure as expedited as possible, the Parties agree to follow the IDArb recommendations for expedited arbitration.

If the amount in dispute determined according to Article 42(2) of the Rules exceeds CHF 1.000.000, the ordinary procedure under the Swiss Rules will apply, unless the parties agree to have recourse to the expedited procedure.



The IDArb Recommendations

Recommendation 1

If the parties cannot immediately agree on the name of the sole arbitrator, each party may request the assistance of the IDArb Secretariat which will follow the procedure below:

- IDArb will select a list of names of potential arbitrators which will be sent by the IDArb Secretariat to the parties;
- each party will number the names according to its preference (and/or delete the names it does not accept);
- the parties agree to jointly designate the arbitrator having received the highest preference.

If the parties do not jointly designate the sole arbitrator within 30 days from the Notice of Arbitration, the sole arbitrator will be appointed by the Court according to Article 8 of the Swiss Rules.



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The IDArb Recommendations

Recommendation 2

In order to speed up the procedure the parties will present their statement of claim and of defence in the notice of arbitration and in the respective answer/counterclaim. The notice of arbitration and the answer shall include the documents supporting the claim and defence and possible counterclaim and shall indicate the witnesses to be examined at the hearing, which will be convened by the sole arbitrator within 30 days from his appointment. The parties are expected to discuss the relevant issues at the hearing and to present their conclusions at the end of the hearing. However, the arbitrator may authorize further exchanges of briefs or other procedural steps (for instance, an expertise) whenever appropriate and compatible with the needs of an expedited procedure.



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The IDArb Recommendations

Recommendation 3

Upon joint request of the parties the sole arbitrator may consider giving his preliminary, non-binding and provisional assessment of the dispute, in order to facilitate an amicable settlement. Such assessment, if any, shall not as such constitute ground for challenging the arbitrator.