



# SCAI und die Swiss Rules

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## Dispute Resolution mit Marktverständnis

*Sandra De Vito Bieri, Mitglied des Schiedshofes von SCAI, Partnerin Bratschi AG*

ITDR Launch Event – 8 September 2020

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**bratschi**

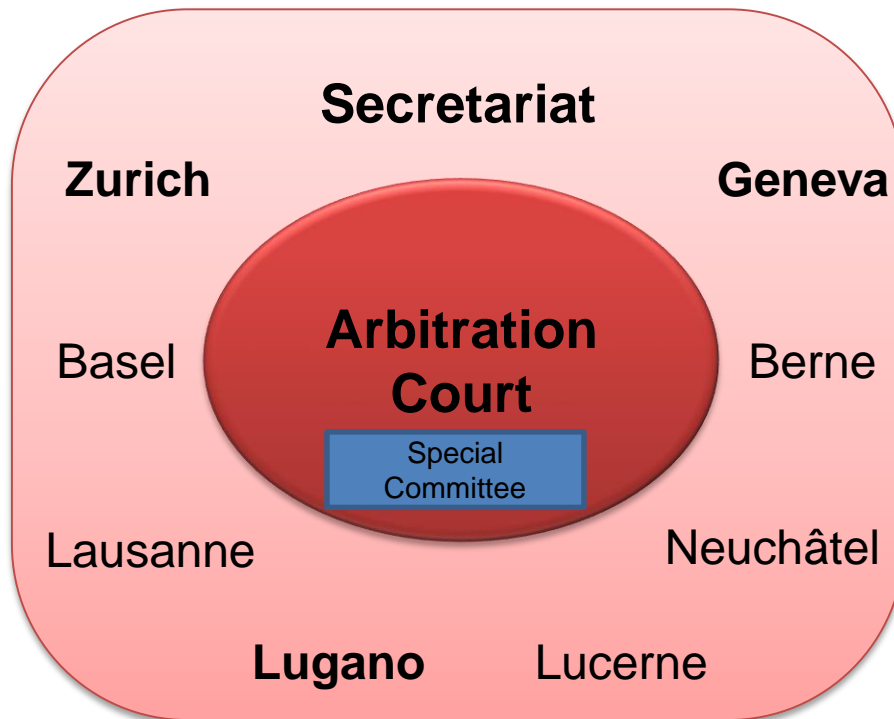
# Ein wenig Geschichte ... 150 Jahre Erfahrung

- 1866 Erste Mediation in Genf
- 1869 Erste Schiedsordnung in Basel
- 1869 Erste Schiedsordnung mit einem Schiedshof in Zürich
- 1992 Erste Schiedsordnung mit beschleunigtem Verfahren in Genf
- 2004 **Swiss Rules of International Arbitration (Switzerland): Zusammenspannen der div. Handelskammern**
- 2007 **Swiss Rules of Commercial Mediation**
- 2012 Revision der Swiss Rules of International Arbitration  
Emergency arbitrator
- 2014 Rules of the Swiss Chambers' Arbitration Institution as Appointing Authority in UNCITRAL or other Ad Hoc Arbitration Proceedings
- 2019 Revision of the **Swiss Rules of (Commercial) Mediation**  
Simplified designation procedure, certifications and authentications, improved links with arbitration
- 2020 ITDR - SCAI

# SCAI Organisation

Not-for-profit Organisation von 7 Handelskammern

1 Generalsekretärin / Executive Director (Caroline Ming)



Falladministration durch den Court und Sekretariat

Arbitration Court mit 28 Court Members (Chairman: Gabrielle Nater-Bass)

Special Committee mit 8 Court Members

Sekretariat of the Court: Büros in 8 CH Städten— Hubs in Genf, Lugano und Zürich

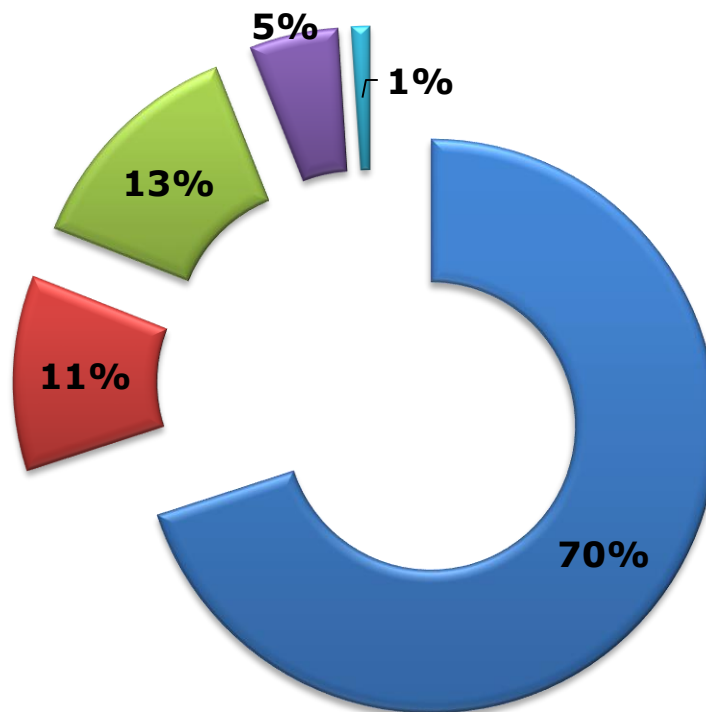
# Das SCAI Kern-Team



# Sprache SCAI Fälle (2004 - 2019)

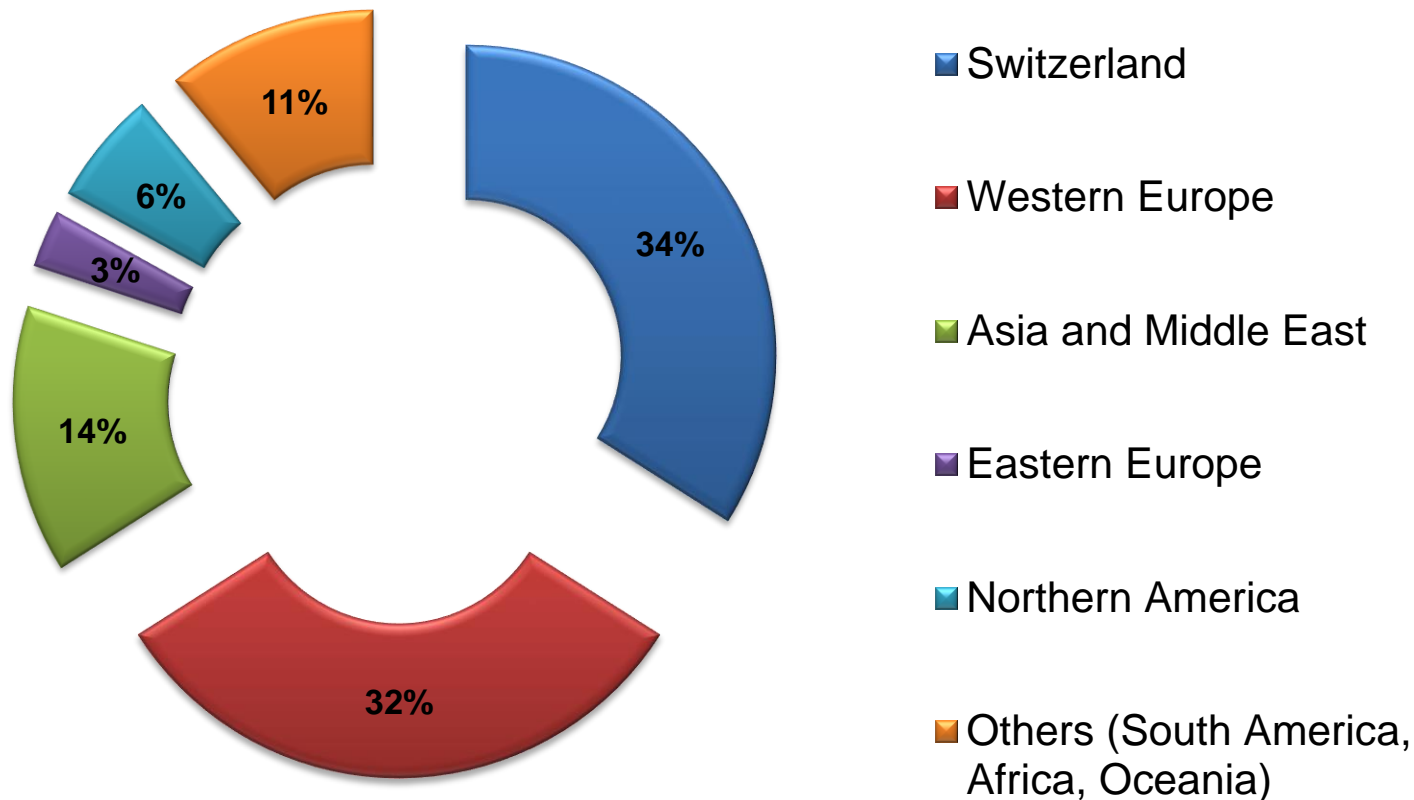
■ English  
 ■ French  
 ■ German  
 ■ Italian  
 ■ Other (Spanish, Russian)

1'200+ Fälle:



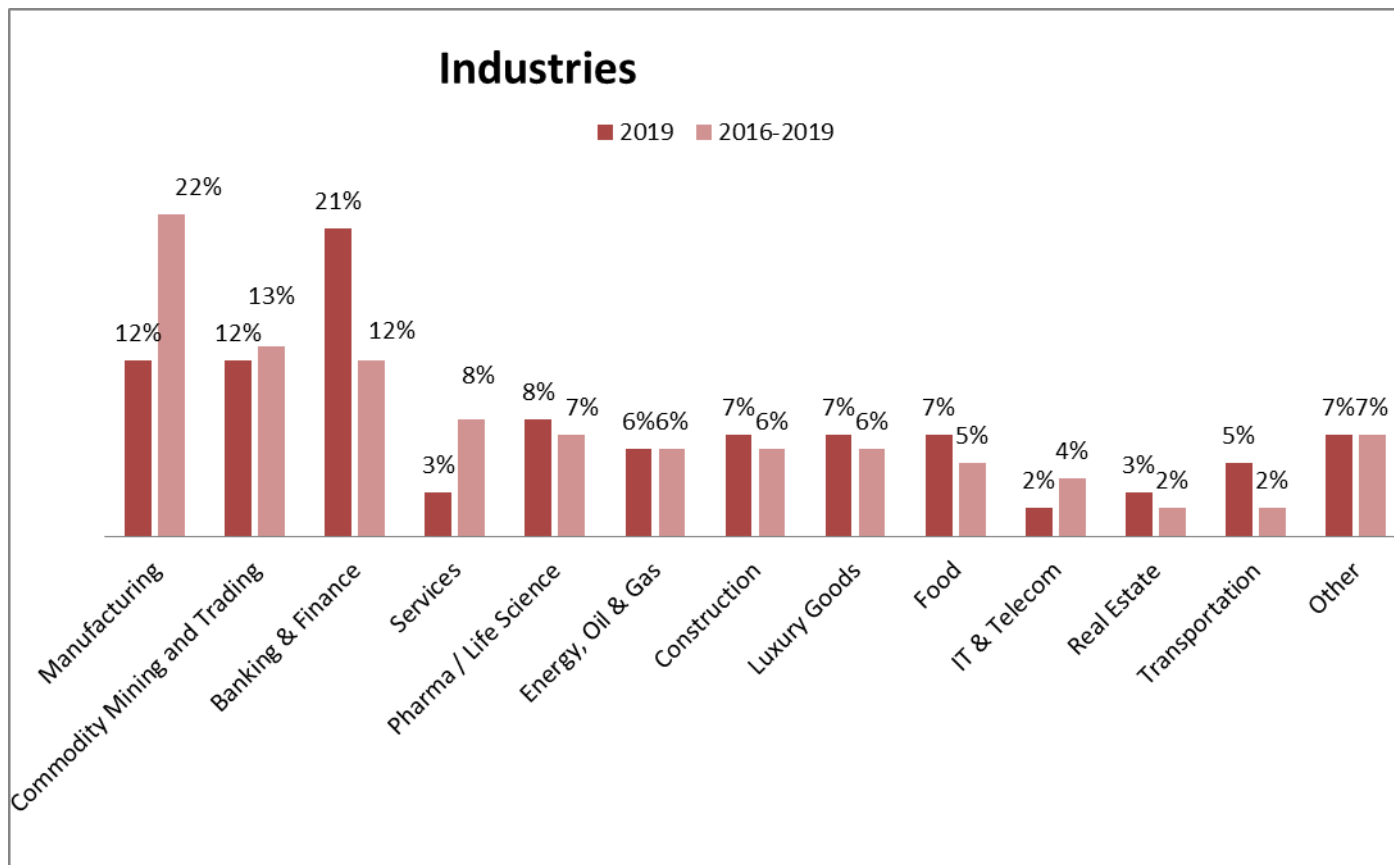
- 2sprachig: 1 Fall
- 3sprachig: 1 Fall

# Herkunft der Parteien (2019)

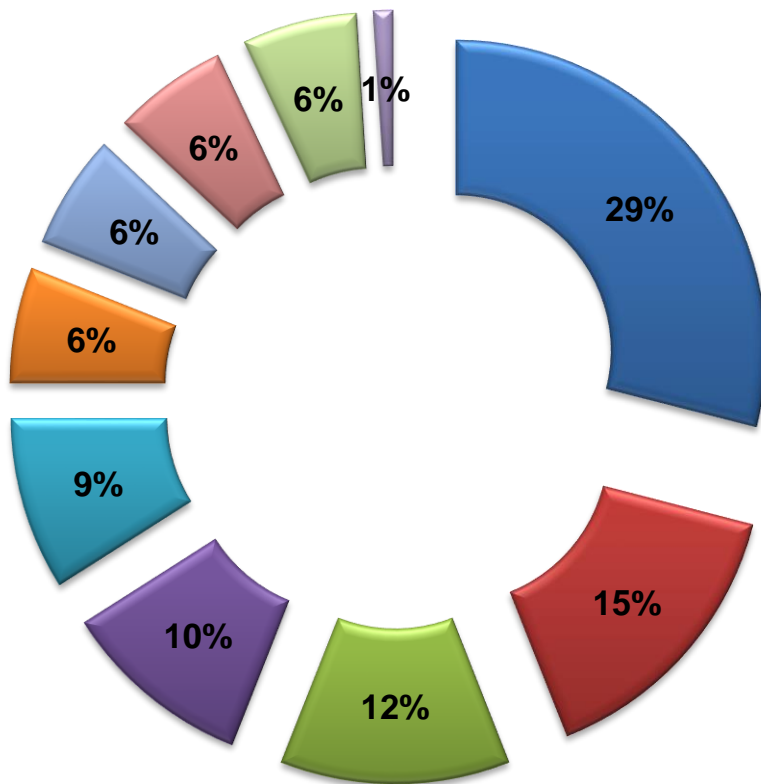


2004 – 2019 aus 120 Ländern

# Märkte (2016 - 2019)



# Streitgegenstand (2019)



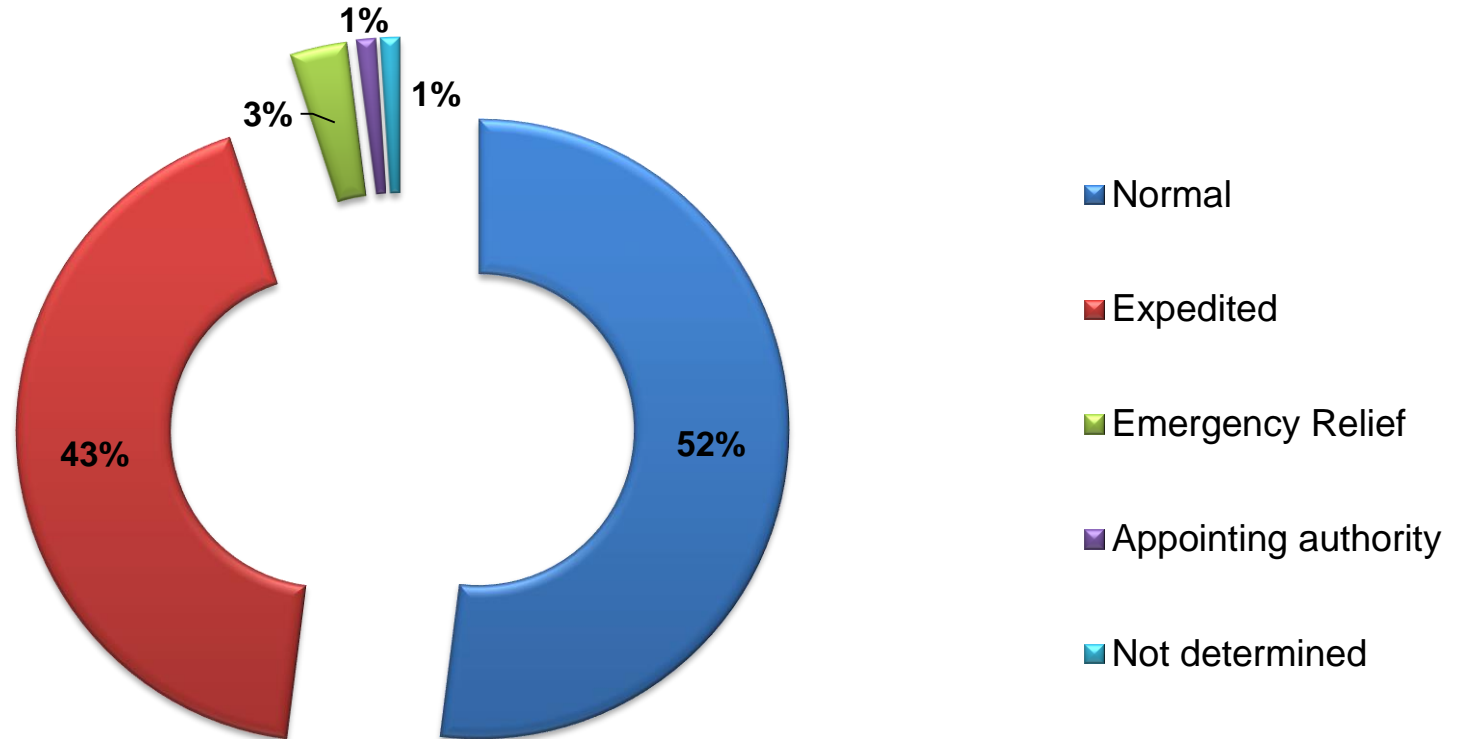
- Sale of Goods
- Service Contracts
- Corporate / M&A / Joint Ventures
- Distribution / Agency
- IP / Licensing
- Banking & Finance
- Construction & Engineering
- Insurance & Re-Insurance
- Other



# Streitwerte

Amount in dispute	New cases 2019
CHF 0 / not (yet) determined	5%
CHF 1 - 100'000	8%
CHF 100'001 - 1'000'000	<b>36%</b>
CHF 1'000'001 - 10'000'000	<b>33%</b>
CHF 10'000'001 - 100'000'000	12%
> CHF 100'000'000	6%

# Verfahrensart (2019)

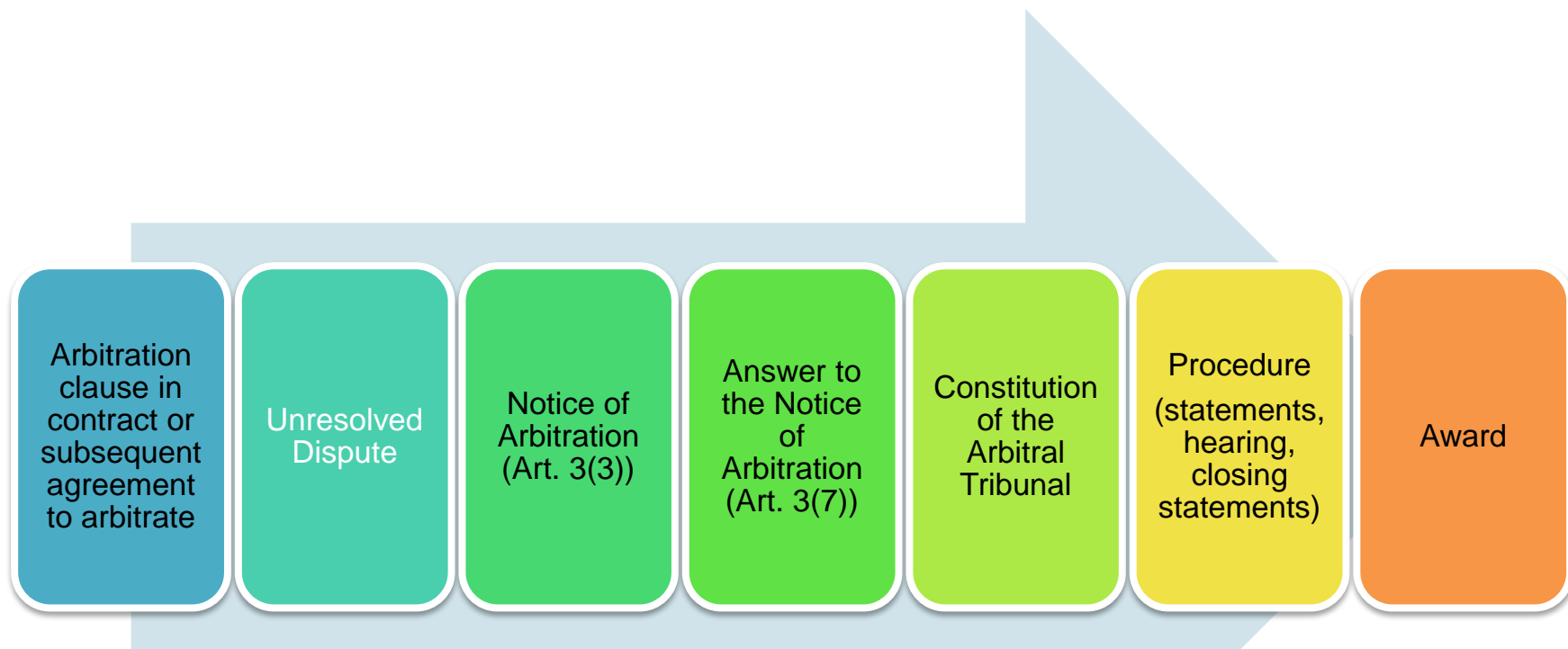


# Schnelligkeit & Qualität

## Durchschnittsdauer:

- Emergency Relief: 15 Tage
- Expedited Procedure: 6 Mt und 13 Tage
- Ordinary procedure: 11 Mr
- Beschwerdeverfahren BGer: 6 Mt

# Typisches Schiedsverfahren



Sometimes followed by setting aside procedures and execution requests at State Courts

## ***MODEL ARBITRATION CLAUSE***

Any dispute, controversy, or claim arising out of, or in relation to, this contract, including the validity, invalidity, breach, or termination thereof, shall be resolved by arbitration in accordance with 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 number of arbitrators shall be ... ("one", "three", "one or three");

The seat of the arbitration shall be ... (name of city in Switzerland, unless the parties agree on a city in another country);

The arbitral proceedings shall be conducted in ..... (insert desired language).

The parties may agree at any time to submit the dispute to mediation in accordance with the Swiss Rules of Mediation of the Swiss Chambers' Arbitration Institution.

# SCAI Customizable Model Arbitration Clause

(auf English and French)

Expedited  
Procedure:  
Article 42  
Swiss Rules

No hearing

We want an award in 6 months

We want an award on the basis of  
documentary evidence only

Standard  
Clause

15-day  
deadline  
Statement of  
all claims and  
counterclaims

15-day deadlines

We want a faster response time for the  
Respondent's answer

We want a faster constitution of the  
arbitral tribunal

Show Arbitration Clause



Danke!

[www.swissarbitration.org](http://www.swissarbitration.org)

