

Jurisdiction and Arbitration Agreements and their Enforcement [Hardback]

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This book provides an in-depth treatment of jurisdiction, arbitration and mediation clauses in commercial contracts. It supplies detailed guidance on their validity, scope, construction, incorporation and enforceability, and covers, in addition, multi-tier resolution clauses. It offers practical solutions to the problems that can arise in the enforcement of these agreements. Remedies including stay, anti-suit injunctions, resolution of clash of jurisdictions and the enforcement of judgments are dealt with comprehensively from both the EU and common law perspectives.

Uniquely, it includes precedents for use in anti-suit injunctions and declaratory relief.

- * Covers all issues arising from jurisdiction, arbitration, mediation agreements
- * Focuses particularly on the enforcement of these agreements and the various remedies available
- * Features precedents relating to anti-suit injunctions and declaratory relief
- * Considers the new Council regulation 44/2001, which largely replaces the Brussels Convention
- * Considers the draft Hague Convention on Exclusive Choice of Court Agreements

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Introduction. Overview of the European framework. Formal requirements of jurisdiction and arbitration agreements. Nature and construction of jurisdiction and arbitration agreements. Incorporation of jurisdiction and arbitration agreements. The governing law of the dispute resolution agreement and other choice of law issues. Parties - Who is bound? Who can enforce? Relationship with international convention and foreign law. Commencement of proceedings or arbitration. Stay of proceedings / Declining jurisdiction. Stay (Arbitration). Restraining injunctions and orders. Declaratory relief. Damages. Enforcement of judgments, orders and awards. Enforcement of mediation agreements. Appendices including Precedents.