

CIETAC Shanghai Undergoes Name Change

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CIETAC Shanghai Renamed

On 11 April 2013, China International Economic and Trade Arbitration Commission Shanghai Sub-Commission held a press conference, announcing its official name change into Shanghai International Economic and Trade Arbitration Commission ("Shanghai International Arbitration Center", or "**SHIAC**"). An opening ceremony of SHIAC followed the press conference.

New Arbitrator Line-up and New Rules

A new list of SHIAC arbitrators was publicly announced at the press conference, accompanied by a set of new arbitration rules to be effective on 1 May 2012.

Changes Brought by New Rules

The new Arbitration Rules of Shanghai International Economic and Trade Arbitration Commission ("**New Rules**") made many changes against the Arbitration Rules of China International Economic and Trade Arbitration Commission Shanghai Sub-Commission ("**Original Rules**") which is currently being used. For instance, the New Rules provide that a party may engaged up to five arbitration agent/attorneys, while the Original Rules do not require a number limit. Also, the New Rules seem more flexible. Arbitration penal may now to use another language other than what is agreed by the parties, after taking into consideration of both the agreed language and actual circumstances of the disputed matter. It is noteworthy that the New Rules adopted new criteria for summary procedure, raising the bar for mandatory summary procedure. The Original Rules require that summary procedure will be adopted if the disputed matters is (i) less than RMB500,000, or (ii) more than RMB500,000 but the parties agree to adopt summary procedure. Under the New Rules, this RMB500,000 bar is now raised up to RMB1,000,000.

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Jurisdiction of SHIAC

The New Rules require that disputed matters shall be brought to SHIAC if the parties have specified in relevant agreements to have matters arbitrated at “Shanghai International Economic and Trade Arbitration Commission”, “Shanghai International Arbitration Center”, or “China International Economic and Trade Arbitration Commission Shanghai Sub-Commission”. Also, as long as a place of arbitration written in the agreement may be presumed to be SHIAC, such as “The arbitration commission of China Council for the Promotion of International Trade, Shanghai Sub-Council”, “The arbitration commission of Chamber of International Commerce, Shanghai”, or “Shanghai Foreign Economic and Trade Arbitration Commission”, it shall be deemed that the parties have agreed to select SHIAC.

Reference Arbitration Provision

SHIAC has further revealed the following new reference arbitration clause to be used in agreements: “Any disputes arising from or related to this agreement shall be submitted for arbitration at Shanghai International Economic and Trade Arbitration Commission”, or alternatively, “Any disputes arising from or related to this agreement shall be submitted for arbitration at Shanghai International Arbitration Center”.

Follow-ups

Up until now, China International Economic and Trade Arbitration Commission has not made comments on the press conference. We will closely follow the effects brought by this name change of CIETAC Shanghai.

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