# TABLE OF CONTENTS

## VOLUME XXXIX – 2014

**Introduction**  
Prof. Albert Jan van den Berg, General Editor  

**Online Resources**  

**ICCA - HKIAC Summit 2015**  

**Note to the Reader**  

**Table of Contents**  

---

### Part I – National Reports  

*Note General Editor*  
Table of Contents of *International Handbook on Commercial Arbitration*  

### Part II – Arbitration Rules  

*New and Amended Arbitration Rules*  

### Part III – Recent Developments in Arbitration Law and Practice  

*Recent Developments in Arbitration Law and Practice*  

### Part IV – Arbitral Awards  

*Note General Editor*  

---

*Yearbook Comm. Arb’n XXXIX (2014)*
TABLE OF CONTENTS

Egypt
Cairo Regional Centre for International Commercial Arbitration
  • Final award in case no. 676 of 2010 30

France
International Arbitration Chamber of Paris
  • Award in case no. 3150 65

International Chamber of Commerce (ICC)
  • Partial award in case no. 13696 77
  • Final award in case no. 13756 118
  • Partial award in case no. 13774 141
  • Interim award in case no. 15116 159
  • Final award in case no. 16369 169
  • Final award in case no. 16484 216

Italy
Chamber of National and International Arbitration of Milan
  • Final award in case no. 7211 263

Index of Arbitral Awards

Index Awards-1
  Introduction

Index Awards-2
  Index of Arbitral Awards

Part V – A. Court Decisions on the New York Convention 1958 305

Introduction 307

List of Contracting States (as of 11 November 2014) 311

Index of Cases Reported in Volume XXXIX (2014)
  Prof. Albert Jan van den Berg 319
<table>
<thead>
<tr>
<th>Country</th>
<th>Case</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>No. 5. Corte Suprema de Justicia, 24 May 2011</td>
<td>342</td>
</tr>
<tr>
<td></td>
<td>Armada Holland BV v. Inter Fruit S.A.</td>
<td></td>
</tr>
</tbody>
</table>
| Australia    | No. 39. Federal Court of Australia, New South Wales District Registry, General Division, 17 June 2014  
              | Armada (Singapore) Pte Ltd (Under Judicial Management) v. Gujarat NRE Coke Limited | 344  |
| Austria      | No. 26. Oberster Gerichtshof, 16 April 2013                        | 347  |
|              | Diag Human SE v. The Czech Republic                                |      |
| Belgium      | No. 14. Hof van Cassatie van België, 14 January 2010               | 352  |
|              | Sebastian International Inc. v. Common Market Cosmetics            |      |
| Bermuda      | No. 5. Supreme Court of Bermuda, Civil Jurisdiction, 14 February 2014  
              | Huawei Tech Investment Co. Ltd. v. Sampoerna Strategic Holdings Limited | 354  |
| Brazil       | No. 32. Superior Tribunal de Justiça, 20 September 2012, RES no. 1.203.430-PR  
              | Oito Grãos Exportação e Importação de Cereais e Defensivos Agrícolas Ltda v. Galaxy Grain Italia SpA | 358  |
|              | No. 33. Superior Tribunal de Justiça, 19 June 2013, SEC no. 4213  
              | Weil Brothers Cotton Inc. v. Estate of Pedro Ivo De Freitas        | 361  |
|              | No. 34. Superior Tribunal de Justiça, 7 August 2013, SEC no. 4024  
              | Keytrade AG v. Ferticritus Indústria e Comércio de Fertilizantes Ltda | 364  |
|              | No. 35. Superior Tribunal de Justiça, 2 October 2013, SEC no. 3891  
              | Weil Brothers Cotton Inc. v. Clôvis Augustin                       | 367  |
# TABLE OF CONTENTS

- No. 36. Superior Tribunal de Justiça, 12 November 2013, Special Appeal no. 1.389.763  
  *Inepar S/A Indústria e Construções v. Itiquira Energética S/A* 369

- No. 37. Superior Tribunal de Justiça, 20 November 2013, SEC no. 8847  
  *Paladin PM Holmes Brazil Investors LLC v. Molnar Construtora e Incorporadora Ltda* 372

**Canada**

- No. 32. Supreme Court of British Columbia, 7 March 2014  
  *Assam Company India Limited v. Canoro Resources Ltd.* 375

**China, PR**

- No. 10. Intermediate People’s Court, Zhejiang Province, Hangzhou, 6 February 2013  
  *Alstom Technology Ltd v. Insignia Technology Co Ltd* 380

**Colombia**

- No. 9. Corte Suprema de Justicia, Civil Cassation Chamber, 19 November 2013  
  *Poligráfica C.A. v. Columbia Tecnologia Ltda* 384

**France**

- No. 56. Cour de Cassation, First Civil Chamber, 5 March 2014  
  *Diag Human SE v. The Czech Republic* 386

**Germany**

- No. 148. Oberlandesgericht, Munich, 11 April 2012  
  *German seller v. German guarantor* 389

- No. 149. Oberlandesgericht, Munich, 21 June 2012  
  *Czech consultancy company v. German client* 392

- No. 150. Oberlandesgericht, Munich, 30 July 2012 and Bundesgerichtshof, 23 April 2013  
  *Ukrainian dealer v. German manufacturer* 394

- No. 151. Oberlandesgericht, Cologne, 26 September 2013  
  *Parties not indicated* 399

- No. 152. Bundesgerichtshof, 8 May 2014  
  *Danish assignee v. Indian legal successor of licensee* 401
<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Court/Jurisdiction</th>
<th>Date</th>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>No. 51</td>
<td>Supreme Court of India, 13 March 2013</td>
<td>Escorts Ltd v. Universal Tractor Holding LLC</td>
<td>406</td>
<td></td>
</tr>
<tr>
<td>Israel</td>
<td>No. 10</td>
<td>District Court, Tel Aviv, 17 February 2013 and Supreme Court, 13 February 2014</td>
<td>Darie Engineering Ltd v. Alstom International SAS et al.</td>
<td>413</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>No. 186</td>
<td>Corte di Appello, Milan, 12 November 2012</td>
<td>MW Corp Private Ltd v. I.P.E.F. III Holdings n. 18 SA et al.</td>
<td>421</td>
<td></td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>No. 1</td>
<td>Supreme Court of the Republic of Kazakhstan, 31 October 2012</td>
<td>OOO ChKZ-Eksport v. TOO Mezhregionkomplekt-Astana</td>
<td>427</td>
<td></td>
</tr>
<tr>
<td>Kenya</td>
<td>No. 2</td>
<td>High Court, Mombasa, 15 August 2013</td>
<td>Tanzania National Roads Agency v. Kundan Singh Construction Limited</td>
<td>431</td>
<td></td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>No. 1</td>
<td>Fürstlicher Oberster Gerichtshof, 7 June 2013</td>
<td>Parties not indicated</td>
<td>434</td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>No. 3</td>
<td>Supreme Court of Lithuania, 27 June 2014</td>
<td>L. B. v. State Property Fund of the Republic of Lithuania</td>
<td>437</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No. 3</td>
<td>Cour d’Appel, 26 July 2005</td>
<td>M v. NWG Holdings GmbH et al.</td>
<td>443</td>
<td></td>
</tr>
</tbody>
</table>
### Mauritius

- No. 1. Supreme Court of Mauritius, 28 March 2014
  *Cruz City 1 Mauritius Holdings v. Unitech Limited et al.* 447

### Netherlands

- No. 48. Gerechtshof, Amsterdam, 16 October 2012
  *OAO Severnoe Rechnoe Parokhodstvo (Northern River Shipping Company) v. Kompas Overseas Inc.* 453

- No. 49. Gerechtshof, The Hague, 23 July 2013
  *X v. Vertex Standard Co., Ltd* 456

### Pakistan

- No. 3. High Court of Sindh, Karachi, 14 May 2013,
  Suit 1226 of 2011

- No. 4. High Court of Sindh, Karachi, 19 November 2013,
  Suit 732 of 2013
  *Pakistan Steel Mills (Pvt) Limited v. Sea Goa Limited et al.* 462

- No. 5. High Court of Sindh, Karachi, 23 December 2013,
  Admiralty Suit 07 of 2013
  *Lakhra Power Generation Company Limited v. KARADENIZ POWERSHIP KAYA BEY et al.* 464

### Peru

- No. 3. Corte Superior de Justicia, Lima, First Commercial Chamber, 28 April 2011
  *Stemcor UK Limited v. Guiceve S.A.C.* 467

### Portugal

- No. 6. Tribunal da Relação, Coimbra, 19 June 2013 and Supremo Tribunal de Justiça, 18 February 2014
  *U S.A. v. B Lda* 470

- No. 7. Tribunal da Relação, Porto, 9 September 2013 and Supremo Tribunal de Justiça, 25 February 2014
  *AA, P.O. v. DD Lda* 474

- No. 8. Tribunal da Relação, Lisbon, 16 January 2014
  *S, SA v. SO, SA* 477
<table>
<thead>
<tr>
<th>Country</th>
<th>Case Study</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qatar</td>
<td>No. 1. Court of Cassation, 25 March 2014 ABC LLP v. Joint Venture RST and XYZ</td>
<td>480</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>No. 38. Federal Arbitrazh Court, Northwestern District, 24 April 2014 Tensbur Investment Inc. v. OOO Mezhdunarodnyi Fond Chastnykh Investitsiy et al.</td>
<td>486</td>
</tr>
<tr>
<td>Singapore</td>
<td>No. 12. High Court, 14 November 2013 Beijing Sinozonto Mining Investment Co Ltd v. Goldenray Consortium (Singapore) Pte Ltd</td>
<td>489</td>
</tr>
<tr>
<td>Singapore</td>
<td>No. 13. High Court 19 June 2014 FirstLink Investments Corp Ltd v. GTPayment Pte Ltd et al.</td>
<td>493</td>
</tr>
<tr>
<td>South Africa</td>
<td>No. 6. High Court, South Gauteng, Johannesburg, 6 May 2014 Pierre Fattouche v. Mzilikazi Khumalo</td>
<td>498</td>
</tr>
<tr>
<td>Spain</td>
<td>No. 77. Tribunal Superior de Justicia de la Comunidad Valenciana, Civil and Penal Chamber, 10 February 2012 Marex Schiffahrtsgesellschaft mbH, MS Wellington Express KG v. Maltese Sun Maritime Company Limited</td>
<td>501</td>
</tr>
<tr>
<td>Spain</td>
<td>No. 78. Audiencia Provincial Civil, Twenty-Eighth Section, Madrid, 18 October 2013 Camimalaga S.A.U. v. DAF Véhicules Industriales S.A.U.</td>
<td>505</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>No. 95. High Court of Justice, Queen’s Bench Division, Commercial Court, 14 March 2014 IPCO (Nigeria) Limited v. Nigerian National Petroleum Corporation</td>
<td>507</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

- No. 96. Court of Appeal, 27 March 2014
  *Anthony Lombard-Knight et al. v. Rainstorm Pictures Inc* 512

- No. 97. Privy Council, 13 May 2014
  *Cukurova Holding A.S. v. Sonera Holding B.V.* 516

- No. 98. High Court of Justice, Queen’s Bench Division, Commercial Court, 22 May 2014
  *Diaq Human SE v. The Czech Republic* 521

- No. 99. High Court of Justice, Queen’s Bench Division, Commercial Court, 3 July 2014
  *Yukos Capital S.a.r.l. v. OJSC Oil Company Rosneft* 526

**United States**

- No. 795. United States District Court, District of Columbia, 11 June 2012
  *DRC, Inc. v. Republic of Honduras* 530

- No. 796. United States District Court, Central District of California, 30 July 2012 and United States Court of Appeals, Ninth Circuit, 29 April 2014

- No. 797. United States District Court, Southern District of Florida, 18 October 2012 and United States Court of Appeals, Eleventh Circuit, 24 June 2013
  *Geovany Quiroz v. MSC Mediterranean Shipping Company, SA et al.* 540

  *Agnelo Goncalvez, et al. v. Celebrity Cruises, Inc.* 545

- No. 799. United States District Court, Southern District of New York, 1 May 2013

- No. 800. United States District Court, District of Columbia, 6 June 2013
  *Chevron Corporation v. Republic of Ecuador* 550
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Court</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>802</td>
<td>United States District Court, Southern District of California, 22 August 2013 and 22 August 2014</td>
<td>Ariel Freaner v. Enrique Martin Lutteroth Valle et al.</td>
</tr>
<tr>
<td>803</td>
<td>United States Court of Appeals, Eleventh Circuit, 29 October 2013</td>
<td>Mahaveer Singh v. Carnival Corporation</td>
</tr>
<tr>
<td>804</td>
<td>United States District Court, Southern District of New York, 31 October 2013</td>
<td>Phoenix Bulk Carriers, Ltd v. American Metals Trading, LLP</td>
</tr>
<tr>
<td>806</td>
<td>United States District Court, District of Columbia, 11 December 2013</td>
<td>Belize Social Development Limited v. The Government of Belize</td>
</tr>
<tr>
<td>807</td>
<td>United States District Court, Eastern District of Louisiana, 27 January 2014 and 10 February 2014</td>
<td>Lito Martinez Asignacion v. Rickmers Genoa Schifffahrtsgesellschaft mbH &amp; Cie KG</td>
</tr>
<tr>
<td>809</td>
<td>United States District Court, Southern District of New York, 6 February 2014</td>
<td>Thai-Lao Lignite (Thailand) Co., Ltd. et al. v. Government of the Lao People’s Democratic Republic</td>
</tr>
<tr>
<td>811</td>
<td>United States District Court, Western District of North Carolina, Charlotte Division, 4 March 2014</td>
<td>Forshaw Industries, Inc. v. Insurco, Ltd. et. al.</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

- No. 812. Supreme Court of the United States, 5 March 2014
  *BG Group PLC v. Republic of Argentina*  
  604

- No. 813. United States District Court, Southern District of New York, 9 April 2014  
  *CBF Indústria de Gusa S/A et al. v. AMCI Holdings, Inc. et al.*  
  609

- No. 814. United States Court of Appeals, Second Circuit, 25 April 2014  
  *Sonera Holding B.V. v. Çukurova Holding A.Ş.*  
  613

- No. 815. United States District Court, Southern District of Texas, Houston Division, 30 April 2014  
  *Exceed International Limited v. DSL Corporation*  
  617

- No. 816. United States District Court, District of Utah, Northern Division, 20 May 2014  
  621

- No. 817. United States District Court, Southern District of California, 4 June 2014  
  *MediVas LLC v. Marubeni Corp. et al.*  
  625

- No. 818. United States Court of Appeals, District of Columbia Circuit, 11 July 2014  
  *Commissions Import Export S.A. v. Republic of the Congo et al.*  
  629

- No. 819. United States District Court, Southern District of New York, 18 July 2014  
  *HBC Solutions, Inc. v. Harris Corporation*  
  634

- No. 820. United States District Court, Eastern District of Pennsylvania, 8 August 2014  
  *Clientron Corp. v., Devon IT, Inc.*  
  637

- No. 821. United States District Court, District of Columbia, 14 August 2014  
  *Diag Human S.E. v. Czech Republic, Ministry of Health*  
  641

**Part V – B. Court Decisions on the European Convention 1961**  
645

*List of Contracting States and Signatories (as of 11 November 2014)*  
647
### Table of Contents

#### Part V – C. Court Decisions on the Washington Convention 1965

- **List of Contracting States and Signatories (as of 11 November 2014)**
  - **United States**
    - No. W4. United States Court of Appeals, Second Circuit, 19 August 2013
      - *Blue Ridge Investments, L.L.C. v. Republic of Argentina*

#### Part V – D. Court Decisions on the Panama Convention 1975

- **List of Contracting States (as of 11 November 2014)**
  - **United States**
    - No. P38. United States District Court, Southern District of New York, 17 October 2013

#### Part V – E. Other Court Decisions on Arbitration

- **Australia**
  - Federal Court of Australia, Victoria District Registry, General Division, 16 July 2014
    - *TCL Air Conditioner (Zhongshan) Co Ltd v. Castel Electronics Pty Ltd*

- **Brazil**
  - Superior Tribunal de Justiça, 16 October 2013, SEC No. 854
    - *GE Medical Systems Information Technologies Inc. v. Paramedics Electromedicina Comercial Ltda – Tecnimed*

- **Caribbean Community**
  - Caribbean Court of Justice, 25 June 2013
    - *British Caribbean Bank Limited v. The Attorney General of Belize*
TABLE OF CONTENTS

**Lithuania**

- Supreme Court of Lithuania, 13 December 2013  
  *N. v. K. et al. v. Private Limited Liability Company Kistela*  
  686

**Netherlands**

- Hoge Raad der Nederlanden, 26 September 2014  
  *Republic of Ecuador v. Chevron Corporation*  
  689

**Sri Lanka**

- Supreme Court of the Democratic Socialist Republic of Sri Lanka, 6 February 2013  
  *Wakachiku Construction Co. Ltd v. Road Development Authority, Sethsiripaya Battaramulla*  
  694

- Supreme Court of the Democratic Socialist Republic of Sri Lanka, 22 February 2013  
  697

**Part VI – Bibliography**  
  701

  - *I. General*  
    703
  - *II. Countries*  
    717
  - *III. Journals on Arbitration*  
    722

**List of ICCA Officers and Governing Board Members**  
  733

**List of ICCA Members**  
  749