

International Arbitration in the New Normal – What to expect and to be noted?

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1. The Roadmap

01

The Seoul Protocol

- A. What is it?
- B. Why now?
- C. What are the focus areas?

02

ICC Guidance Notes on Mitigating Effects of Covid-19.

- A. Purpose.
- B. Guidance.
- C. Checklist.



The Seoul Protocol

A. What is it?

It is christened as the Protocol on Video Conferencing in International Arbitration.



It is intended to serve as a guide to best practice for planning, testing and conducting video conferences in international arbitration.



B. Why Now?

While it is true that international arbitration has been ahead of the curve in adapting technology, the ongoing pandemic has sped-up the process.



The Seoul Protocol, therefore, is a means to facilitate a smooth transition from offline to online hearing.



The Seoul Protocol

B. Why Now? (contd.)

A protocol like this was the need of the hour.



While arbitration industry was keen to adapting quickly, there was a lack of common understanding that would be acceptable across the regions.



Hence, the Seoul Protocol is an attempt to pioneer the work in the field. It has received resounding acceptance and adaption.

C. What are the focus areas?



C. What are the **focus areas?** (contd.)



Test Conferencing and
Audio Conferencing Backup



Recordings



Interpretation



Preparatory arrangements.



2. ICC Note Aimed at Mitigating Covid-19 Effects.

A. Purpose

01

To use procedural tools available to parties, counsel and tribunals to mitigate the delays generated by the pandemic through greater efficiency.

02

To provide guidance concerning the organisation of conferences and hearings in light of COVID-19 considerations, including conducting such conferences and hearings by audioconference, videoconference, or other similar means of communication.

B. Guidance on the organisation of virtual hearings



**Means of conducting
conferences or
hearings.**



**The need for a cyber-
protocol in hearings.**



**Tackling procedural
issues.**

C. Checklist for a protocol on virtual hearings



Pre-hearing Plan, Scope and Logistics.



Technical issues, Specifications, Requirements, Support Staff.



Confidentiality, Privacy and Security.



Online etiquette and due process considerations.



Preservation of Evidence and examination of witness and experts.

THANK YOU!



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