# INTERNATIONAL COMMERCIAL ARBITRATION
## SPRING 2016 SEMESTER

<table>
<thead>
<tr>
<th>Date</th>
<th>Required Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. January 25, 2016 Monday</td>
<td>Syllabus I &amp; II</td>
</tr>
<tr>
<td>2. February 1, 2016 Monday</td>
<td>Syllabus II &amp; III.A</td>
</tr>
<tr>
<td>3. February 8, 2016 Monday</td>
<td>Syllabus III. A &amp; III.B</td>
</tr>
<tr>
<td>February 15, 2016</td>
<td>No Class</td>
</tr>
<tr>
<td>4. February 18, 2016 Thursday</td>
<td>Syllabus IV.A &amp; B</td>
</tr>
<tr>
<td>5. February 22, 2016 Monday</td>
<td>Syllabus IV. A &amp; B</td>
</tr>
<tr>
<td>6. February 29, 2016 Monday</td>
<td>Syllabus V</td>
</tr>
<tr>
<td>March 6 – 13, 2016</td>
<td>Spring Break</td>
</tr>
<tr>
<td>7. March 14, 2016 Monday</td>
<td>Syllabus VI</td>
</tr>
<tr>
<td>8. March 21, 2016 Monday</td>
<td>Syllabus VII</td>
</tr>
<tr>
<td>10. April 4, 2016 Monday</td>
<td>Syllabus VIII. C</td>
</tr>
<tr>
<td>11. April 11, 2016 Monday</td>
<td>Syllabus VIII. D</td>
</tr>
<tr>
<td>12. April 18, 2016 Monday</td>
<td>Syllabus VIII. E</td>
</tr>
<tr>
<td>13. April 25, 2018 Monday</td>
<td>Syllabus VIII. F &amp; G</td>
</tr>
</tbody>
</table>
INTERNATIONAL COMMERCIAL ARBITRATION
SYLLABUS

I. Resolution of International Disputes

1. Sunghwan Co. v. Rite Aid Corp.,
   7 N.Y.3d 78 (2006)

2. CPLR Article 53 – Recognition of Foreign Country Money Judgment

   407 U.S. 1 (1972)

4. Parsons & Whittemore Overseas Co. v. Societe Generale de L’Industrie du Papier
   (RAKTA),
   508 F.2d 969 (2d Cir. 1974)

II. Legal Framework

1. Federal Arbitration Act
   9 U.S.C. § 1 et seq.

2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards
   (“New York Convention”)

3. UNCITRAL Model Law on International Commercial Arbitration (1985, as amended in
   2006)

III. Arbitrability

A. Subject Matter

1. Wilko v. Swan,
   346 U.S. 427 (1953)

2. Scherk v. Alberto-Culver Co.,

3. Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.,
   473 U.S. 614 (1985)

   490 U.S. 477 (1989)
B. Parties/Claims


3. Tracer Research Corp. v. National Environmental Services, Co., 42 F.3d 1292 (9th Cir. 1994)


IV. Who Decides Arbitrability

A. Doctrine of Severability/Separability


3. Three Valleys Municipal Water District v. E.F. Hutton & Co., 925 F.2d 1136 (9th Cir. 1991)

B. Role of Court and Tribunal


V. Relationship between Federal and State Law


VI. International Arbitration Rules


2. AAA International Arbitration Rules (2014)


VII. Provisional/Interim Measures


6. Toyo Tire Holdings of Americas Inc. v. Continental Tire North America, Inc., 609 F.3d 975 (9th Cir. 2010)

7. CPLR § 7502(c)

VIII. Judicial Enforcement

A. Scope of New York Convention


B. Enforcing Arbitration Agreements

1. HKL Group Co. v. Rizq Int’l Holdings Pte Ltd [2013] SGHCR 5

3. Marchetto v. DeKalb Genetics Corp.,
   711 F. Supp. 936 (N.D. Ill. 1989)

4. Republic of Nicaragua v. Standard Fruit Co.,
   937 F.2d 469 (9th Cir. 1991)

5. National Iranian Oil Co. v. Ashland Oil,
   817 F.2d 326 (5th Cir. 1987)

6. Intergen N.V. v. Grina,
   344 F.3d 134 (1st Cir. 2003)

C. Enforcing Awards

1. Northrop Corp. v. Triad Int’l Marketing S.A.,
   811 F.2d 1265 (9th Cir. 1987)

2. Iran Aircraft Industries v. Avco Corp.,
   980 F.2d 141 (2d Cir. 1992)

3. China Minmetals Materials Import & Export Co. v. Chi Mei Corp.,
   334 F.3d 274 (3d Cir. 2003)

4. Dallah Real Estate and Tourism Holding Company v. The Ministry of Religious Affairs, Government of Pakistan,
   [2010] UKSC 46

5. Commercial Union Ins. Co. v. Lines,
   378 F.3d 204 (2d Cir. 2004)

   404 F.3d 657 (2d Cir. 2005)

   403 F.3d 85 (2d Cir. 2005)

D. Vacating Awards

1. Int’l Standard Electric Corp. v. Bridas,

2. Mobil Oil Indonesia Inc. v. Asamera Oil (Indonesia) Ltd.,

4. Positive Software Solutions, Inc. v. New Century Mortgage Corp., 476 F.3d 278 (5th Cir. 2007) (en banc)


E. Enforcing Vacated Awards


2. Baker Marine (Nig.) Ltd. v. Chevron (Nig.) Ltd., 191 F.3d 194 (2d Cir. 1999)


F. Personal Jurisdiction

1. Glencore Grain Rotterdam B.V. v. Shvnath Rai Harnarain Co., 284 F.3d 1114 (9th Cir. 2002)

2. Base Metal Trading Ltd. v. OJSC “Novokuznetsky Aluminum Factory,” 283 F.3d 208 (4th Cir. 2002)

G. Forum Non Conveniens

1. Monegasque de Reassurances v. NAK Naftogaz of Ukraine, 311 F.3d 488 (2d Cir. 2002)