

ARBITRATION No. [INSERT CASE NUMBER AS PROVIDED BY THE ICC SECRETARIAT]

IN THE MATTER OF AN ARBITRATION UNDER THE RULES OF THE INTERNATIONAL COURT OF
ARBITRATION OF THE INTERNATIONAL CHAMBER OF COMMERCE

BETWEEN:

[NAME OF CLAIMANT]

(CLAIMANT)

-AND-

[NAME OF RESPONDENT]

(RESPONDENT)

ANSWER TO THE REQUEST FOR ARBITRATION

**[NOTE: OR ANSWER TO THE REQUEST FOR
ARBITRATION AND COUNTERCLAIMS, IF
APPLICABLE]**

[Respondent's Counsel law firm]

[Respondent's Counsel's law firm]
[Respondent's Counsel's address]
[Respondent's Counsel's telephone]
[Respondent's Counsel's fax]
Counsel for Respondent

[Date of the Answer]

[NOTE: Respondent's Answer must be submitted within 30 days of the Request (or an extension must be requested from the Secretariat within 30 days of the Request) pursuant to Articles 5(1) and 5(2) of the ICC Rules]

I. INTRODUCTION

1. This Answer to Claimant’s Request for Arbitration (hereinafter the “**Answer**”), **OPTIONAL: together with its Exhibits numbered R-1 to R-[*]**, is submitted on behalf of [**Name of Respondent**] (hereinafter “**Respondent**”) pursuant to Article 5 of the Rules of Arbitration of the International Chamber of Commerce in force as from 1 January 2012 (the “**ICC Rules**”).
2. In this Answer, unless otherwise stated, Respondent adopts the abbreviations used in Claimant’s Request for Arbitration.
3. Unless otherwise stated, capitalised terms shall have the meanings given to them in the Request.
4. Unless expressly admitted, each paragraph of the Request is denied by Respondent.
5. Pursuant to Article 5 of the Rules of Arbitration of the International Chamber of Commerce (“**ICC Rules**”), this Answer contains information concerning the following:
 - i. The name, description and address of each of the Parties (**II**);
 - ii. Respondent’s comments as to the Arbitral Tribunal’s jurisdiction (**III**);
 - iii. Respondent’s position as regards the nature and circumstances of the dispute (**IV**);
 - iv. Respondent’s comments concerning the composition of the Arbitral Tribunal (**V**);
 - v. Respondent’s comments as to the place of arbitration, the applicable rules of law and the language of the arbitration (**VI**);
 - vi. Respondent’s counterclaim(s) [**if applicable**] (**VII**); and
 - vii. Relief sought (**VIII**).

II. THE PARTIES [NOTE: ARTICLE 5(1)(A) ICC RULES**]**

A. Respondent

6. Respondent is [Name of Respondent], a company registered under the laws of [Name of country or jurisdiction], with its registered office located at [Complete address]. [Insert brief description of Respondent's business activity, industry sector, size of business, number of employees, market position, revenue, etc., as relevant.]

7. Respondent's address is:

[Respondent's name]
[Respondent's address in full]
[Attention: name of Respondent's director]
[Respondent's Telephone number]
[Respondent's Fax number]
[Respondent's E-mail]

8. Respondent's counsel, to whom all correspondence should be sent in this arbitration, are: [NOTE: Article 5(1)(b) ICC Rules]

[Respondent's Counsel's law firm]
[Name of the partner in charge of representing Respondent]
[Names of other lawyers]
[Respondent's Counsel's address]
[Respondent's Counsel's Telephone number]
[Respondent's Counsel's Fax number]
[Respondent's Counsel's E-mail]

B. Claimant

9. Claimant is [Name of Claimant], a company registered under the laws of [Name of country or jurisdiction], with its registered office located at [Complete address]. [Insert brief description of Claimant's business activity, industry sector, size of business, number of employees, market position, revenue, etc., as relevant.]

III. RESPONDENT'S COMMENTS AS TO THE ARBITRAL TRIBUNAL'S JURISDICTION [NOTE: ARTICLE 5(1)(A) ICC RULES]

10. [NOTE if jurisdiction is contested] [Arguments] As a result, an Arbitral Tribunal lacks jurisdiction to hear any dispute between Claimant and [name of Respondent] or any complaints which Claimant purports to have in relation to [name of Respondent].

IV. THE NATURE AND CIRCUMSTANCES OF THE DISPUTE [NOTE: ARTICLE 5(1)(C) ICC RULES]

(a) Factual Background

11. [Explain factual background of the dispute from Respondent's perspective].

(b) The Parties' Respective Legal Obligations

12. [Cite and explain relevant contractual or legal provisions]

V. RESPONDENT'S COMMENTS CONCERNING THE COMPOSITION OF THE ARBITRAL TRIBUNAL [NOTE: ARTICLE 5(1)(E) ICC RULES]

13. In its Request for Arbitration, Claimant nominated [name of arbitrator] as [Co-Arbitrator / Sole Arbitrator], whose contact information is [insert contact information of arbitrator].

14. [NOTE: if Respondent contests the Arbitrator nominated by Claimant] Respondent contests the nomination of [name of arbitrator] on the grounds that [arguments].

15. [NOTE: ability of Respondent to appoint arbitrator depends on terms of arbitration agreement] Respondent nominates [name of arbitrator] to serve as [Co-Arbitrator / Sole Arbitrator], whose details are the following:

- [Arbitrator's name]
- [Arbitrator's address in full]
- [Arbitrator's telephone number]
- [Arbitrator's fax number]
- [Arbitrator's e-mail]

VI. RESPONDENT'S COMMENTS AS TO THE PLACE OF ARBITRATION, THE APPLICABLE RULES OF LAW AND THE LANGUAGE OF THE ARBITRATION [NOTE: ARTICLE 5(1)(F) ICC RULES]

(a) The Seat of Arbitration

16. [Insert Respondent's comments as to the place of arbitration. Respondent may confirm the statement made by Claimant in the Request. In case of non-confirmation, Respondent should state its choice and reasons.]

(b) Governing Law

17. [Insert Respondent's comments as to the governing law. Respondent may confirm the statement made by Claimant in the Request. In case of non-confirmation, Respondent should state its choice and reasons.]

(c) The Language of Arbitration

18. [Insert Respondent's comments as to the language of the arbitration. Respondent may confirm the statement made by Claimant in the Request. In case of non-confirmation, Respondent should state its choice and reasons.]

VII. [OPTIONAL] RESPONDENT'S COUNTERCLAIMS [NOTE: ARTICLE 5(5) ICC RULES]

(a) Factual Background to Counterclaims

19. [Explain Claimant's conduct which gives rise to the counterclaims.]

(b) Claimant's Violations of Its Legal Obligations

20. [Explain basis of Claimant's liability]

[NOTE: where counterclaims are made under more than one arbitration agreement, indicate the arbitration agreement under which each counterclaim is made, Article 5(5)(d) ICC Rules]

(c) Respondent Has Suffered Losses of [amount] for Which Claimant Is Liable

21. [Provide preliminary estimate of Respondent's losses]

VIII. RELIEF SOUGHT [NOTE: ARTICLES 5(1)(D) AND 5(5)(B) ICC RULES]

22. Respondent rejects Claimant's claims as set out in its Request and rejects the relief sought in its Request.

23. Claimant respectfully requests the Arbitral Tribunal to:

- i. [NOTE: in the event that Respondent contests jurisdiction] dismiss all Claimant's claims on the ground of an Arbitral Tribunal's lack of jurisdiction with respect to a dispute between Claimant and [Respondent's name].
- ii. Dismiss Claimant's claim in their entirety;
- iii. [NOTE if there are counterclaims] declare that Claimant has violated its obligations under [contract / other basis for liability];
- iv. [NOTE if there are counterclaims] order Claimant to compensate Respondent for the damages and losses suffered as a result of Claimant's

conduct, currently estimated to be in the amount of [insert estimation of damages suffered by Respondent]; [NOTE: Article 5(5)(b) ICC RULES]

- v. order Claimant to pay all arbitration costs, including Respondent's counsel's costs and expenses; and
 - vi. order payment by Claimant of interest at a rate of [insert the interest rate that is arguably applicable] on all of the above amounts as of the date these amounts were due, until the date of their effective payment.
 - vii. order any further and/or additional relief as the Tribunal may deem appropriate.
24. Respondent reserves its right to further develop its arguments and the amount of relief it is seeking.

Respectfully submitted,

[Signature of Respondent's Counsel]

[Name of lawyer representing Respondent]
Counsel for Respondent
[Respondent's Counsel's address]
[Respondent's Counsel's Telephone]
[Respondent's Counsel's Fax]
[Respondent's Counsel's Email]
[Date of the Answer]

[OPTIONAL] Exhibits submitted with the Answer to the Request for Arbitration [and Counterclaim(s)]

	Exhibit	Exhibit number
1.	[•]	R-1