

IN THE MATTER OF AN ARBITRATION UNDER THE HONG KONG INTERNATIONAL ARBITRATION
CENTRE ADMINISTERED ARBITRATION RULES

BETWEEN:

[NAME OF CLAIMANT]

(CLAIMANT)

-AND-

[NAME OF RESPONDENT]

(RESPONDENT)

NOTICE OF ARBITRATION

[Claimant's counsel's law firm]

[Claimant's counsel's law firm]

[Claimant's counsel's address]

[Claimant's counsel's telephone number]

[Claimant's counsel's facsimile number]

Counsel for Claimant

[Date of the Notice]

[NOTE: The Notice of Arbitration may also include the Statement of Claim referred to at
Article 16, pursuant to Article 4.6 of the HKIAC Rules]

I. INTRODUCTION

1. This Notice of Arbitration, [OPTIONAL: together with its Exhibits numbered C-1 to C-[]], is submitted on behalf of [Name of Claimant] (hereinafter “**Claimant**”) pursuant to Article 4 of the Honk Kong International Arbitration Centre Administered Arbitration Rules in force as from 1 November 2013 (the “**HKIAC Rules**”) against [Name of Respondent] (hereinafter “**Respondent**”), (hereinafter collectively referred to as the “**Parties**”).
2. This Notice of Arbitration contains information concerning the following:
 - i. The name, description and address of each of the Parties (**II**);
 - ii. The Parties’ contractual relationship and the nature and circumstances of the Parties’ dispute giving rise to Claimant’s claims (**III**);
 - iii. The dispute resolution clause, the proposed governing law, the seat and language of the arbitration (**IV**);
 - iv. Claimant’s position as regards the composition of the Arbitral Tribunal (**V**);
 - v. Claimant’s damages (**VI**);
 - vi. A statement of the relief sought (**VII**);
 - vii. Claimant’s payment of registration fees (**VIII**); and
 - viii. Confirmation of delivery of the Notice of Arbitration to all other parties (**IX**)
3. This dispute principally concerns Respondent’s [insert brief description of breach and nature of claim(s)].

II. THE PARTIES [NOTE: ARTICLE 4.3(B) HKIAC RULES]

A. Claimant

4. 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 appropriate.]

5. Claimant's address is:

[Claimant's name]
[Claimant's address]
[Attention: name of Claimant's director]
[Claimant's telephone number]
[Claimant's facsimile number]
[Claimant's e-mail]

6. Claimant's counsel, to whom all correspondence should be sent in this arbitration, are:

[NOTE: Article 4.3 (b) HKIAC Rules]

[Claimant's counsel's law firm]
[Name of the partner in charge of representing Claimant]
[Names of counsels and associates assisting the partner]
[Claimant's counsel's address]
[Claimant's counsel's telephone number]
[Claimant's counsel's facsimile number]
[Claimant's counsel's e-mail]

B. Respondent

7. Respondent is [Name of Respondent], a company registered under the laws of [Name of country], 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 appropriate.]

8. Respondent's contact information is:

[Respondent's name]
[Respondent's address in full]
[Attention: name of Respondent's director]
[Respondent's telephone number]
[Respondent's facsimile number]
[Respondent's e-mail]

III. THE PARTIES' CONTRACT AND THE NATURE AND CIRCUMSTANCES OF THE PARTIES' DISPUTE [NOTE: ARTICLE 4.3(D, E) HKIAC RULES]

(a) Factual Background

9. [Define Respondent's conduct which gives rise to the claims].

(b) Legal Basis of Claim

10. [Explain the basis of Respondent's liability, contractual or otherwise]

(c) Respondent's Violations of Its Legal Obligations

11. [Explain Respondent's violations of its legal obligations]

IV. DISPUTE RESOLUTION CLAUSE, GOVERNING LAW, SEAT AND LANGUAGE OF THE ARBITRATION

(a) The Arbitration Clause

12. This arbitration is initiated pursuant to the arbitration agreement found at Article [specify Article of the contract where the arbitration agreement is found] of the Contract, which provides as follows:

[Insert the arbitration agreement in full.] [NOTE: Article 4.3(c) HKIAC Rules]

13. [OPTIONAL: Arbitration may be commenced as Claimant has duly complied with all requirements provided for in the arbitration agreement. In particular, Claimant [Demonstrate compliance with requirements of arbitration agreement e.g. obligation to negotiate/attempt to settle in good faith/amicably resolve dispute.]

(b) The Seat of Arbitration

14. Pursuant to Article [specify Article of the contract where the seat of the arbitration is provided for] set out above, the place of the arbitration is [insert city and country].

15. [NOTE: Claimant may also add any comment as to the place of arbitration]

(c) The applicable Rules of Law

16. The Agreement is governed by the substantive laws of [specify which jurisdiction's law applies to the contract] pursuant to Article [specify Article of the contract where this is found], which provides as follows:

[Cite the provisions where the applicable law is found, in full.]

17. [NOTE: Claimant may also add any comment as to applicable law]

(d) The Language of Arbitration

18. Pursuant to Article [specify Article of the contract where the language of the arbitration is found] of the Contract, the language of the arbitration shall be [insert language of the arbitration].

19. [NOTE: Claimant may also add any comment as to the language of the arbitration.]

[NOTE: The Notice of Arbitration shall be submitted in the language of the arbitration, as agreed by the parties. If no agreement has been reached between the Parties, the Notice of Arbitration shall be submitted either in English or in Chinese, Article 4.5 HKIAC Rules.]

V. THE ARBITRAL TRIBUNAL [NOTE: ARTICLE 4.3(G, H) OF HKIAC RULES]

20. Article [specify Article of the contract which provides for the constitution of the tribunal] of the Contract provides for [insert comments on constitution of tribunal including number of arbitrators, if identified in arbitration clause, and procedure of appointment. Invite Respondent's nomination/comments.] [NOTE: according to Article 4.3(g) if the parties have not previously agreed on the number of arbitrators, Claimant should make a proposal.]

21. [NOTE: in the case of a three-member tribunal] Pursuant to Article [specify Article of the contract which provides for the constitution of the tribunal.] and Article 8 of HKIAC Rules, Claimant nominates [name of Co-Arbitrator] of [specify law firm or chambers, if applicable] for confirmation as Claimant's Co-Arbitrator. To the best of Claimant's knowledge, [name of Co-Arbitrator] is independent of the Parties involved in this arbitration. [Co-Arbitrator]'s contact details are as follows:

[Co-Arbitrator's name]
[Co-Arbitrator's address]
[Co-Arbitrator's telephone number]
[Co-Arbitrator's facsimile number]
[Co-Arbitrator's e-mail]

22. [NOTE: in case the arbitration agreement provides for a Sole Arbitrator] Pursuant to Article [specify Article of the contract which provides for the constitution of the tribunal] and Article 7 of HKIAC Rules, Claimant nominates [name of proposed Sole Arbitrator] of [specify law firm or chambers, if applicable] for confirmation as Sole Arbitrator. To the best of Claimant's knowledge, [name of proposed Sole Arbitrator] is independent of the Parties involved in this arbitration. [name of proposed Sole Arbitrator]'s contact details are as follows:

[Sole Arbitrator's Name]
[Sole Arbitrator's Address]

[Sole Arbitrator's Telephone Number]
[Sole Arbitrator's facsimile number]
[Sole Arbitrator's E-mail]

VI. CLAIMANT'S DAMAGES [NOTE: ARTICLE 4.3(E) HKIAC RULES]

23. [Insert description of Claimant's damages arising from Respondent's violations of its legal obligations.]

24. Claimant's total damages are currently estimated at [insert estimation of the damages suffered by Claimant].

25. Claimant is also entitled to interest of [explain how interest is to be calculated] on these amounts.

[NOTE: this should include the amounts of all quantified claims and, to the greatest extent possible, an estimate of the monetary value of any other claims]

VII. RELIEF SOUGHT [NOTE: ARTICLE 4.3(F) HKIAC RULES]

26. As a result, Claimant respectfully requests the Arbitral Tribunal to issue an award:

- i. declaring that the Arbitral Tribunal has jurisdiction to consider the dispute described herein between the Parties;
- ii. declaring that Respondent violated its obligations by [describe basis of Respondent's liability];
- iii. ordering Respondent to compensate Claimant for the damages and losses suffered as a result of Respondent's breaches of the Contract, currently estimated to be in the amount of [insert estimation of the damages suffered by Claimant];
- iv. ordering Respondent to pay all arbitration costs, including Claimant's counsel's costs and expenses; and
- v. ordering payment by Respondent of interest at a rate of [insert the interest rate provided for in the contract] pursuant to [cite basis for determining interest] on all of the above amounts as of the date these amounts were due, until the date of their effective payment.

27. For the avoidance of doubt, Claimant reserves its right to:

- i. raise any and all further claims arising out of or in connection with the disputed matters described in this Notice of Arbitration or otherwise arising between the Parties; and
- ii. amend and/or supplement the relief sought herein;
- iii. produce such factual or legal arguments or evidence (including witness testimony, expert testimony and other documents) as may be necessary to present its case or rebut any case which may be put forward by Respondent; and
- iv. seek interim and provisional measures before this Arbitral Tribunal or any competent national court.

VIII. PAYMENT OF REGISTRATION FEES [NOTE: ARTICLE 4.4 HKIAC RULES]

28. Pursuant to Schedule 1 and Article 4.4 of the HKIAC Rules, Claimant is sending an advance payment of HKD 8,000 with the current Notice of Arbitration. Claimant acknowledges that this payment is non-refundable and shall be credited to its portion of the advance on costs.

IX. CONFIRMATION OF DELIVERY OF THE NOTICE OF ARBITRATION TO ALL OTHER PARTIES [NOTE: ARTICLE 4.3(I) HKIAC RULES]

29. Claimant confirms that copies of the Notice of Arbitration and any exhibits have been or are being served simultaneously on the Respondent by [email, in hardcopy or other means].

Respectfully submitted,

[Signature of Claimant's counsel]

[Name of partner representing Claimant]
[Name of law firm representing Claimant]
Counsel for Claimant
[Claimant's Counsel's address]
[Claimant's Counsel's telephone number]
[Claimant's Counsel's facsimile number]
[Claimant's Counsel's e-mail]
[Date of the Notice]

[OPTIONAL] EXHIBITS SUBMITTED WITH NOTICE OF ARBITRATION

	Exhibit	Exhibit number
1.	[•]	C-1