

Commercial Arbitration, Who They Are?

Commercial Arbitration is a type of Alternation **Dispute Resolution** in many commercial disputes which can be used to replace the way of **litigation** in the court. In order to settle a dispute arising from trading transactions by **commercial arbitration**, the parties in dispute must enter into an arbitration agreement which could be set after or before the occurrence of the dispute. The arbitration agreement reflects the willingness of both parties to settle the case arising out of the business activities by arbitration instead of by **litigation** before the court.

There are two basic forms of commercial arbitration including ad-hoc arbitration and institutional arbitration. In particular:

(i) Ad-hoc arbitration is a type of **commercial arbitration** that is agreed to be established by both parties in order to solve the case and will cease to exist when the incident is resolved. The procedure of settling the dispute by ad-hoc arbitration is agreed upon by both parties.

(ii) Institutional arbitration is a type of dispute resolution by arbitral tribunal of an arbitration institution having a list of arbitrators. Those arbitrators shall practice under the charter of the institution. The procedure of settling the dispute by institutional arbitration is in accordance with the rules of arbitration institution.

In general, the arbitral tribunal usually comprises of one or more arbitrators. Arbitrators are appointed by the parties in dispute. They could be attorneys or specialists subject to matter of the dispute such as economists or engineers, providing the parties in dispute the advantages that the process will be more flexible and that whoever decides the dispute will possess expert knowledge on the matter.

In recent years of Vietnam, many companies have supplemented the arbitration clause into their agreement so that in case of a dispute arising, instead of bringing the case before the court, both parties could settle the dispute at an arbitration centre. However, in **commercial arbitration resolution**, some parties in dispute usually have difficulties in determining the language to be used in the arbitral proceedings, the governing law of the arbitration agreement and the Agreement, resulting from the unclear regulations of the arbitration agreement.

*If you are having difficulty finding a **Commercial Arbitration Law Firm in Vietnam**, please contact us: P & Associates is a **professional law firm established in Vietnam** and currently has nearly 100 members working at three offices in Ho Chi Minh City, Hanoi and Da Nang. P & Associates are also considered to be one of the **leading law firms specialising in law on business in Vietnam**, which has a number of notable practice fields in the legal market such as **Labour and Employment, Banking Law, Taxes, Purchases, Selling and Merging**, and **Litigation**. We are confident to be the **Commercial Arbitration Law Firm in Vietnam** providing clients with legal services optimally and effectively.*