

**Zurich Chamber of Commerce
Supplementary Rules
for the application of the**

**2004 Swiss Rules of International Arbitration (Swiss Rules)
for Domestic Arbitrations**

MODEL ARBITRATION CLAUSE

Any dispute, controversy or claim arising out of or in relation to this contract, including the validity, invalidity, breach or termination thereof, shall be resolved by arbitration in accordance with the Swiss Rules of International Arbitration of the Swiss Chambers of Commerce as amended by the Zurich Chamber of Commerce for domestic arbitration in force on the date when the Notice of Arbitration is submitted in accordance with these Rules.

The number of arbitrators¹ shall be ... (one or three);

The seat of the arbitration shall be ... (name of city in Switzerland);

The arbitral proceedings shall be conducted in (insert desired language).

INTRODUCTION

- (a) In the past, several Chambers of Commerce and Industry in Switzerland had their own different rules of arbitration for the resolution of international and/or domestic commercial disputes.
- (b) Effective January 1, 2004, the Chambers of Commerce and Industry of Basel, Bern, Geneva, Ticino, Vaud and Zurich, joined by Neuchâtel in 2008, (hereinafter collectively "the Chambers") have adopted the Swiss Rules of International Arbitration as their uniform rules for international arbitration (hereinafter the "Rules")².

¹ For the sake of convenience, as in the Rules, only the masculine form is used in these Supplementary Rules.

² The Rules are based on the UNCITRAL Arbitration Rules of 1976 and not on the revised UNCITRAL Arbitration Rules of June 25, 2010 which came into effect on August 15, 2010.

- (c) In order to promote institutional arbitration not only for international arbitration, but also for domestic arbitration under the provisions on arbitration in Art. 353 to 399 and 407 of the Swiss Code of Civil Procedure in effect as from January 1, 2011 (hereinafter the "CCP"), the Zurich Chamber of Commerce adopts by the present Supplementary Rules the Rules also as its rules for arbitration proceedings which are governed by Art. 353 to 399 and 407 CCP (hereinafter "Domestic Arbitrations"), subject to the amendments and modifications set forth in these Supplementary Rules which replace the former rules for domestic arbitration proceedings of the Zurich Chamber of Commerce³. The Supplementary Rules are available on the website of the Zurich Chamber of Commerce: www.zurichcci.ch.

Part A: General Application of the Rules

Article 1 to 44 of the Rules and the APPENDIXES A, B and C to the Rules also apply for Domestic Arbitrations except to the extent amended or modified by Part B of these Supplementary Rules.

Part B: Amendments and Modifications of the Rules

- (a) Article 1 of the Rules on the "*SCOPE OF ARBITRATION*" reads for Domestic Arbitrations as follows:

- "1. *The Rules shall govern Domestic Arbitrations as defined in lit. (c) of the INTRODUCTION to these Supplementary Rules, where an agreement to arbitrate refers to the Rules, these Supplementary Rules, or to the arbitration rules of the Zurich Chamber of Commerce.*
2. *The parties are free to designate the seat of the arbitration anywhere in Switzerland⁴.*
3. *These Rules shall come into force on January 1st, 2011 and, unless the parties have agreed otherwise, shall apply to all Domestic Arbitrations in which the Notice of Arbitration is submitted on or after that date."*

- (b) Article 2, paragraph 3 of the Rules is amended for Domestic Arbitrations as follows:

³ "Conciliation and Arbitration Rules of the Zurich Chamber of Commerce" dated 21 June 1985
⁴ To be recalled is that for international arbitration proceedings Article 1, paragraph 1 of the Rules permits that the seat of the arbitration may be also "elsewhere", i.e. in a "city abroad" and thus outside Switzerland (see [www.swissarbitration.org] under "Rules").

"If the circumstances so justify, the Zurich Chamber of Commerce may extend the time-limits provided in Section I (Introductory Rules) and Section II (Composition of the arbitral tribunal), as well as any time-limits that they have set and, in lieu of the state court referred to in Art. 356(2)(b) CCP, also the term of the mandate of the arbitral tribunal agreed by the parties.

- (c) Article 11 of the Rules is amended for Domestic Arbitrations by the following additional third paragraph:

"This Article applies by analogy also in the event of a challenge of the arbitral tribunal within the meaning of Art. 368 CCP."

- (d) Article 15, paragraph 5 of the Rules reads for Domestic Arbitrations as follows:

"The arbitral tribunal may, after consulting with the parties, appoint a secretary. Articles 9 to 11 of the Rules shall apply by analogy to the secretary."

- (e) The Rules shall be amended by a new Article 37bis reading as follows:

"Requests for an interpretation of the award, a correction of the award or an additional award within the meaning of Articles 35 to 37 of the Rules may be made within 30 days from discovering the error or the part of the award, which needs to be interpreted, corrected or supplemented, but no later than one year from the notification of the award."