

# International Arbitration in the Time of COVID-19: Navigating the Evolving Procedural Features and Practices of Leading Arbitral Institutions

July 10, 2020

The COVID-19 pandemic is an unprecedented global health crisis with no clear ending in sight. It has already provoked one of the most significant contractions of the global economy in a generation, and continues to adversely impact virtually every business sector.

Arbitration proceedings (and the arbitral institutions which administer them) have not been immune from these effects. As a result, they have been forced to swiftly adapt to the exceptional circumstances of the pandemic. Critically, this has led to: (i) the promotion and adoption of electronic case management tools; (ii) pressure on arbitral tribunals and parties to convene fully virtual hearings; and (iii) the promulgation of myriad protocols and guidelines relevant to these novel procedures.

As the pandemic continues to ebb and flow throughout the world, the future remains particularly uncertain and many of these adaptive arbitration features may be in place for a significant period. It is therefore essential that arbitral tribunals and arbitration users are well informed of the manner in which arbitral institutions are conducting proceedings in the current climate. It is equally important that arbitral tribunals and practitioners become familiar with the many new resources which have recently become available; particularly electronic features with which they may have little experience.

This Alert Memorandum outlines how leading arbitral institutions have adjusted their operations (and adapted their institutional rules) in response to the pandemic; highlights some of the new procedural features which are likely to be frequently utilized going forward; and sets out a list of resources recently promulgated or promoted by those institutions to support arbitral proceedings conducted in the time of COVID-19.

If you have any questions concerning this memorandum, please reach out to your regular firm contact or the following authors

---

FRANKFURT

**Richard Kreindler**  
+49 69 97103 160  
[rkreindler@cgsh.com](mailto:rkreindler@cgsh.com)

**Zachary S. O'Dell**  
+49 69 97103 128  
[zodell@cgsh.com](mailto:zodell@cgsh.com)

---

WASHINGTON

**Matthew D. Slater**  
+1 202 974 1930  
[mslater@cgsh.com](mailto:m Slater@cgsh.com)

**Larry Work-Dembowski**  
+1 202 974 1588  
[lwork-dembowski@cgsh.com](mailto:lwork-dembowski@cgsh.com)

---

LONDON

**Christopher P. Moore**  
+44 20 7614 2227  
[cmoore@cgsh.com](mailto:cmoore@cgsh.com)

**Paul C. Kleist**  
+44 20 7614 2209  
[pkleist@cgsh.com](mailto:pkleist@cgsh.com)



## I. Introduction

In April 2020, a group of leading international arbitral institutions<sup>1</sup> issued a joint statement seeking to promote stability and foreseeability in the highly unstable business environment caused by the pandemic, while simultaneously assuring arbitration users that “*pending cases may continue and that parties may have their cases heard without undue delay.*”<sup>2</sup>

As a result of the pandemic, many of these arbitral institutions were forced to adapt their operations (including *vis-à-vis* case management) in view of the local quarantines, lockdowns, contact restrictions, and office closures which have now become ubiquitous in the pandemic.

In parallel, arbitral institutions have begun to introduce new procedural features (including through the temporary modification of specific institutional rules) and promulgate various guidelines and protocols to assist arbitral tribunals and arbitration users in advancing proceedings.

Between March and June 2020, the administrative offices of many arbitral institutions (including those of the **ICC**, **LCIA**, **SCAI**, **AAA/ICDR**, and **ICSID**) operated entirely remotely, and parties were generally requested to transmit all communications electronically via email.

Other arbitral institutions (including the **SCC**, **DIS**, **CAM**, **VIAC**, and – since June 2, 2020 – **SIAC**) have kept one or more physical offices open notwithstanding remote work (*e.g.*, to facilitate the delivery and receipt of hard copy submissions, etc.).

Notably, **HKIAC**’s physical premises have remained open, fully operational, and accessible for hearings and meetings throughout the pandemic, with the

imposition of certain precautionary measures (*e.g.*, visitors must complete a health declaration form, pass a temperature control, etc.).

At the present time, many arbitral institutions are in the process of reopening their physical offices following the relaxation of local lockdowns and contact limitations. To the extent these quarantine measures may be (re-)introduced in the future to combat outbreaks or surges in a given jurisdiction, it is very likely that arbitral institutions would return to their respective operational plans utilized during the first phase of the pandemic.

## II. Filings and Submissions

**A. Commencing the Arbitration.** Prior to the constitution of the arbitral tribunal, arbitral institutions play a critical procedural role through the intake of new requests for arbitration from claimant parties and the notification of respondent parties of the commencement of proceedings.

In this respect, the pandemic may present unique procedural challenges to would-be claimants and arbitral institutions alike. In the midst of a lockdown where businesses and offices are shuttered, can a claimant party validly commence an arbitration solely with the electronic submission of a request for arbitration, absent submission of a hard copy? If a hard copy is normally required for commencement but such requirement is indefinitely postponed pending relaxation of lockdown restrictions, what would be the effect on limitations periods under applicable laws governing the dispute?

As a consequence of the pandemic, a clear trend has emerged favoring electronic-only submission of requests for arbitrations. For example, both the **ICC**<sup>3</sup> and **AAA/ICDR**<sup>4</sup> expressly mandate electronic-only

<sup>1</sup> The statement was joined, *inter alia*, by: the German Arbitration Institute (“**DIS**”); the International Court of Arbitration of the International Chamber of Commerce (“**ICC**”); the American Arbitration Association (“**AAA**”) and its International Centre for Dispute Resolution (“**ICDR**”); the International Centre for Settlement of Investment Disputes (“**ICSID**”); the Korean Commercial Arbitration Board (“**KCAB**”); the London Court of International Arbitration (“**LCIA**”); the Milan Chamber of Arbitration (“**CAM**”); the Hong Kong International Arbitration Centre (“**HKIAC**”); the Arbitration Institute of the Stockholm Chamber of

Commerce (“**SCC**”); the Singapore International Arbitration Centre (“**SIAC**”); and the Vienna International Arbitration Centre (“**VIAC**”). This Alert Memorandum will also address the Swiss Chambers’ Arbitration Institution (“**SCAI**”).

<sup>2</sup> Joint Statement, “[Arbitration and COVID-19](#),” April 2020.

<sup>3</sup> See ICC, “[Urgent Covid-19 message to DRS community](#),” dated March 17, 2020.

<sup>4</sup> See AAA/ICDR, “[Covid-19 Update](#).”

submissions of requests for arbitration and other initiating documents (e.g., applications for emergency arbitrator). Likewise, the **LCIA** requires that all new requests for arbitration be filed through its online filing system or by email, and that any applications under Article 9 of the LCIA Rules (i.e., applications for expedited formation of arbitral tribunal, emergency arbitrator or expedited appointment of replacement arbitrator) must be notified in advance by email.<sup>5</sup>

**ICSID** has gone so far as to make electronic-only filing of requests for arbitration (and post-award applications) the “*default procedure*.”<sup>6</sup> In the case of the **SCC**, electronic-only submission of new requests for arbitration was already the norm even prior to the pandemic. Since September 2019, SCC case management has been fully electronic on the proprietary *SCC Platform* (a secure digital platform for communication and file sharing between the SCC, the parties and the arbitral tribunal).<sup>7</sup>

Other arbitral institutions have adopted more of a hybrid approach. In its *Announcement of Particular Procedural Features for the Administration of Arbitrations in View of the Covid-19 Pandemic* dated March 31, 2020 (the “DIS Announcement”), **DIS** has provided that electronic transmission of the request for arbitration via email suffices to validly commence the arbitration and is “*preferred*.”<sup>8</sup> In other words, “*the claimant need not file a hard copy intended for the DIS*” where “*the requirements set forth in Article 6.1 DIS Arbitration Rules are met*.”<sup>9</sup> Nevertheless, hard copies of the request for arbitration (and all attachments) are still required for each party pursuant

to Article 4.2 of the 2018 DIS Arbitration Rules<sup>10</sup> and must be sent to the DIS Office in Bonn, Germany. Similarly, while **VIAC** “*encourages parties to submit all written submissions [...] preferably by electronic means*”<sup>11</sup> it still expressly requests the additional transmission of hard copies of commencement documents for respondent parties pursuant to Art. 12, ¶ 1 of the Vienna Rules.<sup>12</sup>

In a third approach, **SCAI** has remained silent on this issue, thus maintaining the status quo of Art. 3 of the 2012 Swiss Rules, which requires hard-copy submission of a notice of arbitration “*in as many copies as there are other parties [...] together with an additional copy for each arbitrator and one copy for the Secretariat*.”<sup>13</sup>

While arbitral institutions have adopted differing approaches to address these issues, it is noteworthy that none of the institutions discussed in this Alert Memorandum has suspended the intake of new requests for arbitration as a result of the pandemic. Thus, arbitration users may take comfort in the fact that these fora remain available for the adjudication of new disputes, even in the midst of ongoing restrictions.

**B. Other Submissions.** With respect to all other submissions, there is also a clear trend in favor of electronic-only filing. Most arbitral institutions, at minimum, encourage or request that parties make all written submissions electronically.

For example, the **ICC’s** *Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic* dated April 9, 2020 (the “ICC

<sup>5</sup> See LCIA, “[LCIA Services Update: COVID-19](#),” dated March 18, 2020.

<sup>6</sup> See ICSID, “[ICSID Makes Electronic Filing its Default Procedure](#),” dated March 13, 2020.

<sup>7</sup> See SCC, “[SCC Platform – Simplifying Secure Communication from Request to Award](#).” The SCC also provides access to a version of the SCC Platform specifically designed for ad-hoc arbitrations (the “Ad Hoc Platform”). As part of its response to the pandemic, the SCC has made the Ad Hoc Platform available free of charge for any ad-hoc arbitration commenced through 31 December 2020. See SCC, “[Ad Hoc Platform – Powered by the SCC](#).”

<sup>8</sup> See [DIS Announcement](#), § 5.

<sup>9</sup> *Id.*

<sup>10</sup> 2018 DIS Arbitration Rules, Art. 4.2 (“*Requests for Arbitration pursuant to Article 5 and Article 19 shall be sent to the DIS in paper form as well as in electronic form. The following number of copies shall be filed: (i) paper form: one copy of the Request for Arbitration for each party, as well as any attachments thereto, and one copy for the DIS without attachments [...]*”).

<sup>11</sup> See VIAC, “[Availability and General Measures undertaken by VIAC in times of COVID-19](#).”

<sup>12</sup> Vienna Rules 2018, Art. 12 (“*A Statement of Claim shall be submitted in electronic form and, including exhibits, in hardcopy form in the number of copies necessary so that each arbitrator, each party and the Secretariat receive a copy*”).

<sup>13</sup> 2012 Swiss Rules, Art. 3.

Guidance Note”) states: “*To mitigate the current difficulties for the submissions of hard copies, tribunals should encourage the parties to use electronic means of communication for the submissions and exhibits to the full extent possible.*”<sup>14</sup>

In most arbitrations this issue will be governed by the individual procedural rules established at the discretion of the arbitral tribunal and/or be subject to party agreement. Of course, where an institution administering an arbitration has offered specific guidance or recommendations, these will almost certainly be accorded serious weight by the arbitral tribunal.

For those institutions which already utilize electronic case management and communication platforms – such as the AAA/ICDR<sup>15</sup> and SCC<sup>16</sup> – electronic-only filings and submissions already represent the established norm. This appears to be a growing trend. As a result of both the pandemic and environmental concerns, some institutions, (including notably the ICC<sup>17</sup>) expect to roll out their own electronic case management platforms in the near future.

**C. Extension of Time Limits.** Several arbitral institutions have additionally addressed the treatment and possible extension of time limits during the pandemic.

As an example, DIS has pledged to “*take into account the impact of the Covid-19 pandemic in any decisions on requests for extension of time limits pursuant to Article 4.9 of the DIS Arbitration Rules.*”<sup>18</sup> For expedited proceedings, if the 6-month time limit to render a final award pursuant to Art. 1 of Annex 4 to

the 2018 DIS Arbitration Rules<sup>19</sup> is not met, including as a consequence of the pandemic, the arbitral tribunal will not cease to have jurisdiction over the dispute but should conclude the arbitration “*as soon as possible*” pursuant to Art. 5 of Annex 4.<sup>20</sup>

SIAC has also demonstrated some sympathy towards delays caused by the pandemic. It expressly provides that “[i]f COVID-19 has resulted in circumstances that will prevent you from meeting any timelines set forth in the Rules, please make a formal application to SIAC for an extension of time, copying the other party and the Tribunal.”<sup>21</sup>

In Section 8 of its Guidance Note, the ICC provides a particularly detailed description of its approach to time limits, referring to Art. 24(3) of the 2017 ICC Rules, whereby the arbitral tribunal “*may adopt further procedural measures or modify the procedural timetable,*” after consultation with the parties, in order to ensure continued effective case management. These suggested measures may include, *inter alia*, “*considering whether and how the number and size of submissions can be limited*” and “*considering whether the parties would agree to opt-in to the ICC Expedited Rules Provisions.*”<sup>22</sup>

### III. (Virtual) Hearings

By this point in the pandemic, even casual users and stakeholders will be well aware of the rapidly increasing reliance on remote hearings using electronic communications in international arbitration. Organizing and conducting effective evidentiary hearings, which respect the parties’ fundamental rights of due process and equal

<sup>14</sup> ICC, “[ICC Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic](#),” dated April 9, 2020.

<sup>15</sup> See AAA/ICDR, “[Covid-19 Update: The AAA-ICDR Provides Simplified Filing and Invoicing](#).”

<sup>16</sup> See SCC, “[SCC Platform – Simplifying Secure Communication from Request to Award](#).”

<sup>17</sup> During the 4th ICC European Conference on July 7, 2020, part of the Paris Arbitration Week, ICC Court President Alexis Mourre pledged that the ICC would “soon” offer an online case management and communication platform for ICC-administered arbitrations.

<sup>18</sup> [DIS Announcement](#), § 4. See also 2018 DIS Arbitration Rules, Art. 4.9 (“*The DIS may, in its discretion, extend*

*any time limit referred to in the Rules or fixed by the DIS pursuant to the Rules, except for time limits fixed by the arbitral tribunal.*”).

<sup>19</sup> See 2018 DIS Arbitration Rules, Annex 4, Art. 5 (“*The final award shall be made at the latest six months after conclusion of the case management conference held pursuant to Article 27.2.*”).

<sup>20</sup> See [DIS Announcement](#), § 9.

<sup>21</sup> See SIAC, “[SIAC COVID-19 Frequently Asked Questions \(FAQs\)](#).” See also SIAC Rules 2016, Art. 2.6 (“*Except as provided in these Rules, the Registrar may at any time extend or abbreviate any time limits prescribed under these Rules.*”).

<sup>22</sup> [ICC Guidance Note](#), § 8.

treatment, has been one of the biggest challenges arising from the COVID-19 pandemic.

Despite difficult circumstances, arbitral institutions are doing their best to support arbitral tribunals and arbitration users to ensure hearings are able to proceed in an efficient, secure and cost-effective manner, even as physical hearings remain impossible in many jurisdictions.

**A. General Approach to Virtual Hearings.** As a general matter, most arbitral institutions have strongly encouraged arbitral tribunals and parties to proceed with fully virtual hearings. Many have also outlined specific guidance and factors for arbitral tribunals to consider before transitioning from a physical to virtual hearing.

By illustration, early in the course of the pandemic, the AAA/ICDR informed users that no hearings would take place in its facilities until at least September 1, 2020. Users are instead encouraged to make use of AAA/ICDR's turn-key virtual hearing platforms and support services.<sup>23</sup> CAM has likewise cancelled or postponed all scheduled physical hearings, and encourages parties and arbitral tribunals to conduct hearings and meetings online, by video or audio conference.<sup>24</sup>

ICSID also encourages participants in pending arbitrations to discuss detailed options for online hearings with the ICSID Secretariat, including by facilitating the use of a third-party video-conferencing platform.<sup>25</sup> Similarly, SIAC has made clear that if physical hearings are impossible or impracticable, parties should discuss alternatives with the arbitral tribunal, *i.e.*, virtual hearings, teleconferencing, or documents-only procedures for less complex cases.<sup>26</sup>

The SCC has encouraged arbitral tribunals to “*use alternative means such as audio- and visual meeting*

*facilities going forward.*” However, consistent with its reputation for promoting timely and speedy disposition of proceedings, the SCC has also stressed that “*arbitral tribunals are expected to manage the proceedings in accordance with timetables previously established, or otherwise in accordance with Article 23 of the SCC Rules.*”<sup>27</sup>

As a general matter, the ICC encourages parties, counsel and arbitral tribunals to mitigate potential delays by utilizing audio- or video-conferencing for hearings whenever feasible and appropriate.<sup>28</sup> In this respect, the ICC's approach is again notable given the particularly exhaustive discussion in its Guidance Note. In addition, the ICC's Guidance Note reaffirms the broad discretionary power of arbitral tribunals in determining hearing modalities.<sup>29</sup>

Specifically, participants are asked to consider whether hearings should be postponed (if physical hearings are indispensable yet currently impossible), conducted physically with precautions, or should be held virtually (and if so, whether special features would be required). Arbitral tribunals may then decide to conduct a virtual hearing even absent party agreement or over party objection, but are encouraged to consider the matter carefully with due regard to all circumstances, in particular the enforceability of the award.<sup>30</sup> Furthermore, arbitral tribunals are encouraged to consider various issues of equal treatment including with respect to the parties' opportunities to present their respective cases at a virtual hearing (*e.g.*, time zone differences, procedures for the taking of evidence from fact and expert witnesses to ensure that the integrity of any oral testimonial evidence is preserved, etc.).<sup>31</sup>

SIAC also affirms the broad discretion of arbitral tribunals in determining appropriate hearing modalities, encouraging them to “*ensure the fair,*

<sup>23</sup> See AAA/ICDR, “[AAA-ICDR COVID-19 Resource Center](#).”

<sup>24</sup> See CAM, “[CAM offices are open](#),” dated May 14, 2020.

<sup>25</sup> See ICSID, “[A Brief Guide to Online Hearings at ICSID](#),” dated March 24, 2020.

<sup>26</sup> See SIAC, “[SIAC COVID-19 Frequently Asked Questions \(FAQs\)](#).”

<sup>27</sup> SCC, “[Covid-19: Information and Guidance in SCC Arbitrations](#),” dated March 27, 2020. See also 2014

SCC Arbitration Rules, Art. 23(1) (“*The Arbitral Tribunal may conduct the arbitration in such manner as it considers appropriate, subject to these Rules and any agreement between the parties.*”).

<sup>28</sup> See [ICC Guidance Note](#), § 8.

<sup>29</sup> See *id.* §§ 19-21 (“*If the parties agree, or the tribunal determines [...]*”).

<sup>30</sup> See *id.* § 22.

<sup>31</sup> See *id.* § 28.

*expeditious and economical conclusion of the arbitration and the enforceability of any award.*<sup>32</sup>

Some arbitral institutions also continue to offer in-person hearing facilities and services for the time being. For example, although **HKIAC** also offers a virtual hearing platform and services, its physical hearing space has remained open for in-person hearings throughout the pandemic (with precautionary measures undertaken for visitors and staff).<sup>33</sup> Physical hearings are now also permitted once again at **VIAC**'s hearing facilities as of May 30, 2020.<sup>34</sup>

Other arbitral institutions (including the **LCIA**, **SCAI**, and **DIS**) have largely remained silent on the issue of hearings.<sup>35</sup> Ultimately, this approach leaves decisions concerning hearing scheduling and modalities entirely with arbitral tribunals and parties.

#### **B. Assistance & Support in Virtual Hearings.**

Many arbitral institutions have made significant efforts to offer organizational assistance and support to participants engaging in virtual hearings.

The **ICC**'s 13-page Guidance Note heavily focuses on the issue of virtual hearings. For example, it includes offers for technical support and assistance to arbitral tribunals looking to evaluate existing options for virtual hearings and electronic bundle facilities. It also provides a "third-party comparative table" of available video-conference platforms, and recommends the use of licensed platforms to ensure maximum security and confidentiality.<sup>36</sup> In the various Annexes to the Guidance Note, the **ICC** helpfully provides a "Checklist for a Protocol on Virtual Hearings,"<sup>37</sup> "Suggested Clauses for Cyber-protocols and Procedural Orders Dealing With the Organization of Virtual Hearings"<sup>38</sup> and a template annex to a procedural order with

"Technical/Technological requirements" for the virtual hearing.<sup>39</sup>

The **AAA/ICDR** also offers various tools to assist arbitral tribunals and parties in conducting virtual hearings, including a virtual hearing platform with "pre-determined settings to promote privacy, security and ease of use," "best-practices training guides for staff, arbitrators, counsel and parties," a virtual hearing guide for arbitrators and parties, as well as model orders and procedures for videoconferences, among others.<sup>40</sup>

**ICSID** also provides significant support for virtual hearings. Its "Brief Guide to Online Hearings"<sup>41</sup> outlines the main tools offered to participants, including the use of a video-conferencing platform (which does not require special hardware or software), and the services of a virtual court stenographer providing a real-time transcript of the proceeding.

**HKIAC** also offers various virtual hearing services (e.g., online document repositories allowing for electronic transmission of evidence), and has issued "Guidelines for Virtual Hearings"<sup>42</sup> which assist arbitral tribunals and arbitration users through every step of the virtual hearing and include confidentiality and cyber-security specifications.

**VIAC** has recently promulgated *The Vienna Protocol – A Practical Checklist for Remote Hearings*.<sup>43</sup> It provides a particularly helpful and comprehensive checklist to employ when (i) assessing the applicable regulatory framework and the viability of a remote hearing, (ii) selecting a remote hearing platform and developing pre-hearing preparatory measures and remote hearing etiquette and protocols, and

<sup>32</sup> See [SIAC, "SIAC COVID-19 Frequently Asked Questions \(FAQs\)."](#)

<sup>33</sup> [HKIAC, "Virtual Hearings at HKIAC: Services and Success Stories,"](#) dated May 6, 2020.

<sup>34</sup> See [VIAC, "Holding Hearings in Times of COVID-19."](#)

<sup>35</sup> See, e.g., [DIS Announcement](#), § 9 (noting that due to the pandemic, hearings are "in some cases being postponed").

<sup>36</sup> See [ICC Guidance Note](#), §§ 30-32.

<sup>37</sup> *Id.* pp. 7-8.

<sup>38</sup> *Id.* pp. 9-12.

<sup>39</sup> *Id.* p. 13.

<sup>40</sup> See [AAA/ICDR, "Virtual Hearings."](#)

<sup>41</sup> [ICSID, "A Brief Guide to Online Hearings at ICSID,"](#) dated March 24, 2020.

<sup>42</sup> [HKIAC, "HKIAC Guidelines for Virtual Hearings,"](#) dated May 14, 2020.

<sup>43</sup> See [VIAC, "The Vienna Protocol - A Practical Checklist for Remote Hearings,"](#) dated June 2020.

(iii) ensuring compliance during the remote hearing itself.

Other institutions have referred arbitral tribunals and arbitration users to external resources in respect of virtual hearings. Both the **SCC** and **VIAC** refer to the *Delos checklist on holding arbitration and mediation hearings in times of COVID-19* promulgated by Delos Dispute Resolution.<sup>44</sup> **VIAC** also refers to the Chartered Institute for Arbitrators (“**CIArb**”) helpful *Guidance Note on Remote Dispute Resolution Proceedings*.<sup>45</sup> Similarly, **SIAC** refers its users to the Maxwell Chambers suite of Virtual ADR Hearing Services which is powered by a well-known third-party vendor.<sup>46</sup> **SIAC** has also taken the additional step of training counsel in its Secretariat as so-called Remote Technology Specialists, and introduced a Live Help Desk feature for users to easily contact the **SIAC** Secretariat for assistance.<sup>47</sup>

In addition, several institutions (including **ICSID**, and **HKIAC**), extend access to their virtual hearing platforms and services for arbitrations conducted before and under the rules of other arbitral institutions. For example, **ICSID**’s online hearing services are available in cases conducted under **UNCITRAL** Arbitration Rules as well as other non-**ICSID** procedural rules.<sup>48</sup> **HKIAC** expressly offers its virtual hearings services for any arbitration, irrespective of the administering institution.<sup>49</sup>

Other arbitral institutions (including the **LCIA**, **SCAI**, **DIS**, and **CAM**) to date have not offered specific support for virtual hearings and/or have not endorsed any specific external platforms, tools, or resources. In these cases, the Resource List (appended below) may be particularly useful and

instructive for arbitral tribunals and arbitration users alike.

#### IV. Arbitral Awards

The scrutiny and notification of arbitral awards are additional critical procedural roles frequently undertaken by arbitral institutions. Some institutions have addressed the treatment of arbitral awards in view of the pandemic.

For example, **DIS** (as well as the **ICC**<sup>50</sup>) provides that awards will be notified solely in electronic form if the parties so agree. Absent agreement, **DIS** will provide notification of an arbitral award in its original hard-copy form (but without the customary signature from the Case Management Team).<sup>51</sup>

Similarly, the **LCIA**<sup>52</sup> and **SIAC**<sup>53</sup> will, in principle, provide notification of awards to parties electronically and transmit hard copies only when their respective offices have re-opened. The **ICC** has also made clear that, while the standard time limit for submission of a draft award from an arbitral tribunal to the **ICC** Court remains in effect, it will be sensitive to delays “*genuinely attributable*” to the pandemic.<sup>54</sup>

Other arbitral institutions (including **VIAC**) continue to rely on hard-copy notification of awards as the default rule, except in instances where it is impossible or impracticable to provide such notification within a reasonable time.

\*\*\*\*

<sup>44</sup> Delos, “[Checklist on Holding Arbitration and Mediation Hearings in Times of COVID-19](#),” v. 2 dated March 20, 2020.

<sup>45</sup> See **CIArb**, “[Guidance Note on Remote Dispute Resolution Proceedings](#).”

<sup>46</sup> See Maxwell Chambers, “[Virtual ADR Hearing Services](#).”

<sup>47</sup> See **SIAC**, “[Arbitration at SIAC during COVID-19](#),” dated April 28, 2020.

<sup>48</sup> See **ICSID**, “[A Brief Guide to Online Hearings at ICSID](#),” dated March 24, 2020.

<sup>49</sup> See **HKIAC**, “[HKIAC Guidelines for Virtual Hearings](#),” dated May 14, 2020 (“*HKIAC’s virtual hearing services may be used for arbitrations administered by HKIAC and those that are not*”).

<sup>50</sup> See **ICC Guidance Note**, § 15.

<sup>51</sup> See **DIS Announcement**, § 8.

<sup>52</sup> See **LCIA**, “[LCIA Services Update: COVID-19](#),” dated March 18, 2020.

<sup>53</sup> See **SIAC**, “[SIAC COVID-19 Frequently Asked Questions \(FAQs\)](#).”

<sup>54</sup> See **ICC Guidance Note**, § 5.

## Appendix: Resource List

The following resources have been compiled from leading arbitral institutions in connection with various procedural measures, protocols, guidelines, and platforms promulgated in response to the COVID-19 pandemic and currently represent best practices.

### Special Procedural Measures & Announcements:

DIS, "[Announcement of Particular Procedural Features for the Administration of Arbitrations in View of the Covid-19 Pandemic](#)," 1st ed. dated March 31, 2020

ICC, "[Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic](#)," dated April 9, 2020

### Administrative Information:

ICC, "[Urgent COVID-19 message to DRS community](#)," dated March 17, 2020

LCIA, "[LCIA Services Update: COVID-19](#)," dated March 18, 2020

LCIA, "[COVID-19 Update: Recalibrating and Resilience – LCIA continues to deliver the highest quality services for users](#)," dated May 14, 2020

AAA/ICDR, "[COVID-19 Resource Center](#)"

AAA/ICDR, "[Hearing Facilities Update](#)"

HKIA, "[Service Continuity during COVID-19](#)," dated March 27, 2020

ICSID, "[Message Regarding COVID-19](#)," dated March 11, 2020

ICSID, "[Message Regarding COVID-19 \(Update\)](#)," dated March 19, 2020

CAM, "[Arbitral proceedings deadlines](#)," dated April 14, 2020

CAM, "[CAM offices are open](#)," dated May 14, 2020

SCC, "[Covid-19: How the SCC is responding](#)," dated March 18, 2020

SCC, "[Covid-19: Information and Guidance in SCC Arbitrations](#)," dated March 27, 2020

SIAC, "[COVID-19 Information for SIAC Users](#)," dated March 16, 2020

SIAC, "[Enhanced Covid-19 Measures at SIAC](#)," dated April 6, 2020

SIAC, "[Arbitration at SIAC during COVID-19](#)," dated April 28, 2020

SIAC, "[COVID-19 Frequently Asked Questions \(FAQs\)](#)"

SIAC, "[Covid-19 Measures at SIAC](#)," dated May 28, 2020

SIAC, "[Updated Covid-19 Measures at SIAC](#)," dated June 23, 2020

VIAC, "[Availability and General Measures undertaken by VIAC in times of COVID-19](#)"

### Case Management:

Working Group on LegalTech Adoption in International Arbitration, "[Protocol for Online Case Management in International Arbitration](#)," July 2020



SCC, "[SCC Platform](#)"

SCC, "[Ad Hoc Platform – Powered by the SCC](#)"

"[Delos checklist on holding arbitration and mediation hearings in times of COVID-19,](#)" v. 2 dated March 20, 2020 (*promoted by VIAC and SCC*)

**Filings:**

AAA/ICDR, "[Filing Considerations](#)"

AAA/ICDR, "[Covid-19 Update: The AAA-ICDR Provides Simplified Filing and Invoicing](#)"

CIArb, "[Guidance Note on Remote Dispute Resolution Proceedings](#)"

ICSID, "[ICSID Makes Electronic Filing its Default Procedure,](#)" dated March 13, 2020

VIAC, "[Holding Hearings in Times of COVID-19](#)"

VIAC, "[The Vienna Protocol - A Practical Checklist for Remote Hearings,](#)" June 2020

Maxi Scherer, "[Remote Hearings in International Arbitration: An Analytical Framework,](#)" May 2020, (*promoted by VIAC*)

**Virtual Hearings:**

AAA/ICDR, "[Virtual Hearing Guide for Arbitrators and Parties](#)"

AAA/ICDR, "[Virtual Hearing Guide for Arbitrators and Parties Utilizing ZOOM](#)"

AAA/ICDR, "[Model Order and Procedures for a Virtual Hearing via Videoconference](#)"

Maxwell Chambers, "[Virtual ADR Services](#)" (*promoted by SIAC*)

HKIAC, "[Virtual Hearings at HKIAC: Services and Success Stories,](#)" dated May 6, 2020

HKIAC, "[Webinar on Virtual Hearings](#)"

HKIAC, "[Guidelines for Virtual Hearings](#)"

**Cybersecurity:**

"[ICCA-NYC Bar-CPR Protocol on Cybersecurity in International Arbitration,](#)" 2020 Edition, The ICCA Reports No. 6

ICSID, "[A Brief Guide to Online Hearings at ICSID,](#)" dated March 24, 2020

**Miscellaneous:**

AAA/ICDR, "[ADR Services for Covid-19 Related Business Disputes](#)"

AAA/ICDR, "[The App for AAA-ICDR Rules and Clauses](#)"

\*\*\*\*

CLEARY GOTTLIB

"[Seoul Protocol on Video Conferencing in International Arbitration](#)" (*promoted by KCAB*)