



12 Part Webinar Series on the Theme of: Maritime Industry Contracts Dispute Resolution Clauses and Managing Costs of Resolving Disputes

This 12 part series of discussion sessions are developed to expose the pitfalls of default dispute resolution clause and consequences faced by the parties. Each session is devoted to one specific challenge, related case study, applicable legal principles and recommendations for managing your business amicably and profitably.



MARITIME CONTRACTS DISPUTE RESOLUTION CLAUSES AND
MANAGING COSTS OF RESOLVING DISPUTES
TIBERIASMC WEBINAR SERIES
PART 1 OF 12



Schedule: Every 2nd & 4th Tuesday / Wednesday of the Month to be completed within 3 months.

Time: 08:00 GMT / 16:00 HK / Malaysia / SG Time

Duration: 60 minutes for presentation followed by 45 minutes of Q & A session

Booking: Each Session Individually at standard rate or set of 12 sessions at discounted rate

Who Must Attend?

OSV Owners, Charterers and Offshore Field Operations Managers, Commercial and Marketing Directors, Corporate Legal Counsels, Practicing Maritime Lawyers interested in OSV Sectors, Fleet Managers and Superintendents, Operations Managers, Masters, Post-fixture Managers, Investment Analysts and Offshore Credit Risk Managers of Financial Institutions, Managers from Platform Operators and Organizations engaged in Offshore E & P Projects.

Topics by Sessions

1. Anatomy of Default Dispute Resolution Clauses
2. Amending or Avoiding the Default Clause When Dispute has Erupted
3. Stages or Tiers in a Dispute Resolution Clause
4. Multiple or Conflicting Dispute Resolution Clauses
5. Role of Mediation in Resolving International Maritime Disputes
6. Forum Shopping for Litigation or Arbitration
7. Applying Security for Costs in Arbitration or Courts
8. Arresting Ship for Security for Claim or for Costs
9. Multi-party Dispute Resolution Clause
10. Estimating and Controlling Costs of Dispute Resolution Forums
11. Drafting and Reviewing the Dispute Resolution Clause
12. Lessons Learned and Recap of 11 Sessions of Dispute Resolution Clause

Pre-Webinar Questions and Clarifications

Participants can submit questions prior to or during the event through the special feature on the event page or by emailing to eventadmin@tiberiasmc.com

Post Webinar Downloads

1. The recorded session of this webinar will be available for replay by the Registered Participants, after the live broadcast.
2. Links to the free downloads of reference materials cited during the webinar will be made available for download by the Participants within one week of the webinar session.

The Host / Moderator



Jayems Dhingra

C.Arb, FCI Arb, FACICA, FHKIoD, MSID
Chartered Arbitrator, Adjudicator, Mediator and
Management Consultant with 42 years of experience in
Maritime and Shipping, Oil & Gas EPCIC Projects,
Construction Industry, Logistics & Terminals.

Please click and download from the website the brief profile of [the Host and the Guest Panelists](#).

Registration

1. You can [register here](#) or open the link in your browser:
<https://estore.tiberiasmc.com/tmc-product-type/cpa-default-adr-clause-series/> and
select the relevant Session you wish to register.
2. You can also register for full 12 Part Series to get the discounted offer at the price of only 10 sessions.

About Co-Presenters and Industry Experts for Sessions 1 to 12

There will be one or two additional guest presenters from the industry and legal professionals, Heads of Arbitration Centers and other ADR Institutions. A new guest will be invited for each session according to the expertise in the maritime sector and the topic of discussion, so as to address the questions and issues raised by the participants during the live sessions. The profile of the Guest Panelist and the Host can be downloaded from the Registration Page of each session.

Supported By



Important Notes for Webinar Participation

1. You can participate anonymously without using your full name or email address. The questions can be asked during the webinar session without identifying yourself to other participants.
2. The access to the webinar platform can be by any devices (Laptop, Mobile Phones or Notepads) with good internet connection, from anywhere in the world.
3. The detailed instructions will be sent prior to the session with an access token.

Brief Details of Each Session

1. Anatomy of Default Dispute Resolution Clauses in Maritime Segments

- a. In Charter Party Agreements
- b. In Bills of Lading
- c. In Shipping and Logistic Services Contracts
- d. Maritime industry contracts like Shipbuilding, Ship Repair and Rig Building Contracts
- e. Forum Shopping and Developing Best Default ADR Clause with cost control mechanism

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

2. Amending or Avoiding the Default Clause When Dispute has Erupted

- a. Exploring Possible Options
- b. Evaluating the Consequences of Dysfunctional or Pathological Clause
- c. Strategy for Dealing with Non-Cooperative Party
- d. Default Consequence of Non-Participation
- e. Initiating the Arbitral Proceeding

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

3. Stages or Tiers in a Dispute Resolution Clause

- a. Preconditions for Invoking each Tier
- b. Effectiveness and Enforceability of each Stage / Tier
- c. Sequential or Optional Process
- d. Administration of Each Stage
- e. Refusal to Participate in any Stage

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

4. Multiple or Conflicting Dispute Resolution Clauses

- a. Dispute Resolution Clause Incorporated By Reference from other Contract
- b. Dispute Initiated by Non-Contracting Party – Shipper with Terminal or Vessel with Terminal, Consignee against the Ship Owner etcetera
- c. Multiple Parties in the chain of Charter Parties
- d. Back-to-Back Agreements
- e. Parties in Contract through Brokerage Only

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

5. Role of Mediation in Resolving International Maritime Disputes

- a. Mediation Agreement
- b. Choice of Mediation Forum
- c. Mediator Appointment
- d. Settlement Agreement
- e. Enforceability of Settlement Agreement
- f. Alternatives After Failed Attempts to Settle
- g. Cost Consequences for Non-participation

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

6. Forum Shopping for Litigation or Arbitration

- a. Choice of Seat of Arbitration
- b. Administered vs Unadministered Arbitration
- c. Why Avoid litigation in Courts
- d. Stay Orders in favor of Arbitration
- e. Pre-planning before invoking an Arbitration Clause

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

7. Applying Security for Costs in Arbitration or Courts

- a. Within the Arbitration Proceeding
- b. Application in Court at the Seat
- c. Types of Securities
- d. Security in Foreign Jurisdiction
- e. Attaching Assets or Security by Both Parties

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

8. Arresting Ship for Security for Claim or for Costs

- a. At the seat of Arbitration or Court
- b. In Foreign Jurisdiction
- c. Consequences of Arrest
- d. Releasing from Arrest
- e. Claims for Damages due to Wrongful Arrest

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

9. Multi-party Dispute Resolution Clause

- a. Common Arbitration Clause in Multiple Charter Parties
- b. Post-event agreement for Joinder of the 3rd Parties
- c. Collisions and Accident Matters
- d. Cargo Interests
- e. String of Head Charter Party to multiple Sub-Charter Parties

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

10. Estimating and Controlling Costs of Dispute Resolution Forums

- a. Legal Costs
- b. Administrative Costs
- c. Witnesses and Party Costs
- d. Time Cost
- e. Mediator, Court or Arbitration fees

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

11. Drafting and Reviewing the Dispute Resolution Clause

- a. In Context of Charter Party Agreements
- b. For Contracts of Afreightment
- c. For Offshore Support Vessels
- d. Repairs and Shipbuilding Contracts
- e. Oil & Gas E & P contracts and Rigs Charter Party

Reference Case Study: The links to relevant case law reports will be given one week before the scheduled date of the session for preparatory study. Discussion will be held during the workshop session.

12. Lessons Learned and Recap of 11 Sessions of Dispute Resolution Clause

- a. Case Studies
- b. Recommendations
- c. Model Clauses
- d. Model Forums
- e. Responses to the Questions submitted by the Participants

“A Guidebook on Drafting Dispute Resolution Clause for Marine and Offshore Industry,” and summary of discussions held during the 12 sessions will be presented to the participants who have attended 7 or more sessions.

REGISTER HERE

Or

Contact to request for alternate time slot:

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