

# **Innovative Development of International Commercial Dispute Resolution Mechanisms (Translation)**

**Tao Kaiyuan, Justice, Vice President of the Supreme People's  
Court of the People's Republic of China**

**Honorable Chief Justices, Presidents of Supreme Courts,  
Distinguished Guests, Ladies and Gentlemen, Dear Friends,**

Good morning!

It is a great pleasure to gather here in Quanzhou with my colleagues during this most pleasant season to discuss the innovative development of international commercial dispute resolution mechanisms. This year marks the tenth anniversary of the Belt and Road Initiative and the fifth year of the construction of China's international commercial dispute resolution mechanisms by the Supreme People's Court. Over the past five years, the Supreme People's Court of China has made in-depth advances in the construction of China International Commercial Court (CICC), the International Commercial Expert Committee, and the "one-stop" diversified international commercial dispute resolution mechanism, playing a crucial role in improving the business environment, promoting trade and investment liberalization and facilitation, and ensuring the smooth implementation of the Belt and Road Initiative. In the following speech, I would like to share with you on this topic in light of China's practices in the innovative development of international commercial dispute resolution mechanisms.

## **I. Innovating procedural systems to further promote the international development of CICC**

In line with the principles of justice, efficiency, convenience, and low cost, the CICC has undertaken a series of innovations in its procedural systems. **In terms of jurisdiction**, it emphasizes respecting the autonomy of the parties and accepts the first instance international commercial cases where the parties agree to choose the jurisdiction of the Supreme People's Court with a disputed subject amount exceeding RMB 300 million. In the process of amending the Civil Procedure Law, provisions have been added regarding jurisdiction clauses involving foreign-related agreements, removing the limitation of the principle of "actual connection" in agreements where the jurisdiction of Chinese courts has been chosen. Rules have been clearly stipulated for parallel litigation and the forum-non-convenience doctrine to properly resolve conflicts of international civil and commercial jurisdiction. The amended Civil Procedure Law will officially come into effect on January 1, 2024. **In terms of the trial level system**, it highlights its efficiency advantages by implementing a

“first instance as final instance system” and simultaneously granting the parties the right to apply for retrial, so as to ensure the operation of a limited error correction mechanism. **In terms of the evidence system**, the principle of convenience is highlighted, and no mandatory notarization and authentication is required for evidence obtained from outside the jurisdiction. Evidence materials in English language, with the consent of the other party, may be provided without a Chinese translation. **In the making of adjudicative documents**, the principles of openness and transparency in judicial proceedings are highlighted, allowing minority opinions of the collegiate bench to be included. Over the past five years, the CICC has effectively and fairly concluded a number of cases with guiding significance, among which one case has been selected as a guiding case by the Supreme People’s Court, and two cases have been selected as typical cases involving the Belt and Road Initiative construction.

## **II. Innovating operation mechanisms to meet the diversified dispute resolution needs of international commercial entities**

Diversification and integration are not only the latest trends in the development of international commercial dispute resolution mechanisms in China, but also across the globe. The Supreme People’s Court of China attaches great importance to the organic connection and effective coordination of diversified dispute resolution mechanisms. Over the past five years, the Supreme People’s Court has appointed 61 international commercial expert committee members from 24 countries in three batches, and selected 10 international commercial arbitration institutions and two international commercial mediation institutions in two batches. Together with the CICC, they have established a “one-stop” diversified international commercial dispute resolution mechanism that organically connects litigation with mediation and arbitration, fully guaranteeing the rights of Chinese and foreign parties to choose dispute resolution entities and methods. **In terms of the connection between litigation and mediation**, with the consent of the parties, the CICC may entrust mediation agencies within the “one-stop” mechanism to mediate disputes and may issue mediation letters or judgments regarding the mediation agreement reached according to law or as requested by the parties to endow it with mandatory enforceability. **In terms of the connection between litigation and arbitration**, the parties may apply to the CICC for property security in arbitration, revocation or enforcement of arbitration awards for international commercial disputes where the parties have agreed to choose arbitration institutions within the “one-stop” mechanism and meet the requirements. **In terms of informatization construction**, relying on the achievements of smart court construction, a “one-stop” platform for international commercial dispute resolution has been established to enable the parties to handle procedures such as case filing, mediation, and court sessions online. **In addition**, the Supreme People’s Court of China has actively promoted the resolution of difficulties in ascertaining foreign laws by establishing a foreign law ascertainment platform, formulating judicial interpretations on foreign law ascertainment, and building a database

of foreign laws and cases. Currently, Guidelines for the Operation of the “One-stop” Platform for Diversified International Commercial Dispute Resolution are being developed to vigorously promote the efficient operation of this mechanism.

### **III. Innovating cooperation models to promote the integrated development of international commercial dispute resolution mechanisms involving the Belt and Road Initiative**

The Supreme People’s Court of China upholds the principles of openness, inclusiveness, mutual learning, and win-win results as its concepts of cooperation. So far, it has established friendly exchanges with judicial institutions in over 140 countries and regions and over 20 international or regional organizations, signed more than 70 cooperation agreements or memorandums, and achieved pragmatic cooperation outcomes in various fields such as judicial assistance, mediation in litigation, case exchanges, and training of legal personnel. A number of large-scale international forums on judicial cooperation and professional conferences on judicial exchanges have been held and actively build consensus on the rule of law to co-build the “Belt and Road”. It has sent representatives to participate in the consultation of several international conventions, model laws, and transaction rules, including the judgment project of the Hague Conference on Private International Law, contributing China’s wisdom to the formulation of international rules. Through judicial cases, it has been exploring the construction of new rules for railway transport documents. The Chinese government has submitted a proposal to the United Nations Commission on International Trade Law (UNCITRAL) titled “Suggestions on Conducting the Work to Addressing Issues Related to the Non-Real Right Nature of Railway Transport Documents”. Currently, UNCITRAL is reviewing the draft of an international instrument on negotiable multimodal transport documents under this topic. On September 5 this year, the signing ceremony of Beijing Convention on the Judicial Sale of Ships, the first United Nations convention named after a Chinese city, was held in Beijing, along with an international seminar. The event has effectively promoted the unification of international maritime law. In terms of cross-border recognition and enforcement of judgments, Chinese courts have actively implemented judicial assistance agreements, advocated the principle of presumption of “reciprocity”, and vigorously promoted international cooperation in the enforcement of judgments.

Dear Colleagues,

At the third Belt and Road Forum for International Cooperation last week(October18), General Secretary Xi Jinping once again reiterated to the world the Silk Road spirit of “peace and cooperation, openness and inclusiveness, mutual learning and mutual understanding, and mutual benefit and win-win”. The innovative development of international commercial dispute resolution mechanisms and the provision of more fair, efficient, convenient, and low-cost dispute resolution services for Chinese and foreign parties have become a common goal and aspiration of judicial authorities in countries to co-build the Belt and Road. The Supreme People’s Court of China stands ready to enhance

cooperation with judicial institutions from various countries, jointly study the risks and challenges faced by international commercial dispute resolution mechanisms, and learn from each other's useful and user-friendly institutional experiences in this field. We aim to provide more powerful judicial services and guarantees for the high-quality development of the Belt and Road Initiative!

Thank you for listening!

# **Innovative Development of International Commercial Dispute Resolution Mechanisms**

**I Gusti Agung Sumanatha, Chairman of Civil Chamber of the Supreme Court of the Republic of Indonesia**

**Honorable Zhang Jun President, Supreme People Court of China,**

**Hon Justice Jin Yinqiang, President of Fujian High People's Court of the People's Republic of China, Chair of the Session,**

**Honorable Leaders of Fujian province,**

**Honorable Speakers, Justices, Judges, Colleagues from around the world**

**Participants of The Maritime Silk Road International Forum on Judicial Cooperation**

Good Morning,

Warm Greetings,

May peace be with us all,

Chief Justice Zhang Jun,

Congratulations to the Supreme People Court of China for successful implementation of this very beautiful and professionally arranged seminar, we are honoured to be here and provided with opportunity to speak before this distinguished forum.

**Chief Justices,**

**Ladies And Gentlemen**

As we are all know, after the second world war, The world economic policy was characterized by increasingly strong currents of global economic integration which were then followed by various regional economic integration initiatives, which were also supported by the rapid pace of technological development and information. All of this not only brings the consequences for the need for harmonization and unification of various legal and regulatory frameworks in the field of trade, but also requires dispute resolution mechanism that is able to provide a commitment to resolution of dispute in an efficient, predictable manner as well as being expeditious, simple and cost efficient.

During that time, we have witnessed how commercial dispute resolution continues to experience development and refinement to adapt to the needs and challenges of the times. As we understand, in the commercial world, the principles of party's autonomy, freedom of contract and pacta sunt servanda are the most important foundations of all commercial activities, so it is not surprising that in commercial disputes resolutions, especially those with cross-border elements, alternative dispute resolution has been taking the lead and developed as a dispute resolution

mechanism that preferred by many businesses.

Since its signing, the 1958 New York Convention, has become an important convention in that serves as basis to resolve commercial disputes. With no less than 171 contracting parties in 2023, practically almost all countries in the world are parties to this alternative dispute resolution.

Recently, it seems that many parties have seen that the arbitration mechanism also has problems, which include, among other things, the issue of costs, therefore they feel that the options for resolving commercial disputes can still be improved, so that in 2018 the UN Convention on International Mediation was signed. This convention was better known as the Singapore Convention on Mediation, was adopted by the UN on 20 December 2018 and until October 2023, this Convention has been signed by a total of 56 contracting parties.

**Chief Justices,**

**Ladies And Gentlemen**

Apart from development on the side of alternative commercial dispute resolution, the side of conventional dispute resolution in various countries has also undergone many changes and upgrades over the past few decades. In order to establish a dispute resolution system that is effective, efficient, competitive and compatible with international norms, many jurisdictions have taken bold steps by reaching out from their conventional competence in domestic commercial matters and opening their courtrooms wide to examine cross-border commercial disputes.

While still basing itself on party's autonomy and freedom of contract, in the last eighteen years many countries in the world have also provided cross-border commercial dispute resolution in the form of the establishment of Commercial Courts, with international jurisdiction. Included in this list are Dubai with the Dubai International Financial Center 2004, Qatar with Qatar International Court and Dispute Resolution Center 2009, Singapore with the Singapore International Commercial Court 2015 Abu Dhabi with the Abu Dhabi Commercial Court, 2008, Kazakhstan with The Astana International Financial Center (AIFC) Court, 2018 and also includes the China, with China International Commercial Court, 2018. Apart from that, there are quite a lot of jurisdictions which, although they do not form their own international commercial courts, have formed special chambers that provide this service, such as Germany, France, The International Chamber of the Paris Commercial Court, formed in 1995, the Netherlands with the Netherlands Commercial Court in 2019, Belgium and Switzerland and so much more. These courts offer so many advantages such as high level of expertise, more flexible, modern and efficient procedural law. Some jurisdictions have even specifically adapted arbitration procedural rules, and others aim to create a more integral dispute resolution system in which litigation and arbitration go hand in hand.

**Chief Justices,**

**Ladies And Gentlemen**

This phenomenon shows that, commercial dispute resolution mechanisms, apart from aiming to provide justice, also have characteristics similar to trade itself, namely that they continue to evolve,

in order to find more effective and efficient solutions as their contribution to the smooth running of trade and business. So it is not surprising that over time, more and more jurisdictions will also take similar steps, especially since various Global Performance Indicators, such as the World Bank Group new Business Ready Index, which will specifically measure how well a country's legal system can interact with other countries.

This means that the issue of recognition of court decisions issued by foreign jurisdictions will become more and more important, and also as important as the party's freedom to choose forum to resolve their dispute, so that in the future it will be fully understood if international private law conventions, such as the Choice of Court convention or the Recognition convention of Foreign Judgment will be relevant, because talking about the internationalization of commercial dispute resolution then, of course a country must be ready to anticipate interactions with foreign judgments as well.

**Chief Justices,**

**Ladies And Gentlemen**

I would Finally, just want to emphasize, that with the intensity of globalization and regionalization of the economy, countries need to continue to develop their commercial dispute resolution, not only to protect national interests, but also to provide public trust and confidence in carrying out commercial transactions, which in turn will encourage innovation and investment on all sides.

What I have explained above is just my observation of the phenomena that occur, but indeed innovative developments in resolving commercial disputes can occur in various forms, from the practical side, for example improving procedures or other things, for example the implementation of information technology, but for now I think, I am trying to convey this as an addition to the discourse in this respected forum.

Thank you Chief Justices, for your attention, and I wish you all a productive, successful forum as well as health and safety.

May Peace Be Upon You.

# **Innovative Development of International Commercial Dispute Resolution Mechanisms**

**Khalid Ali A Al-Obaidly, Member of the Supreme Judiciary Council, President  
of the Court of Investment and Trade of the State of Qatar**



**In the name of the God, the Most Gracious, the Most Merciful.**

**Honorable Chief Justice Zhang Jun, President of the Supreme People's Court of the People's  
Republic of China.**

**Honorable Judges and Participants, Ladies and Gentlemen,**

**Peace be upon you, and may the mercy of the God and His blessings be upon you...**

I am pleased, on behalf of myself and my fellow delegation members, to greet you and express our immense pleasure in participating in this event, which comes as a gracious invitation from His Excellency Justice Zhang Jun, the Chief Justice of the Supreme People's Court of the friendly People's Republic of China. In the context of discussing the topic of interest in our session this morning, which revolves around the role of technology and innovation in supporting the process of dispute resolution, both general and commercial, it leads me to present our perspective in the State of Qatar.

This perspective stems from a context related to the growth trajectory of a country that gained independence in 1971, culminating the efforts of its leaders that began almost 100 years before independence. This aims to achieve the fundamental goal in the lives of the leadership and people of my country, Qatar.

It is not hidden from all of us that the path of building the State of Qatar, like that of other countries in the world, has passed through major global transformations witnessed at the end of the twentieth century and the beginning of the twenty-first century. Like many of these circumstances, there were significant challenges to national development patterns, especially with the rapid leaps in



the use of science and technological innovation in serving human life. Whether in the public services or personal aspects of life.

In these circumstances, the practice of justice around the world has been hesitant to embrace the roles of technology and intelligent procedural innovation, which is understandable. It is influenced by both internal factors related to the traditional thought sovereignty of judges at that time and objective conditions related to tools, knowledge, and financial resources on one hand. On the other hand, litigation is regulated by legislations, many of which did not recognize technological roles in this field.

However, this did not last long, as judges came under the pressure of reality and public opinion demands in their societies to inevitably embrace technological roles in supporting the process of judicial dispute resolution, especially in commercial disputes. These disputes are no longer confined to the local and regional frameworks but have become transboundary and a major player in global development and international economic cooperation methodologies. The need for litigation has become essential, not just a luxury.

Based on this diagnostic vision, my country, Qatar, has taken a leading position in these efforts, as announced by His Highness Sheikh Tamim bin Hamad Al Thani, the Amir of the State of Qatar, in his speech at the 76th session of the United Nations General Assembly. Qatar prioritizes the knowledge economy, based on the foundations of technological innovation, smart solutions, and digitization.

In light of this, the Qatari judicial system, led by its Supreme Judicial Council, has quickly taken steps to enhance the country's ability to support the efforts to create and develop the knowledge economy. Here, I would like to highlight what we call the Qatari Technical Judicial Innovation Quintet as follows:

1. The Investment and Trade Court was established under Law No. 21 of 2021, ensuring that courts in Qatar have a specialized court with a structural and intelligent resource base, where technology is a cornerstone. The digitization of procedural workflow was adopted as the only option, making all pleadings and legal documents electronic, efficient, and secure. The paper usage rate reached zero less than a year after the court's establishment.

2. For the first time in the Qatar's litigation system, the Investment and Trade Court introduced a case management system based on technological support to expedite proceedings and retrieve its archives and documents supporting the claims of the parties.

3. The Law No. 24 of 2017 was introduced, creating a qualitative infrastructure for the work of the courts. It provided a procedural judicial recognition of using modern electronic communication

means as a legally supportive method for notifying litigants judicially. This came after the practice of judicial announcements and notifying litigants about the aspects and dates of the lawsuit used to occur in a traditional and routine manner, resulting in significant delays and a very lengthy litigation process. Not to mention the escape of parties from the litigation requirements, intentionally or otherwise.

4. The Supreme Judicial Council established a network of partnerships with all parties involved worldwide in supporting the general and commercial litigation process. This includes the Central Bank, the stock market, law enforcement agencies, and government entities specialized in trade and business from other countries. This aims to facilitate documenting and delivering the statements of these partners to support the acceleration and resolution of litigation, in addition to supporting the standards and requirements of claims related to foreign investors.

5. Building self-capacity for judges to deal with technology has become a fundamental requirement for work, promotion, and evaluation. Capacity-building programs for judges and their assistants were introduced to understand the roles of artificial intelligence in supporting the procedural process for judges and its roles in supporting commercial criminal activity. The goal is to have judges enhanced with technological knowledge and skills that support their judicial specialization.

The tangible results of the four main steps above are as follows:

1. Accelerating the time frame of litigation resolution, with 71% cases closed at the primary level within one year.

2. 97% of cases filed electronically.

In conclusion, I would like to express high appreciation for the Chinese commercial litigation experience, particularly for its global leadership in integrating technology and smart solutions into the judicial service. In this regard, I am pleased to convey the greetings of His Excellency Dr. Hassan bin Lahdan Alhassan Al-Muhannadi, the President of the Supreme Judicial Council and the President of the Court of Cassation for the State of Qatar. He expresses the desire, on behalf of our Qatari judicial colleagues, to strengthen relations and cooperation with the Supreme People's Court of the People's Republic of China, especially in areas of exchanging experiences and transferring lessons learned, particularly in the fields of employing technological innovation to support the evolving human conditions driven by various innovative patterns.

Peace be upon you.

# **Innovative Development of International Commercial Dispute Resolution Mechanisms**

**Vui Clarence Joseph Nelson, Senior Justice of the Supreme  
Court of the Independent State of Samoa**

**Honourable Chief Justice Zhang and esteemed judges and justices of the PRC, distinguished  
guests, Ladies and gentlemen,**

Hěn róngxìng/ shòu yāo/ cān jiā/ běn cì/ huó dòng, dà jiā hǎo.

## **1. Samoa Context:**

- Population: approx 200,000
- Land area: 2,840 square km
- Economy 2022: approx USD\$850 million.

Introduction - In today's complex global commercial environment, it is well-recognized globally that in order to attract foreign investment, boost trade and economic growth - certain things are required - government stability, legal certainty and effective commercial dispute settlement mechanisms are 3 such essential aspects -because commercial disputes are as inevitable as day and night in the world of trade and economics. This Paper examines a number of innovative and exciting new ways and approaches developed for the purpose of resolving international trade disputes.

## **2. International Commercial Disputes in Samoa - principally relates to:**

- Trade related contractual disputes (export / importation of goods—involving suppliers, importers, consumers of goods and quality managing agencies for such goods)
- Foreign investment disputes between foreign investors and their local partners
- Samoa registered Offshore banks and international companies legally resident in Samoa – generally complex, multi-party disputes involving significant financial interests

## **3. Approaches to International Commercial Dispute Resolution:**

- There are 4 common dispute resolution methods in international trade: negotiation, mediation, commercial arbitration and litigation.
- In Samoa's case, international dispute resolution is principally focused on negotiation and litigation. Have had a few Arbitration cases but these have ended in disaster (problems include - poor processes and inadequate expertise of lawyers and the appointed Arbitrator of arbitration processes and technical aspects of the particular matter e.g. a construction or engineering dispute arising out of construction of a high-rise building requires significant specialised knowledge)
- More effectively-the Samoan courts employ Alternative Dispute Resolution ('ADR') mechanisms prior to trial. This involves Court directed mediation conducted by Court appointed mediators and Judicial Settlement Conferences presided over by Judges. Court directed ADR has

been very successful: [refer statistics - generally 2/3rds settled by mediation, dropped to around 50% during Covid - due to unavailability of parties, judges & mediators other Covid-related reasons - figures now returning to pre-Covid levels]

- There is also Samoa's Reciprocal Enforcement of Judgments Act 1970-which establishes a statutory mechanism for recognition and enforcement of foreign judgments. However, the legislation recognizes only two (2) jurisdictions: New Zealand and certain States of Australia. Foreign judgments outside these 2 jurisdictions can only be recognized through the common law. Time does not permit a discussion delving into these common law requirements. Suffice to say they are cumbersome, time-consuming and consequently expensive. So this is not a good option if your judgment is not from New Zealand or these particular states of Australia.

- Foreign arbitral awards are also enforceable in Samoa-however our legislation viz the Arbitration Act 1976 is outdated and is not modeled for instance on the UNCITRAL model law.

#### **4. Lastly make reference to the Singapore Convention, New York Convention & Specialist Courts**

- International mediation is of course a key mechanism for international dispute resolution. The Singapore Convention on Mediation provides an efficient framework for the settlement of international commercial disputes through mediation by enabling parties to register and enforce mediated settlement agreement. Although Samoa and 55 other countries have signed the Convention, many have not ratified the Convention. Nevertheless, it remains an innovative framework for the settlement and enforcement of international commercial disputes.

- For arbitration, the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the "New York Arbitration Convention" is the key instrument in the field of international arbitration. With 169 contracting parties, the Convention requires courts of contracting states to give effect to private agreements to arbitrate and to recognize and enforce arbitration awards made in other contracting states. Although the Convention has existed for over 60 years, it remains today an important and effective tool for the effective settlement of international commercial disputes.

- China of course has very developed Arbitration processes-you have the Beijing International Centre - also have the CIETAC China International Economic and Trade Arbitration Commission.

- In more recent years, there has also emerged specialized international commercial domestic courts in the Middle East, Asia and Europe. These courts have been described as "arbitration in litigation". A good example is the Singapore International Commercial Court ("SICC") and the China International Commercial Court ("CICC") which combines the best practices of international arbitration with the substantive principles of international commercial law. The procedures in those courts are flexible and may be tailored to suit parties' preferences. They demonstrate the important role courts can play in international commercial dispute settlements and in support of national economic development priorities.

- The China International Commercial Court (CICC) was of course established by the Supreme People's Court of China (SPC) to adjudicate international commercial cases. CICC's objective is to try international commercial cases fairly and timely in accordance with the law, protect the lawful rights and interests of Chinese and foreign parties equally, and create a stable, fair, transparent, and convenient rule of law international business environment.

- The First International Commercial Court is situated in Shenzhen, Guangdong Province, and the Second International Commercial Court in Xi'an, Shaanxi Province. The Fourth Civil Division of SPC is responsible for coordinating and guiding the two international commercial courts.

- Judges are experienced commercial judges and the jurisdiction allows foreign lawyers to represent parties in certain circumstances, so long as they are registered with the Court and are subject to the Code of Ethics of the jurisdiction.

- Finally in this area of Int'l Mechanisms, want to refer to an exciting new development from a regional and Pacific perspective for resolving Int'l Environmental Law disputes.

Just come from Suva, Fiji where we have been having discussions with Pacific judges about the possibility of establishing an Int'l Dispute Resolution Mechanism to deal with Environmental disputes in the Pacific. This is a model that could either be mediation based where the parties would seek mediated outcomes, or arbitration based relying on arbitrated outcomes or litigation based as in a Regional Body or Court that would hear and deliver Opinions on international environmental complaints. As stated, a new and exciting initiative under consideration for resolving international environmental disputes which inevitably has commercial consequences of one form or another.

## **5. Wrap Up Remarks**

Thank you Chief Justice Zhang of the Supreme People's Court and Honourable Colleagues for the Invitation to participate in this very valuable Conference. Not often we get such valuable opportunities, as we say in our language Faafetai tele lava or as they say in yours - xie xie, da jia.

# **Innovative Development of International Commercial Dispute Resolution Mechanisms**

**Grittin Srirath, Judge in the Research Justice Division of the Supreme Court,  
Secretary of the Intellectual Property and International Trade Division of the  
Kingdom of Thailand**

In recent years, we, the Court of Justice, the Kingdom of Thailand, has magnificent development to talk about. Sawadee Krub (สวัสดีครับ), Greeting, chief justices, justices, judges, ladies, and gentlemen.

International Commercial Dispute Resolution Mechanisms can be considered in two dimensions: Trial and Alternative Dispute Resolution (ADR).

For Trial, cases could go to the Courts of Justice, supported by the Office of the Judiciary, which in civil cases are disputes between private sectors, or could go to the Administrative Courts, supported by the Office of Administrative Court, which deal with cases between private sectors and state entities.

Back to the Courts of Justice, generally, cases could start from courts of first instance, then could appeal to the Court of Appeal or the Court of Appeal, Regions I to IX, and could finally appeal to the Supreme Court. The Supreme Court of Thailand is the final court of appeal in all civil and criminal cases in the entire Kingdom and is the highest Court of Justice in the country.

To deal with international commercial disputes, we have specialized courts and judges. In 1996, we introduced the Central Intellectual Property and International Trade Court and Intellectual Property and International Trade Division of the Supreme Court. In 2011, we introduced the Court of Appeal for Specialized Cases which has Intellectual Property and International Trade Division in that court.

For the meaning of Intellectual Property and International Trade (IPIT) cases, Act for the Establishment of and Procedure for Intellectual Property and International Trade Court, B.E. 2539 (1996) Section 7 provides definitions for 11 subsections, which are:

- 1) criminal cases regarding trademarks, copyrights and patents
- 2) criminal cases regarding offences under Sections 271– 275 of the Criminal Code (offences relating to commerce)
- 3) civil cases regarding trademarks, copyrights, patents and cases arising from agreements on technology transfers or licensing agreements
- 4) civil cases in connection with offences under Sections 271 –275 of the Criminal Code

(offences relating to commerce)

- 5) civil cases regarding international sale, exchange of goods or financial instruments, international services, international carriage, insurance and other related juristic acts
- 6) civil cases regarding letters of credit issued in connection with transactions under (5), inward or outward remittance of funds, trust receipts, and guarantees in connection therewith
- 7) civil cases regarding arrest of ships
- 8) civil cases regarding dumping and subsidization of goods or services from abroad
- 9) civil or criminal cases regarding disputes over layout – designs of integrated – circuits, scientific discoveries, trade names, geographical indications, trade secrets and plant varieties protection
- 10) civil or criminal cases that are prescribed to be under the jurisdiction of the intellectual property and international trade courts
- 11) civil cases regarding arbitration to settle disputes under (3) – (10)

As a result, for international commercial cases in the Court of Justice, cases could start from the Central IPIT court, then could appeal to the Court of Appeal for Specialized Cases in IPIT division, and could finally appeal to the Supreme Court in IPIT division.

For Alternative Dispute Resolution (ADR), there are two major mechanisms, I would like to talk about: the mediation, which could provide compromise agreement, and the Arbitration, which could provide arbitral award.

In Mediation, there are out-of-Court mediation and Court-annex mediation. For out-of-Court mediation is pre-litigation dispute. People could go to the Mediation Center, the Alternative Dispute Resolution Office, the Office of the Judiciary, or could go to other mediation centers. For court-annex mediation, cases are still pending in court. The parties could go to mediation center of the courts of justice nationwide.

In Arbitration, there also are Court-annexed Arbitration and Out-of-Court Arbitration. For Out-of-Court Arbitration, in 1958, the New York Convention has been introduced, and Thailand has been a member state of the New York Convention since 1959. We had the Arbitration Act in 1987, then we enacted the new Arbitration Act in 2002 using 1985 UNCITRAL Model Law on International Commercial Arbitration as a model law. In 2019, the Arbitration Act was amended by adding Chapter 2/1 Foreign Arbitrator, to make convenient about work permit for foreign arbitrator. The Office of the Judiciary also supervises the Thai Arbitration Institute (TAI), which enjoyed a long history since it was still with the Ministry of Justice. Under the Constitution of the Kingdom of Thailand B.E. 2540 (1997), however, administrative office of the court (Courts of Justice) has been separated from the Ministry of Justice. So now, TAI has been under supervision of the Office of the

Judiciary. In 2018, the Office of the Judiciary introduced Case Information Online Service (CIOS) for cases in courts of justice, and in the following year, 2019, TAI also introduced E-Arbitration (TAI EASY), which is a web-based platform system. Thailand also has other arbitration institutions, such as the Thailand Arbitration Center (THAC), which is under supervision of the Ministry of Justice. Thanks to the New York Convention and our Arbitration Act, consequently, foreign arbitration awards could be enforced in Thailand.

And these are our innovative development of international commercial dispute resolution mechanisms. We, the Court of Justice, the Kingdom of Thailand, are ready to be a part of the Maritime Silk Road. Finally, I would like to thank this Forum for giving me the opportunity to talk about our development.

Thank you 谢谢 (Xièxiè).



