



**JCAA**

# ***Exploring Key Features of JCAA Arbitration***

**Japan Commercial Arbitration Association**

# ■ *Key Features of JCAA Arbitration*

## 1. Diversity

– Party, Arbitrator, Counsel and Sector

## 2. Speedy

– Expedited arbitration procedures

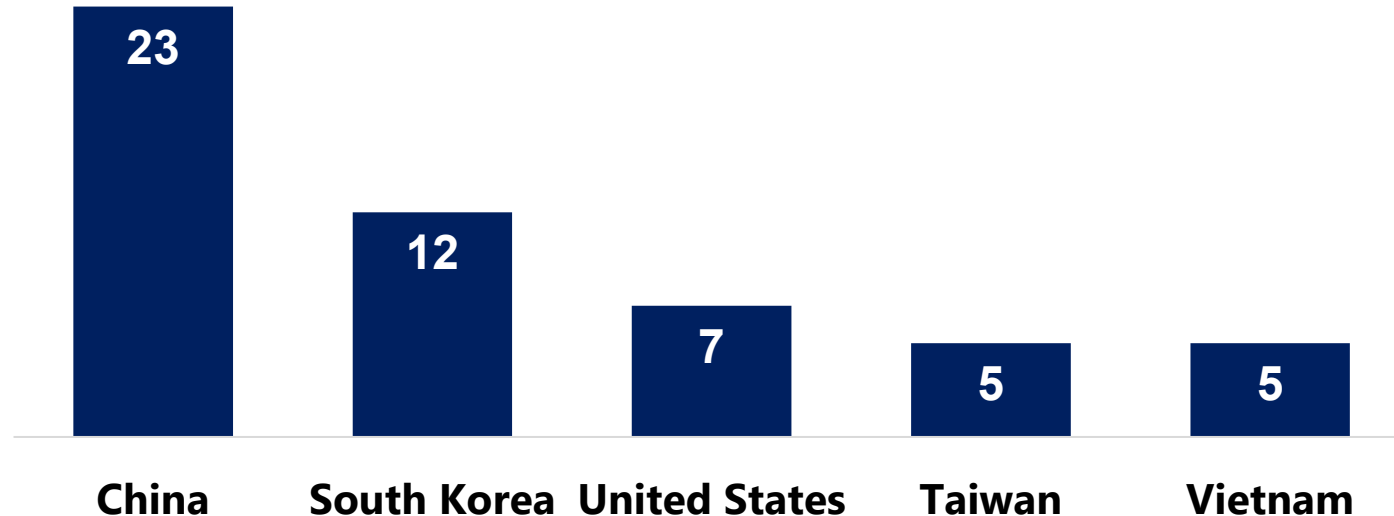
## 3. Flexibility

– Arb-Med, online hearings and three options for arbitration rules

# ■ 1. Diversity - Nationality of parties

Parties to JCAA arbitrations were from **22** countries and regions around the world (Statistics from 2019 to 2023)

Top Five Nationalities of Non-Japanese Parties to JCAA International Arbitration



# 1. Diversity – Arbitrator Panel

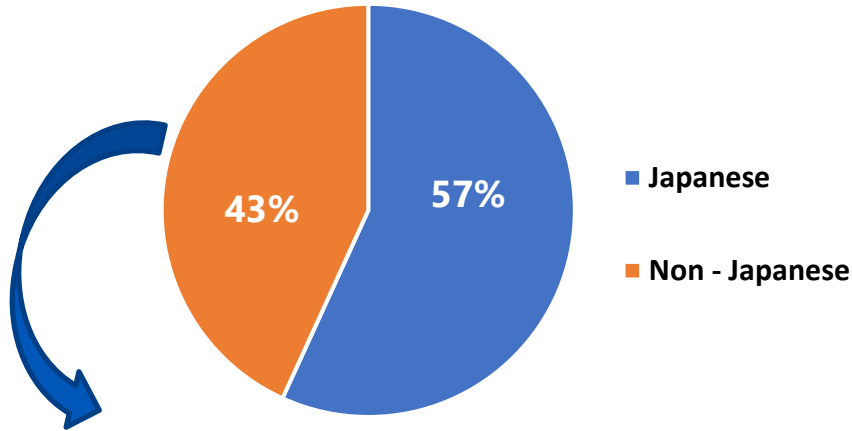


\* Parties and JCAA can appoint arbitrators not listed in the JCAA's panel.

# 1. Diversity – Arbitrator Appointment

All international cases

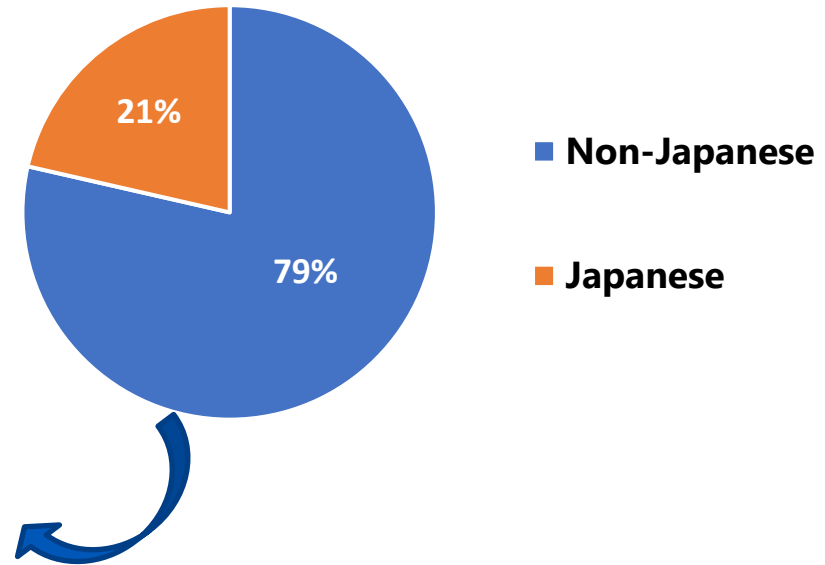
**Arbitrators Appointed in International Cases**



China, South Korea, Singapore, Philippines, Australia, India, France, Germany, Austria, UK, USA and Canada

International cases where the language of arbitral proceedings is English (48% of all international cases)

**Arbitrators Appointed in International Cases (English language)**



Statistics from 2019 to 2023

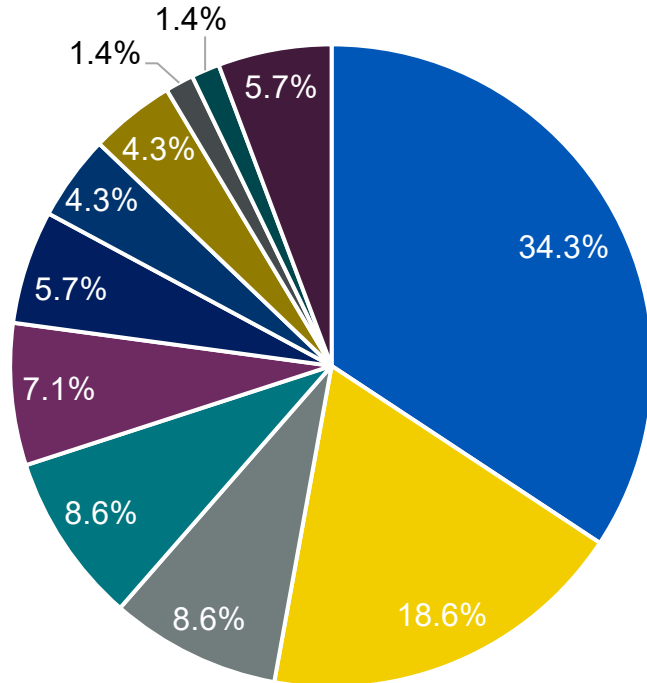
# ■ 1. *Diversity - Representing Lawyers*

**Under the Foreign Lawyer Act (revised in 2020), non-Japanese counsels can represent parties in international cases seated in Japan:**

- i. One or more of the parties are established in a foreign country or is a Japanese subsidiary of a foreign country;**
- ii. The governing law agreed by the parties is foreign law; **or****
- iii. The place of arbitration is in a foreign country**

# 1. Diversity – Sector

2019-2023



- Manufacturing/ Industrial Goods
- Retail/ Consumer Products
- Pharmaceutical/ Healthcare
- Entertainment/ Media
- Insurance
- Power Generation
- Engineering/ Construction
- Technology/ Software
- Business Services
- Education
- Others

## ■ 2. *Speedy – Expedited Procedures*

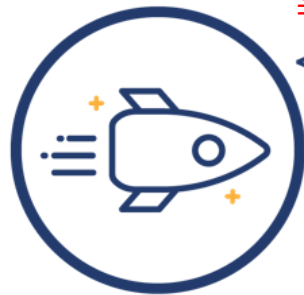
Automatic application to disputes valued up to JPY 300 million (approximately, **USD 2.1 million**) (2021 Rule revision)



Sole Arbitrator



Document-only  
Proceeding



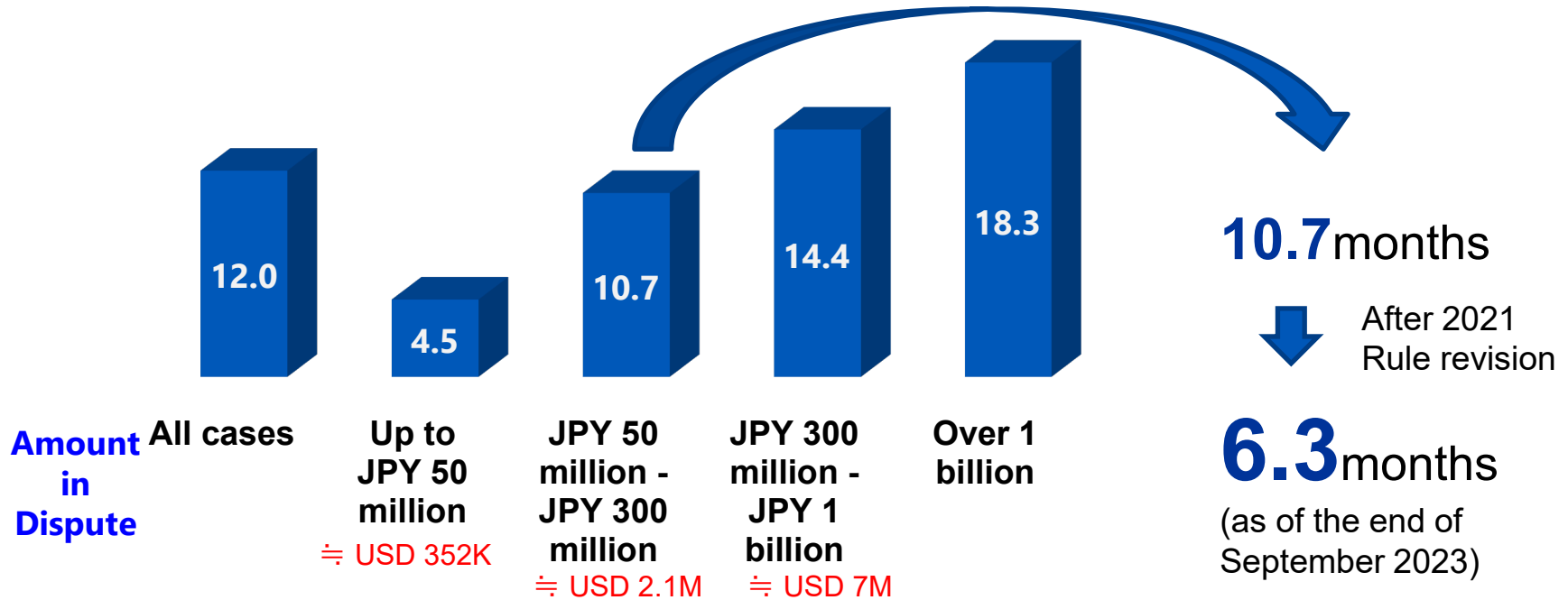
Time limit for  
Final Award





## 2. Speedy – Average Duration

Average duration of arbitral proceedings\* by month

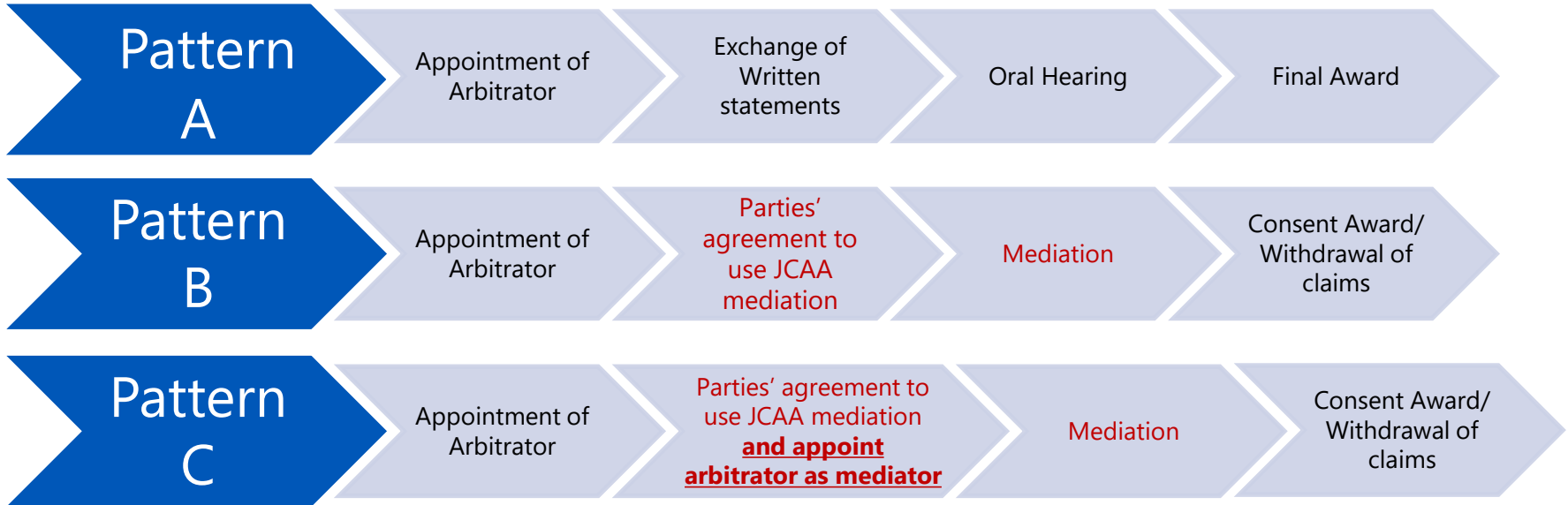


\*This data:

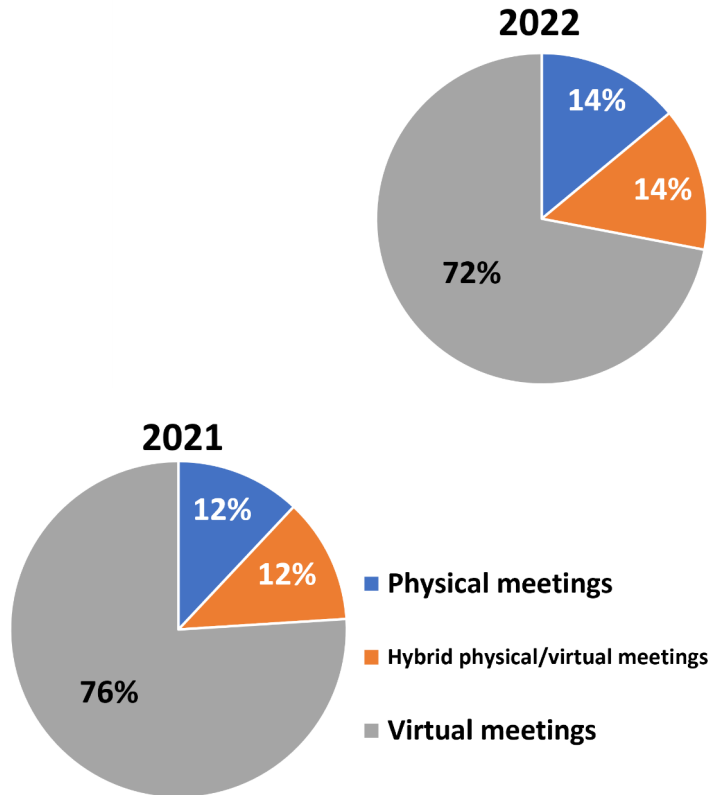
- reflects the duration from constitution date of arbitral tribunal to the rendering of final award
- encompasses all cases concluded from 2014 to 2023.
- excludes any stay periods due to settlement negotiations or other reasons.

# 3. Flexibility – Arb-Med

JCAA Rules contain useful provisions for smoothly shifting to mediation according to the wishes of the parties



# 3. Flexibility – Online Hearings



While the Covid-19 pandemic has settled down and more meetings are being held in person, **online meetings still account for nearly half of all meetings.**

# ■ 3. Flexibility – Extensive Support



Hearing Room



Translator



JCAA  
Support



Remote Hearing



**One-Stop Solution  
for seamless oral hearings**



Court Reporter



Transcription

# 3. Flexibility – 3 options for Arbitration Rules

**Commercial  
Arbitration  
Rules  
2021**



**UNCITRAL Arbitration Rules  
2010  
Administrative Rules  
for UNCITRAL Arbitration  
2021**



**Interactive  
Arbitration  
Rules  
2021**



# ■ *Commercial Arbitration Rules*

**Commercial  
Arbitration  
Rules  
2021**



- The JCAA's standard arbitration rules which adopt global standards and are suitable for any business user in any jurisdiction
- Serve as the default rules of the JCAA
- Include provisions on emergency arbitration, multi-party and/or multi-contract arbitrations, expedited arbitration procedures and Arb-Med.

# ■ *Interactive Arbitration Rules*

Interactive  
Arbitration  
Rules  
2021



**To strength efficiency and transparency,** the arbitral tribunal will proactively communicate with both parties to improve its understandings of the case and to assist the parties to focus on the critical factual and legal issues:

- Presenting the summary of the parties' claims and the list of issues at an early stage that would be material to the outcome of the case for the parties' review and respond.
- Presenting its non-binding and preliminary views on material issues before oral hearings for the parties' review and respond.

# ■ **UNCITRAL Arbitration Rules**



- The UNCITRAL Arbitration Rules are suited for companies well-experienced in international arbitration and which prefer the highest degree of flexibility.
- The Administrative Rules for UNCITRAL Arbitration provide the minimum administrative provisions to facilitate the arbitral proceedings.



## ■ **Model Arbitration Clause**

*All disputes, controversies or differences arising out of or in connection with this contract shall be finally settled by arbitration in accordance with the Commercial Arbitration Rules of **The Japan Commercial Arbitration Association**.  
The place of the arbitration shall be [Tokyo, Japan].*

## ■ *Contact Information*



# JCAA

## *The Japan Commercial Arbitration Association*



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