

ARBITRATION NO. [INSERT CASE NUMBER AS PROVIDED BY THE HKIAC]

IN THE MATTER OF AN ARBITRATION UNDER THE HONG KONG INTERNATIONAL
ARBITRATION CENTRE ADMINISTERED ARBITRATION RULES

BETWEEN:

[NAME OF CLAIMANT]

(CLAIMANT)

-AND-

[NAME OF RESPONDENT]

(RESPONDENT)

ANSWER TO THE NOTICE OF ARBITRATION

**[NOTE: OR ANSWER TO THE NOTICE OF
ARBITRATION AND COUNTERCLAIMS, IF
APPLICABLE]**

[Respondent's counsel's law firm]

[Respondent's counsel's law firm]

[Respondent's counsel's address]

[Respondent's counsel's telephone number]

[Respondent's counsel's facsimile number]

[Respondent's counsel's e-mail]

Counsel for Respondent

[Date of the Answer]

[NOTE: Respondent's Answer must be sent to the Centre within 30 days of receipt of the
Notice of Arbitration pursuant to Article 5.1 of the HKIAC Rules]

[NOTE: The Answer to the Notice of Arbitration may include the Statement of Defence
referred to in Article 17 if the Notice contained the Statement of Claim referred to in
Article 16, pursuant to Article 5.3 HKIAC Rules]

I. INTRODUCTION

1. This Answer to Claimant’s Notice of Arbitration (hereinafter the “**Answer**”), [OPTIONAL: together with its Exhibits numbered R-1 to R-[*], is submitted on behalf of [Name of Respondent] (hereinafter “**Respondent**”) pursuant to the Article 5 of the Arbitration Rules of the Hong Kong International Arbitration centre in force as from 1 November 2013 (the “**HKIAC Rules**”).
2. In this Answer, unless otherwise stated, Respondent adopts the abbreviations used in Claimant’s Notice of Arbitration.
3. Unless otherwise stated, capitalised terms shall have the meanings given to them in the Notice.
4. Unless expressly admitted, each paragraph of the Notice and all of the claims of the Notice are denied by Respondent.
5. Pursuant to Article 5 of the HKIAC Rules, this Answer contains information concerning the following:
 - i. The name, description and address of each of the Parties (**II**);
 - ii. Respondent’s comments as to the Arbitral Tribunal’s jurisdiction (**III**);
 - iii. Respondent’s position as regards the nature and circumstances of the dispute (**IV**);
 - iv. Respondent’s comments concerning the composition of the Arbitral Tribunal (**V**);
 - v. Respondent’s comments as to the place of arbitration, the applicable rules of law and the language of the arbitration (**VI**);
 - vi. Respondent’s counterclaim(s) [if applicable] (**VII**);
 - vii. Respondent’s position regarding the relief sought by claimant and the relief sought by Respondent (**VIII**); and
 - viii. Confirmation of delivery of the Answer to all other parties (**IX**)

II. THE PARTIES

A. Respondent [**NOTE: Article 5.1(a) HKIAC Rules**]

6. Respondent is [Name of Respondent], a company registered under the laws of [Name of country or jurisdiction], with its registered office located at [Complete address]. [Insert brief description of Respondent's business activity, industry sector, size of business, number of employees, market position, revenue, etc., as relevant.]

7. Respondent's address is:

[Respondent's name]
[Respondent's address]
[Attention: name of Respondent's director]
[Respondent's telephone number]
[Respondent's facsimile number]
[Respondent's e-mail]

8. Respondent's counsel, to whom all correspondence should be sent in this arbitration, are:

[Respondent's counsel's law firm]
[Name of the partner in charge of representing Respondent]
[Names of other lawyers]
[Respondent's counsel's address]
[Respondent's counsel's telephone number]
[Respondent's counsel's facsimile number]
[Respondent's counsel's e-mail]

B. Claimant

9. Claimant is [Name of Claimant], a company registered under the laws of [Name of country or jurisdiction], with its registered office located at [Complete address]. [Insert brief description of Claimant's business activity, industry sector, size of business, number of employees, market position, revenue, etc., as relevant.]

III. RESPONDENT'S COMMENTS AS TO THE ARBITRAL TRIBUNAL'S JURISDICTION [**NOTE: ARTICLE 5.1(B) HKIAC RULES**]

10. [**NOTE: if jurisdiction is contested**] [Arguments] As a result, an Arbitral Tribunal lacks jurisdiction to hear any dispute between Claimant and [name of Respondent] or any complaints which Claimant purports to have in relation to [name of Respondent].

IV. THE NATURE AND CIRCUMSTANCES OF THE DISPUTE [NOTE: ARTICLE 5.1(C) OF HKIAC RULES]

(a) Factual Background

11. [Explain factual background of the dispute from Respondent's perspective].

(b) The Parties' Respective Legal Obligations

12. [Cite and explain relevant contractual or legal provisions]

V. RESPONDENT'S COMMENTS CONCERNING THE COMPOSITION OF THE ARBITRAL TRIBUNAL [NOTE: ARTICLE 5.1(E) AND (F) HKIAC RULES]

13. In its Notice of Arbitration, Claimant nominated [name of arbitrator] as [Co-Arbitrator / Sole Arbitrator], whose contact information is [insert contact information of arbitrator].

14. [NOTE: if Respondent contests the Arbitrator nominated by Claimant] Respondent contests the nomination of [name of arbitrator] on the grounds that [arguments].

15. [NOTE: ability of Respondent to appoint arbitrator depends on terms of arbitration agreement] Respondent nominates [name of arbitrator] to serve as [Co-Arbitrator / Sole Arbitrator], whose details are the following:

[Arbitrator's name]
[Arbitrator's address]
[Arbitrator's telephone number]
[Arbitrator's facsimile number]
[Arbitrator's e-mail]

VI. RESPONDENT'S COMMENTS AS TO THE PLACE OF ARBITRATION, THE APPLICABLE RULES OF LAW AND THE LANGUAGE OF THE ARBITRATION

(a) The Seat of Arbitration

16. [Insert Respondent's comments as to the place of arbitration] [Respondent may confirm the statement made by Claimant in the Request. In case of non-confirmation, Respondent should state its choice and reasons.]

(b) The Applicable Rules of Law

17. [Insert Respondent's comments as to the governing law] [Respondent may confirm the statement made by Claimant in the Request. In case of non-confirmation, Respondent should state its choice and reasons.]

(c) The Language of Arbitration

18. [Insert Respondent's comments as to the language of the arbitration]

[NOTE: The Answer shall be submitted in the language of the arbitration as agreed by the parties. If no agreement has been reached, the Answer shall be submitted in Chinese or English, pursuant to 5.2 HKIAC Rules]

VII. [OPTIONAL] RESPONDENT'S COUNTERCLAIMS [NOTE: ARTICLE 5.4 HKIAC RULES]

(a) Factual Background to Counterclaims

19. [Explain Claimant's conduct which gives rise to the counterclaims.]

(b) Claimant's Violations of Its Legal Obligations

20. [Explain basis of Claimant's liability and include a reference to the relevant contract or legal instruments]

(c) Respondent Has Suffered Losses of [amount] for Which Claimant Is Liable

21. [Provide preliminary estimate of Respondent's losses]

VIII. RESPONDENT'S POSITION REGARDING THE RELIEF SOUGHT BY CLAIMANT RELIEF SOUGHT [NOTE: ARTICLES 5.1(D) HKIAC RULES] AND RELIEF SOUGHT BY RESPONDENT [NOTE: ARTICLES 5.4(C) HKIAC RULES]

22. Respondent rejects Claimant's claims as set out in its Notice and rejects the relief sought in its Notice.

23. Respondent respectfully requests the Arbitral Tribunal to:

- i. [NOTE: in the event that Respondent contests jurisdiction] dismiss all Claimant's claims on the ground of an Arbitral Tribunal's lack of jurisdiction with respect to a dispute between Claimant and [Respondent's name].

- ii. Dismiss Claimant's claim in their entirety;
- iii. [NOTE: if there are counterclaims] declare that Claimant has violated its obligations under [contract / other basis for liability];
- iv. [NOTE: if there are counterclaims] order Claimant to compensate Respondent for the damages and losses suffered as a result of Claimant's conduct, currently estimated to be in the amount of [insert estimation of damages suffered by Respondent];
- v. order Claimant to pay all arbitration costs, including Respondent's counsel's costs and expenses; and
- vi. order payment by Claimant of interest at a rate of [insert the interest rate that is arguably applicable] on all of the above amounts as of the date these amounts were due, until the date of their effective payment.
- vii. order any further and/or additional relief as the Tribunal may deem appropriate.

24. Respondent reserves its right to further develop its arguments and the amount of relief it is seeking.

IX. CONFIRMATION OF DELIVERY OF THE ANSWER TO ALL OTHER PARTIES [NOTE: ARTICLE 5.1(G) HKIAC RULES]

25. Respondent confirms that copies of the Answer and any exhibits have been or are being served simultaneously on the Claimant by [email, in hardcopy or by other means].

Respectfully submitted,

[Signature of Respondent's Counsel]

[Name of the lawyer representing Respondent]
Counsel for Respondent
[Respondent's Counsel's address]
[Respondent's Counsel's Telephone]

[Respondent's Counsel's Facsimile]

[Respondent's Counsel's Email]

[Date of the Answer]

[OPTIONAL] Exhibits submitted with the Answer to the Notice of Arbitration [and Counterclaim(s)]

	Exhibit	Exhibit number
1.	[•]	R-1