

ARBITRATION NO. [INSERT CASE NUMBER AS PROVIDED BY THE REGISTRAR OF THE LCIA COURT]

IN THE MATTER OF AN ARBITRATION UNDER ARBITRATION RULES OF LONDON COURT OF INTERNATIONAL ARBITRATION

BETWEEN:

[NAME OF CLAIMANT]

(CLAIMANT)

-AND-

[NAME OF RESPONDENT]

(RESPONDENT)

## RESPONSE TO THE REQUEST FOR ARBITRATION

**[NOTE: OR RESPONSE TO THE REQUEST FOR ARBITRATION AND COUNTERCLAIMS, IF APPLICABLE]**

[Respondent's legal representative's law firm]

[Respondent's legal representatives' law firm]

[Respondent's legal representatives' postal address]

[Respondent's legal representatives' telephone number]

[Respondent's legal representatives' facsimile number]

[Respondent's legal representatives' e-mail]

Legal Representative for Respondent

[Date of the Response]

[NOTE: Respondent's Response must be submitted within 28 days of the date of receipt by the Registrar of the Request (or such lesser or greater period to be determined by the LCIA Court upon application by any party or upon its own initiative, pursuant to Article 22.5) see Article 1.1.4 and Article 2.1 of the LCIA Rules. Failure to deliver a Response within time shall constitute an irrevocable waiver of this party's opportunity to nominate or propose any arbitral candidate pursuant to Article 2.4 of the LCIA Rules].

## **I. INTRODUCTION**

1. This Response to Claimant’s Request for Arbitration (hereinafter the “**Response**”), **OPTIONAL: together with its Exhibits numbered R-1 to R-[\*]**, is submitted on behalf of [**Name of Respondent**] (hereinafter “**Respondent**”) pursuant to Article 2 of Arbitration Rules of London Court of International Arbitration in force as from 1 October 2014 (the “**LCIA Rules**”).
2. In this Response, unless otherwise stated, Respondent adopts the abbreviations used in Claimant’s Request for Arbitration.
3. Unless otherwise stated, capitalised terms shall have the meanings given to them in the Request.
4. Unless expressly admitted, each paragraph of the Request and all of the claims advanced by the Claimant in the Request are denied by Respondent. **[NOTE: Article 2.1(ii) of LCIA Rules]**
5. Pursuant to Article 2 of LCIA Rules, this Response contains information concerning the following:
  - i. The name, description and contact information 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(s) of the arbitration **(VI)**;
  - vi. Respondent’s counterclaims and/or cross claims **[if applicable]** **(VII)**;
  - vii. Relief sought **(VIII)**; and
  - viii. Confirmation of the delivery of the Response to all other parties **(IX)**

## II. THE PARTIES [**NOTE: ARTICLE 2.1(I) LCIA RULES**]

### A. Respondent

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 postal 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 postal address is:

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

8. Respondent's legal representatives, to whom all correspondence should be sent in this arbitration, are: [**NOTE: Article 2.1(i) LCIA Rules**]

[Respondent's legal representatives' law firm]  
[Name of the partner in charge of representing Respondent]  
[Names of other lawyers]  
[Respondent's legal representatives' postal address]  
[Respondent's legal representatives' telephone number]  
[Respondent's legal representatives' facsimile number]  
[Respondent's legal representatives' 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 postal 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 2.1(II) LCIA 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 2.1(II AND III) LCIA RULES]**

**(a) Factual Background**

11. [Explain factual background of the dispute from Respondent's perspective, in the event that Respondent does not fully confirm the claims advanced by Claimant]

**(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 2.1(IV) AND (V) LCIA RULES]**

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

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

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 the terms of the arbitration agreement] Respondent nominates [name of arbitrator] to serve as [Co-Arbitrator / Sole Arbitrator], whose details are the following:

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

16. [NOTE: ability of Respondent to comment on the number of arbitrators, their qualifications and identities]

**VI. RESPONDENT'S COMMENTS AS TO THE PLACE OF ARBITRATION, THE APPLICABLE RULES OF LAW AND THE LANGUAGE OF THE ARBITRATION [NOTE: ARTICLE 2.1(IV) LCIA RULES]**

[NOTE: ability of Respondent to comment on any procedural matter upon which the parties have agreed in writing or in respect of which the Respondent makes any proposal]

**(a) The Arbitral Seat**

17. [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) Governing Law**

18. [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(s) of Arbitration**

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

20. [OPTIONAL: Respondent may make a response to any other procedural matter upon which the parties have already agreed in writing or in respect of which the Respondent makes any proposal under the Arbitration Agreement]

**VII. [OPTIONAL] RESPONDENT'S DEFENCE AND COUNTERCLAIMS [AND/OR CROSS CLAIMS] [NOTE: ARTICLE 2.1(III) LCIA RULES]**

**(a) Respondent's defence to Claimant's claims in the Request**

**(b) Factual Background to Counterclaims [and/or cross claims]**

21. [Explain Claimant's conduct which gives rise to the counterclaims and/or cross-claim.]

**(c) Claimant's Violations of Its Legal Obligations**

22. [Explain basis of Claimant's or any other party's liability]

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

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

**VIII. RELIEF SOUGHT**

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

25. 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]; [NOTE: Article 2.1(iii) LCIA RULES]
- v. [NOTE if there are cross-claims] declare that any other party has violated its obligations under [contract / other basis for liability];
- vi. [NOTE if there are cross-claims] order any other party to compensate Respondent for the damages and losses suffered as a result of any other party's conduct, currently estimated to be in the amount of [insert estimation of damages suffered by Respondent]; [NOTE: Article 2.1(iii) LCIA RULES]
- vii. order Claimant [or Claimant and/or any other party] to pay all arbitration costs, including Respondent's legal representative's costs and expenses; and

- viii. order Claimant [or Claimant and/or any other party] to pay the interest rate of [insert the interest rate that is arguably applicable] on all of the amounts as of the date these amounts were due, until the date of their effective payment.
  - ix. order any further and/or additional relief as the Tribunal may deem appropriate.
26. Respondent reserves its right to further develop its arguments and the amount of relief it is seeking.

**IX. CONFIRMATION OF DELIVERY OF THE RESPONSE TO ALL OTHER PARTIES**

27. Pursuant to Article 2.1(vi) of the LCIA Rules, Claimant is delivering copies of the Response (including all accompanying documents) to all other parties to the arbitration.

[NOTE: delivery must be supported then or as soon as possible thereafter by documentary proof of actual delivery (including date of delivery) or, if actual delivery is demonstrated to be impossible, sufficient information as to any other effective form of notification. Article 2.1 (vi) of the LCIA Rules]

[NOTE: The Response and all accompanying documents may be submitted to the Registrar in electronic form (as email attachments) or in paper form or in both forms. If in paper form, the Response shall be submitted in two copies where a sole arbitrator is to be appointed or in four copies if three arbitrators are to be appointed. Article 2.2 of the LCIA Rules]

Respectfully submitted,

[Signature of Respondent's legal representative]

[Name of lawyer representing Respondent]  
Legal representative for Respondent  
[Respondent's legal representatives' postal address]  
[Respondent's legal representatives' telephone]  
[Respondent's legal representatives' facsimile number]  
[Respondent's legal representative's e-mail]  
[Date of the Response]

**[OPTIONAL] Exhibits submitted with the Response to the Request for Arbitration [and counterclaim(s)]**

	Exhibit	Exhibit number
1.	[•]	R-1