

IN THE MATTER OF AN ARBITRATION UNDER THE ARBITRATION RULES OF THE UNITED
NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

BETWEEN:

[NAME OF CLAIMANT]

(CLAIMANT)

-AND-

[NAME OF RESPONDENT]

(RESPONDENT)

RESPONSE TO THE NOTICE OF ARBITRATION

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

[Respondent's representative's law firm]

[Respondent's representative's law firm]

[Respondent's representative's address]

[Respondent's representative's telephone]

[Respondent's representative's fax]

Legal representative for Respondent

[Date of the Response]

[NOTE: Respondent's Response must be communicated to Claimant within 30 days of the receipt of the Notice of Arbitration pursuant to Articles 4(1) of the UNCITRAL Arbitration Rules]

I. INTRODUCTION

1. This Response to Claimant’s Notice 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 4 of the Arbitration Rules of The United Nations Commission on International Trade Law in force as from 15 August 2010 (the “**UNCITRAL Arbitration Rules**”).
2. In this Response, 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 is denied by Respondent.
5. Pursuant to Article 4 of the UNCITRAL Arbitration Rules, this Response 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 counterclaims [**if applicable**] (**VII**); and
 - vii. Relief sought (**IX**)

II. THE PARTIES [NOTE: ARTICLE 4(1)(A) UNCITRAL ARBITRATION 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 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 in full]
[Attention: name of Respondent's director]
[Respondent's telephone number]
[Respondent's fax number]
[Respondent's e-mail]

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

[Respondent's representative's law firm]
[Name of the partner in charge of representing Respondent]
[Names of other lawyers]
[Respondent's representative's address]
[Respondent's representative's telephone number]
[Respondent's representative's fax number]
[Respondent's representative'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 4(2)(A) UNCITRAL ARBITRATION 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

(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: ARTICLES 4(2) (B), (C), (D) UNCITRAL ARBITRATION 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: the 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 in full]
[Arbitrator’s telephone number]
[Arbitrator’s fax number]
[Arbitrator’s e-mail]

16. [NOTE: in case the arbitration agreement provides for the nomination of an appointing authority] [NOTE: if Respondent contests the appointing authority nominated by Claimant] Respondent contests the nomination of [name of appointing authority] on the grounds that [arguments].

17. Pursuant to Article [specify Article of the contract which provides for this], Respondent proposes to designate [name appointing authority] as the appointing authority.

VI. RESPONDENT’S COMMENTS AS TO THE PLACE OF ARBITRATION, THE APPLICABLE RULES OF LAW AND THE LANGUAGE OF THE ARBITRATION [NOTE: ARTICLE 4.1(B) UNCITRAL ARBITRATION RULES]

(a) The Place of Arbitration

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

(b) Governing Law

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

(c) The Language of Arbitration

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

VII. [OPTIONAL] RESPONDENT'S COUNTERCLAIMS [NOTE: ARTICLE 4(2)(E) UNCITRAL ARBITRATION RULES]

(a) Factual Background to Counterclaims

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

(b) Claimant's Violations of Its Legal Obligations

22. [Explain basis of Claimant's liability]

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

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

VIII. RELIEF SOUGHT [NOTE: ARTICLES 4.2(E) UNCITRAL ARBITRATION RULES]

24. Respondent rejects Claimant's claims as set out in its Notice and rejects the relief sought.
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];
 - v. order Claimant to pay all arbitration costs, including Respondent's representative'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.
26. Respondent reserves its right to further develop its arguments and the amount of relief it is seeking.
27. [NOTE: according to Article 4.2(f) of UNCITRAL Arbitration Rules, Respondent may present a Notice of Arbitration in accordance with Article 3 in case the respondent formulates a claim against a party to the arbitration agreement other than the claimant.]

Respectfully submitted,

[Signature of Respondent's representative]

[Name of lawyer representing Respondent]

Legal representative for Respondent
[Respondent's representative's address]
[Respondent's representative's telephone]
[Respondent's representative's fax]
[Respondent's representative's e-mail]
[Date of the Response]

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

	Exhibit	Exhibit number
1.	[•]	R-1