**IN THE MATTER OF AN ARBITRATION**

**AT VIETNAM INTERNATIONAL ARBITRATION CENTRE (VIAC)**

**UNDER VIAC’S RULES OF ARBITRATION**

between

**[……….] COMPANY**

- Claimant -

and

**[……….] COMPANY**

- Respondent -

|  |
| --- |
| **REQUEST FOR ARBITRATION[[1]](#footnote-1)** |

**[…, Date … Month … Year …]**

**Parties to the dispute[[2]](#footnote-2)**

1. The Claimant is [……….] Company with the following information:

|  |  |  |
| --- | --- | --- |
| Address | : |  |
| Legal representative | : |  |
| Tax Code | : |  |
| Telephone | : |  |
| Fax | : |  |
| Email | : |  |

1. The Claimant in this arbitration is represented by [……….] in accordance with the Power of Attorney No [……….] dated [……….].
2. The Respondent is [……….] Company with the following information:

|  |  |  |
| --- | --- | --- |
| Address | : |  |
| Legal representative | : |  |
| Telephone | : |  |
| Fax | : |  |
| Email | : |  |

1. **Factual background[[3]](#footnote-3)**
2. On [……….], the Claimant and the Respondent signed the Contract/Agreement/… No [……….] regarding the sale of goods/provision of service/…

According to the Contract/Agreement/…, the Claimant is entitled/obliged to [……….], the Respondent is entitled/obliged to [……….].

1. In fact, the Claimant performed/failed to perform the Contract/Agreement … *(specify how the Claimant performed/ failed to perform)*. The Respondent performed/failed to perform the Contract/Agreement … *(specify how the Respondent performed/ failed to perform).*
2. As a result, a dispute has arisen between the Parties concerning [……….] *(specify the merits of the dispute).*
3. Additional matters (if any): [……….]
4. **Legal basis for the Claimant’s claims[[4]](#footnote-4)**
5. In the Arbitration Agreement No [……….] dated [……….]/ Article [……….] on dispute settlement of the Contract/Agreement, the Parties agreed as follows: [“……….”] *(**specify the content of the arbitration agreement).*
6. Since a dispute arises between Parties, pursuant to the above-mentioned provision, the Claimant submits this Request for Arbitration to VIAC.
7. **Value in dispute and relief sought**
8. The total value in dispute is: [……….][[5]](#footnote-5).
9. On the basis of the submissions in Section III above, the Claimant would like to seek relief as follows:
10. [……….];
11. [……….];
12. [……….];

…..

1. **Miscellaneous**
2. The Claimant selects Mr./Ms. [……….] to act as an Arbitrator/The Claimant request the VIAC to appoint an Arbitrator to resolve the dispute between the Claimant and the Respondent. Mr./Ms. [……….] is an Arbitrator listed in the VIAC’s Arbitrator List.[[6]](#footnote-6)
3. Please contact Mr./Ms. [……….][[7]](#footnote-7) via the following details:

|  |  |  |
| --- | --- | --- |
| Address | : |  |
| Telephone | : |  |
| Email | : |  |

1. Regarding the language of arbitration, Article [……….] of the Contract provides that [……….]/ the Claimant proposes that [……….] is the language of arbitration.[[8]](#footnote-8)
2. Regarding the place of arbitration, Article [……….] of the Contract provides that [……….]/ the Claimant proposes that [……….] is the place of arbitration.[[9]](#footnote-9)
3. Regarding the applicable law, Article [……….] of the Contract/Agreement provides that [……….]/ the Claimant proposes that [……….] law is applied to resolve the dispute.[[10]](#footnote-10)

|  |
| --- |
| **On behalf of the Claimant****(sign, stamp)[[11]](#footnote-11)** |

1. This form is for reference only and not mandatory. The structure and wordings are free to be modified by Parties to fit the nature and the development of a particular dispute and to suit the desire of Parties. Direct contact with the Secretariat is recommended if a Party needs further instructions. [↑](#footnote-ref-1)
2. It is recommended that the Claimant provides VIAC with the exact address of both the Claimant and the Respondent which are registered in the respective Business Registration Certificate or Investment Certificate. In addition to the postal address for document delivery, provision of other means of communication such as telephone number, fax number, email address, etc. shall facilitate faster and more efficient communication between VIAC and the Parties during the arbitral proceedings. [↑](#footnote-ref-2)
3. In this section, the Claimant briefly submits the main facts and circumstances of the dispute. [↑](#footnote-ref-3)
4. In this section, the Claimant submits contractual basis and legal grounds that the Claimant has relied on to submit its claims, with reference to appropriate analysis and evidence. [↑](#footnote-ref-4)
5. The total value in dispute is the total monetary value of the Claimant’s claims based on which VIAC shall calculate arbitration costs. [↑](#footnote-ref-5)
6. It is recommended that the Claimant on its own initiative do a thorough research on the potential arbitrators to be selected and then select a prominent arbitrator to resolve its case. It is not compulsory that the Claimant (and the Respondent) selects an arbitrator listed in the VIAC’s Arbitrator List. Such List is for the parties’ reference only. [↑](#footnote-ref-6)
7. If the Claimant selects an unlisted arbitrator, please provide VIAC with the exact and updated contact information including postal address, telephone/mobile phone number, email and fax number (if any). [↑](#footnote-ref-7)
8. Specify one language, Ex: Vietnamese or English. [↑](#footnote-ref-8)
9. Specify one place, Ex: Hanoi or Ho Chi Minh City. [↑](#footnote-ref-9)
10. Specify one country’s or countries’ law, Ex: Vietnamese Law. [↑](#footnote-ref-10)
11. If the Claimant is an organization, the legal representative or authorized representative (with lawful power of attorney) shall sign the Request for Arbitration. If the Request for Arbitration is signed by the legal representative, it’ll need to be stamped. If the Claimant is an individual, the Claimant or his/her authorized representative (with lawful power of attorney) shall sign the Request for Arbitration. [↑](#footnote-ref-11)