

[Arbitration Court

SGH-Model Clauses

for the agreement of SGH-Arbitration Proceedings

As of October 2024

SGH Model Clauses

For the agreement of SGH-Arbitration Proceedings you can use one of the following clauses and include it in contracts or agree on it separately. You can supplement the clauses with the optional provisions mentioned below. We do not recommend changing the clauses otherwise.

Arbitration Clause:

“All disputes arising out of or in connection with the present contract or in regard to its validity shall be finally settled under the Rules of Arbitration of the Arbitration Court at the German Chamber of Commerce and Industry while excluding ordinary legal proceedings.”

Mediation and Arbitration Clause:

“In the case of a dispute arising out of or in connection with the present contract or in regard to its validity, the parties are obligated first to engage in mediation proceedings pursuant to the provisions of the Chamber of Commerce and Industry ... [please state desired Chamber of Commerce and Industry (IHK) which offers mediation].

If the parties should not have come to an agreement within 6 weeks following the initiation of the mediation proceeding, then each party may file a request to initiate arbitration proceedings under the Rules of Arbitration of the Arbitration Court at the German Chamber of Commerce and Industry. All remaining disputes shall then be finally settled under the Rules of Arbitration of the Arbitration Court at the German Chamber of Commerce and Industry while excluding ordinary legal proceedings.”

Optional Supplements for both Clauses:

“The administration of the arbitration proceedings shall be carried out by ... [please specify IHK or AHK from Appendix 4 to the Rules of Arbitration of the Arbitration Court at the German Chamber of Commerce and Industry]”

“The place of arbitration is ... [please specify desired location].”

“The number of arbitrators is ... [please state 1 or 3].”

“The rules of the “fast-track arbitration proceeding” pursuant to Article 20 of the Rules of the Arbitration of Arbitration Court at the German Chamber of Commerce and Industry shall apply.”

“The substantive law applicable in the matter is the law of the country ... [please specify desired legal system].”

“Contractual penalty for breach of confidentiality: --- € [please insert amount deemed appropriate by the parties].”

“The language of the arbitration proceedings shall be ... [please select German or English as language of proceedings].”