Previous CIETAC Shanghai now assured of its jurisdiction over arbitration cases after changing name

Description

Many may be aware of the row between CIETAC Shanghai (now Shanghai International Arbitration Center) and CIETAC headquarter in Beijing.

For long, CIETAC Shanghai is operating as a branch office, and under the instructions of CIETAC headquartered in Beijing. But disputes erupted in 2012 when CIETAC revised its arbitration rules with CIETAC Shanghai claiming independence from CIETAC, a break-away that put many people in puzzle as to which arbitration commission they should go if a dispute arises under a contract concluded before eruption of disputes in which CIETAC Shanghai is chosen as arbitration body. Both CIETAC and CIETAC Shanghai which changed its name into Shanghai International Economic and Trade Arbitration Commission and concurrently Shanghai International Arbitration Center ("**SHIAC**") claim that they have the power to take up and adjudicate such cases. Indeed, both arbitration bodies accept filing of cases in which CIETAC Shanghai is stipulated as the arbitration body.

Actually, I myself is handling a Sino-foreign joint venture contract disputes in which contract CIETAC Shanghai is agreed to be the arbitration body.

On the last day of 2014, December 31, Shanghai Second Intermediary People's Court ruled that SHIAC shall have the power to exercise jurisdictions over disputes in which CIETAC Shanghai is chosen by the parties as arbitration body before the break of disputes between CIETAC and CIETAC Shanghai.

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