

The Bulletin in Brief

This issue of the Bulletin contains several articles and arbitration-related court decisions on topical issues.

First, in her article, *Antonias Dimolitsa* addresses the important issue of **the extension of arbitration agreements to non-signatories**, the legal theories applied in extending arbitration agreements and the risk of an opposite conclusion reached by a state court at the enforcement stage, illustrated by the *Dallah* decision.

Tolga Ayoğlu then reflects on **the application of trade usages in international arbitration** where **international institutional arbitration rules** specifically provide that arbitrators are to take into account the relevant trade usages along with the national and/or a-national substantive rules applicable to the merits of the dispute.

Finally, *Michael Wietzorek* analyses the approach taken by the **Ukrainian Courts in interpreting agreements to arbitrate in Switzerland**, and *Łukasz Błaszczak and Joanna Kolber* report on the **annulment and enforcement of arbitral awards in Poland**, providing information on the legal basis, procedure and grounds for the annulment and for the recognition and enforcement of arbitral awards in view of recent Polish case law.

A summary of the Swiss Federal Supreme Court decisions published in this issue is set out in the Introduction to the **Case Law** Section (p. 585), including:

- The landmark decision 4A_558/2011 of 27 March 2012, in which the Federal Supreme Court **for the first time ever annulled an arbitral award for breach of substantive public policy** (Art. 190(2)(e) PIL Act);
- A Supreme Court decision (4A_440/2011 of 7 January 2011) holding, *inter alia*, that **an additional award or correction of an award can be challenged**, as can a decision of the arbitral tribunal refusing to render an additional award;
- A **successful challenge** before the Supreme Court (4A_360/2011 of 31 January 2012) in a case where **the arbitrator had not addressed at all some important arguments in the award and disregarded entirely the testimony of certain witnesses**;
- Two Supreme Court decisions on the **extension of arbitration agreements to non-signatory parties**; one in which the court upheld the tribunal's finding that the third party beneficiary was

found to be entitled to rely on an arbitration agreement contained in the contract in his favour (4A_44/2011 of 19 April 2011) and the other in which the tribunal had found that such a contract existed and the award was set aside (4A_627/2011 of 8 March 2012).

Also included in this issue are news about ASA, in particular the engagement of ASA's first Executive Director, Alexander McLin, the ASA local groups' activities and contact details, as well as the bibliography.

As always, if you have critical remarks or suggestions as to how the Bulletin could be further improved, or wish to provide materials for possible publication, please do not hesitate to contact us.

For the Editorial Board

DOMITILLE BAIZEAU
dbaizeau@lalive.ch