

# PATHOLOGICAL CLAUSES

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# EXAMPLES OF PATHOLOGICAL CLAUSES

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- ❖ “All disputes arising in connection with the present agreement shall be submitted in the first instance to arbitration. The arbitrator shall be a well-known chamber of commerce (like the International Chamber of Commerce) designated by mutual agreement between buyer and seller.”
- ❖ “In the event of any unresolved dispute, the matter will be referred to the International Chamber of Commerce.”

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- ❖ “Any disputes or differences that may arise out of or in connection with this contract shall be referred to the Court of Arbitration at the Chamber of Commerce and Industry of Switzerland and settled in conformity with the rules and procedures of said Commission.”
- ❖ “In the case of dispute, the parties undertake to submit to arbitration, but in case of litigation, the *Tribunal de la Seine* shall have exclusive jurisdiction.”

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- ❖ “If both parties mutually agree, after a dispute under this contract arises, to resolve such dispute by arbitration, then the dispute shall be settled by the Court of Arbitration of Budapest, Hungary in accordance with the Rules of the International Chamber of Commerce.”
- ❖ “Any and all disputes arising under the arrangements contemplated hereunder will be referred to mutually agreed mechanisms or procedures of international arbitration such as the rules of London Arbitration Association.”

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- ❖ “Mandatory Binding Arbitration. If the Dispute is unresolved prior to the end of the mediation period, any and all claims, demands, causes of action, Disputes, controversies and other matters in question arising out of or relating to this Agreement, the alleged breach thereof, or in any way relating to the subject matter of this Agreement (“Arbitration Claims”), even though some or all of such Arbitration Claims allegedly are extra contractual in nature, whether such Arbitration Claims sound in contract, tort or otherwise, at law or in equity, whether provided by statute or the common law, for damages or any other relief, shall be arbitrated under the law, rules, regulations, jurisdiction and venue of the International Chamber of commerce in Paris, France (such proceedings shall be conducted in the English language and all of the Parties hereto specifically waive any and all other jurisdictions in YYY, or in the XXXX, to which they may have a right by virtue of their domicile).”

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- ❖ “Both parties shall always attempt to settle any disputes concerning the interpretation hereof of their performance hereunder in an amicable way. Should such attempts fail, then both parties hereby agree to submit said disputes to final and binding arbitration by the President of the International Chamber of Commerce, who shall render his award in accordance with the applicable US law.”

# THANK YOU!

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