

## Objective arbitrability in International Commercial Arbitration

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### Abstract:

The objective of this paper is to explain the issue of objective arbitrability of disputes in an international commercial arbitration. The approach of objective arbitrability argues what kind of disputes could be an object for an international arbitration. This paper is focused on comparing the Czech and the foreign approach. The paper consists of two main chapters, each of them dealing with different aspects of arbitrability.

Chapter One is introductory and defines basic terminology used in the thesis: especially the definition of arbitrability, the distinction between subjective and objective arbitrability. The question of choosing of law is mentioned, too. It outlines the main coincidences of objective arbitrability with public order and examines relevant Czech and other legislations, especially the Austrian, the German, the French or US approach. Finally, it provides an outline of relevant international conventions.

Chapter Two deals with the objective arbitrability in some special law fields. It is focused on Intellectual property law, antitrust and competition law, insolvency law, on the intra-corporate disputes, on the franchisee contacts and finally on bribery and corruption.

Conclusions are made in last chapter. The main aim of the thesis is to prove that there is an evolution *in favorem* of objective arbitrability of disputes in international private law. However, there are still some states which remain conservative in the approach, too.

**Key words:** arbitrability, objective arbitrability, international commercial arbitration