

THE DRAFT CYBERSECURITY PROTOCOL FOR INTERNATIONAL ARBITRATION

Outline of Presentation by Joseph E. Neuhaus
NYSBA International Section Seasonal Meeting
October 25, 2018

I. THE ISSUE

- Why is cybersecurity in arbitration getting so much attention?
- Examples of publicized security breaches in arbitration

II. THE DRAFT CYBERSECURITY PROTOCOL

A. What is it?

Who drafted it, its present status: Drafted by a Working Group of the International Council for Commercial Arbitration, the International Institute for Conflict Prevention and Resolution, and the New York City Bar Association, open for public consultation until 31 December 2018

B. What does the Protocol say?

A survey of provisions that are interesting

Arts. 4 & 13: power of arbitral tribunal

Art. 6: key areas for cybersecurity procedures

Arts. 7-12: considerations to be evaluated in a particular case

Art. 14: when to consider

Art. 18: how to handle security breaches

Art. 19: power to impose sanctions is not addressed

C. How significant is the Protocol?

A personal view

Link to the Protocol:

https://www.arbitration-icca.org/media/10/43322709923070/draft_cybersecurity_protocol_final_10_april.pdf
[arbitration-icca.org]

