

Disputes and arbitration

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The international groups in Zug resolve many of their disputes through arbitration. The revised company law allows the articles of association to provide for the arbitration of corporate disputes, with a seat in Switzerland.¹ Commercial contracts of the companies in Zug frequently provide for arbitration in Zurich or Geneva, under the rules of the Swiss Arbitration Centre or of the International Chamber of Commerce, or for the jurisdiction of the courts of England. Swiss arbitration law, contained in the twelfth chapter of the Federal Act on Private International Law for international arbitrations, is modern and arbitration-friendly. The Federal Supreme Court reviews awards only on limited grounds.²

The commodity traders in particular rely on arbitration for disputes with their counterparties, often under the rules of trade associations such as those in London for metals, grain and oil products, and on the enforcement of arbitral awards under the New York Convention. The courts of Zug are involved in such disputes mainly at the stage of enforcement and of provisional measures, such as the attachment of assets of a debtor in the canton. The attachment of bank accounts and of shares in companies registered in Zug, in support of claims against foreign debtors, is a recurring feature of the practice of the courts of the canton.³

1 Notes

1. Source as cited in the printed edition. ↩
2. Swiss Arbitration Centre, "Bundesgesetz über das Internationale Privatrecht (IPRG), 12. Kapitel", text as of 1 February 2021, [swissarbitration.org](https://www.swissarbitration.org); Art. 176–194 IPRG; Art. 190 para. 2 limits challenges to irregular constitution of the tribunal, wrong decision on jurisdiction, decision ultra or infra petita, breach of equal treatment or the right to be heard, and incompatibility with public policy; MLL News, "Das revidierte Schiedsgerichtsrecht der Schweiz ab dem 1.

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Januar 2021", mll-news.com: revised chapter in force from 1 January 2021. ↩

3. SchKG, Art. 271 para. 1 no. 4 (SR 281.1), swissrights.ch: the creditor may have the debtor's assets located in Switzerland attached where the debtor does not reside in Switzerland, no other ground for attachment applies and the claim has a sufficient connection with Switzerland. Treated in Part E. ↩

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