Title:
XIII.1.3 - Arbitration agreement and interim measures by court

Content:
No. XIII.1.4 - Arbitration agreement and interim measures by court

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

Commentary:
1 The Principle does not answer the questions which measures may be requested from the domestic court. This issue must be decided pursuant to the procedural law of the courts which may contain an exhaustive list of possible interim measures that can be obtained from the courts in that jurisdiction.

2 The Principle is mandatory which means that the parties may not agree to exclude resort to courts for all or certain interim measures.