**IN THE MATTER OF AN ARBITRATION CASE NO. …/…**

**AT VIETNAM INTERNATIONAL ARBITRATION CENTRE (VIAC)**

**UNDER VIAC’S RULES OF ARBITRATION**

between

**[……….] COMPANY**

- Claimant -

and

**[……….] COMPANY**

- Respondent -

|  |
| --- |
| **STATEMENT OF DEFENCE[[1]](#footnote-1)** |

**[…, Date … Month … Year …]**

**The Respondent[[2]](#footnote-2)**

1. We are [……….] Company, the Respondent in arbitration case No. [……….] at the Vietnam International Arbitration Centre (VIAC) whose information is as follows:

|  |  |  |
| --- | --- | --- |
| Address | : |  |
| Legal representative | : |  |
| Tax Code | : |  |
| Telephone | : |  |
| Fax | : |  |
| Email | : |  |

1. The Respondent in this arbitration is represented by [……….] in accordance with the Power of Attorney No [……….] dated [……….].
2. On [……….], the Respondent received the VIAC’s Notice No. [……….] dated [……….] with respect to the dispute with the Claimant – [……….] Company. In response to the request in the Notice, by this Statement of Defence, the Respondent would like to submit its opinion as below.
3. **Factual background[[3]](#footnote-3)**
4. On [……….], the Claimant and the Respondent signed the Contract/Agreement/… No [……….] regarding the sale of goods/provision of service/… According to the Contract/Agreement/…, the Respondent is obliged to [……….], the Claimant is obliged to [……….].
5. In fact, the Respondent performed/ failed to perform the Contract/Agreement … *(specify how the Respondent performed/ failed to perform)*. The Claimant performed/ failed to perform the Contract/Agreement … *(specify how the Claimant performed/ failed to perform).*
6. Additional matters (if any): [……….].
7. **Legal basis for the Respondent’s defence[[4]](#footnote-4)**
8. In the Arbitration Agreement No [……….] dated [……….]/Article [……….] on dispute settlement of the Contract/Agreement, the Parties agreed as follows: [“……….”] *(specify the content of the arbitration agreement).*
9. Opinion/arguments of the Respondent against the Claimant’s requests stated in the Request for Arbitration [……….] *(specify whether the Respondent agrees or disagrees with the Claimant’s requests and/or other opinion, attached documents, evidences (if any)).*
10. On the basis of the aforementioned submissions, the Respondent respectfully requests the Arbitral Tribunal as follow(s)[[5]](#footnote-5):
11. [……….];
12. [……….];
13. [……….]

…..

1. **Miscellaneous**
2. The Respondent selects Mr./Ms. [……….] to act as an Arbitrator/The Respondent request the VIAC to appoint an Arbitrator to resolve the dispute between the Claimant and the Respondent. Mr./Ms. [……….] is an Arbitrator listed in the VIAC’s Arbitrator List.[[6]](#footnote-6)
3. Please contact Mr./Ms. [……….][[7]](#footnote-7) via the followings details:

|  |  |  |
| --- | --- | --- |
| Address | : |  |
| Telephone | : |  |
| Email | : |  |

1. Regarding the language of arbitration, Article [……….] of the Contract/Agreement provides that [……….]/ the Respondent proposes that [……….][[8]](#footnote-8) is the language of arbitration.
2. Regarding the place of arbitration, Article [……….] of the Contract/Agreement provides that [……….]/ the Respondent proposes that [……….][[9]](#footnote-9) is the place of arbitration.
3. Regarding the applicable law, Article [……….] of the Contract/Agreement provides that [……….]/ the Respondent proposes that [……….][[10]](#footnote-10) law is applied to resolve the dispute.

|  |
| --- |
| **On behalf of the Respondent**  **(sign, stamp)[[11]](#footnote-11)** |

1. This form is for reference only and not mandatory. The structure and wordings are free to be modified by Parties to fit the nature and the development of a particular dispute and to suit the desire of Parties. Direct contact with the Secretariat is recommended if a Party needs further instructions. [↑](#footnote-ref-1)
2. It is recommended that the Respondent provides VIAC with its exact address as registered in its Business Registration Certificate or Investment Certificate. In addition to the postal address for document delivery, provision of other means of communication such as telephone number, fax number, email address, etc. shall facilitate faster and more efficient communication between VIAC and the Parties during the arbitral proceedings. [↑](#footnote-ref-2)
3. In this section, the Respondent briefly submits the main facts and circumstances of the dispute. [↑](#footnote-ref-3)
4. In this section, the Respondent submits contractual basis and legal grounds that the Respondent has relied on to submit its defence, with reference to appropriate analysis and evidence. [↑](#footnote-ref-4)
5. Specify the request(s) of the Respondent. [↑](#footnote-ref-5)
6. It is recommended that the Respondent on its own initiative do a thorough research on the potential arbitrators to be selected and then select a prominent arbitrator to resolve its case. It is not compulsory that the Respondent selects an arbitrator listed in the VIAC’s Arbitrator List. Such List is for the parties reference only. [↑](#footnote-ref-6)
7. If the Respondent selects an unlisted arbitrator, please provide VIAC with the exact and updated contact information including postal address, telephone/mobile phone number, email and fax number (if any). [↑](#footnote-ref-7)
8. Specify one language, Ex: Vietnamese or English. [↑](#footnote-ref-8)
9. Specify one place, Ex: Hanoi or Ho Chi Minh City. [↑](#footnote-ref-9)
10. Specify one country’s or countries’ law, Ex: Vietnamese Law. [↑](#footnote-ref-10)
11. If the Respondent is an organization, the legal representative or authorized representative (with lawful power of attorney) shall sign the Statement of Defence. If the Statement of Defence is signed by the legal representative, it’ll need to be stamped. If the Respondent is an individual, the Respondent or his/her authorized representative (with lawful power of attorney) shall sign the Statement of Defence. [↑](#footnote-ref-11)