

Third Party Funding (TPF): Its Use and Need in International Commercial Arbitration in the CEE Region

ICC Prague Arbitration Days

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Contents

- Issues to consider when putting TPF agreements into place
- Issues that may arise once TPF is in place

Issues when putting TPF agreements into place

- Negotiating a TPF agreement
 - Due diligence
 - Confidentiality
- Drafting a TPF agreement
 - Financial terms
 - Recovery
 - Termination

Potential issues once TPF is in place (1): Claimant's perspective

- Financial Issues
 - Budget and possible deviations from it
 - Priority of payment
- Control over the claim

Potential issues once TPF is in place (2): Respondent's perspective

- Claimant's impecuniousness
 - Security for costs
 - Final award of costs
- Costs insurance
- Outcome policies

Potential issues once TPF is in place (3): Tribunal's perspective

- Disclosure
 - Conflicts of interest
 - Efficiency
- Frivolous claims
- No incentive to settle

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