

CIENCIALA, R.: *Extending arbitration clause on third parties in (international) commercial arbitration – selected issues in comparison of international arbitration practice and Czech law*; doctoral thesis

ABSTRACT

The purpose of my doctoral thesis is to analyse in the context of the (international) commercial arbitration whether at all, and if so under what conditions can an arbitration agreement be extended on third parties as its non-signatories – *i.e.*, parties who have actually not undersigned the said agreement. The thesis is based on a critical analysis thereof by evaluating the selected and relevant case-law, both judicial and arbitral, and the key legal jurisprudence in comparison of the international arbitration practice and Czech law.

The thesis consists of nine main chapters. After the introduction of the subject-matter (first chapter), I focus on a fundamental basis thereof – *i.e.*, the doctrine of separability of an arbitration agreement from the underlying contract (second chapter), followed by a thorough analysis of a selected theoretical conceptions concerning the extension of arbitration agreement on third parties (third to seventh chapter). Accordingly, I evaluate the following issues: a succession and assignment or other transfers of rights in the third chapter, the position of guarantors in the fourth chapter, third party beneficiaries in the fifth chapter, the so-called group of companies doctrine in the sixth chapter, and the doctrine of alter ego in the seventh chapter. The whole eighth chapter is devoted to the analysis of the famous and somewhat controversial case *Dallah v. Pakistan* in which an arbitral clause was actually extended on a third party based on the alter ego doctrine. The last (ninth) chapter provides conclusion of my research which is followed by the list of references and a brief summary in English.

KEY WORDS

arbitration, arbitration agreement (arbitral clause), third parties, non-signatories, separability of arbitration agreement, succession and assignment of rights, guarantors, third party beneficiaries, group of companies doctrine, theory of alter ego