

Case law**Case Details**

National ID: 31 Cdo 1945/2010

Member State: Czechia

Common Name: link

Decision type: Other

Decision date: 11/05/2011

Court: Nejvyšší soud (Supreme court)

Subject:

Plaintiff:

Defendant:

Keywords:

Directive Articles

Unfair Contract Terms Directive, [Article 3, 3.](#)

Headnote

Unless the arbitration agreement governs appointment of arbitrator on an ad hoc basis or a specific method of their appointment and refers to "the Referee Order" issued by a legal entity that is not a permanent arbitration tribunal established by law, such an arbitration agreement is void according to the section § 39 of the Czech Civil Code for conflict with the law.

Facts

Parties added an arbitration clause into purchase agreement on transfer of a real property (the "Purchase Agreement").

Legal issue

However, the Supreme Court states that it is not possible to negate any arrangement in an arbitration clause which is contrary to law and for which can be deduced a clear effort to damage the "weaker" party to the contractual relationship by means of the principle of contractual autonomy.

Decision

Full text: [Full text](#)

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Legal Literature

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Result