

## **ITDR Recommendations**

These ITDR Recommendations provide suggestions which the parties and the arbitrator and mediator, respectively, shall follow, as appropriate in the specific case, in the context of proceedings under the Swiss Rules of International Arbitration ("Arbitration Rules") of the Swiss Chambers' Arbitration Institution ("SCAI"), and the Swiss Rules of Mediation of ("Mediation Rules") of SCAI, respectively.

Defined terms used in these ITDR Recommendations shall have the meaning assigned to them in the Arbitration Rules unless defined herein.

### **1. Recommendations for Arbitration**

#### **1.1 In General**

ITDR has produced a list of highly specialized arbitrators in IT which is available on [https://itdr.ch/en\\_US/experts/our-experts/](https://itdr.ch/en_US/experts/our-experts/). The parties are invited to consider choosing arbitrators from this list.

All notices, as referred to in the Arbitration Rules, shall be given by electronic mail whenever possible. Wherever possible, documents shall be submitted in digital form and sent by electronic mail.

If the parties so agree, ITDR may publish the award or cause it to be published without stating the names of the parties, and leaving out any further particulars, which might reveal their identity.

#### **1.2 Expedited Procedure (Article 42 Arbitration Rules)**

Unless otherwise agreed upon by the parties, the Expedited Procedure applies in all cases in which the amount in dispute does not exceed CHF 1,000,000. The parties will present their Statement of Claim and Statement of Defence, respectively, in the Notice of Arbitration ("Notice") and in the respective Answer to the Notice of Arbitration ("Answer"). The Respondent will raise any counterclaim in the Answer in which case the Claimant will be entitled to submit an Answer to the counterclaim. The Notice, the Answer, the Counterclaim and the Answer to the Counterclaim, if any, will include the documents supporting the claim, defence, possible counterclaim and defence to the counterclaim and will indicate the witnesses to be examined at the hearing. No expert opinions will be admitted, and no expert witnesses will be examined at the hearing.

The Answer will be submitted within 30 days from receipt of the Notice. In case of a counterclaim, the Answer to the Counterclaim will be submitted within 30 days from receipt of the counterclaim.

The hearing will be convened by the arbitral tribunal within 30 days from his appointment or, in case of an Answer to the Counterclaim, within 30 days from receipt of the same. The parties are expected to discuss the relevant issues at the hearing and to present their conclusions at the end of the hearing. However, the arbitral tribunal may authorize further exchanges of briefs or other procedural steps (for instance, an expert opinion) whenever appropriate and compatible with the needs of the Expedited Procedure.

### **2. Recommendations for Mediation**

ITDR has produced a list of highly specialized mediators in IT which is available on [https://itdr.ch/en\\_US/experts/our-experts/](https://itdr.ch/en_US/experts/our-experts/). The parties are invited to consider choosing their mediator from this list.

All notices, as referred to in the Mediation Rules, shall be given by electronic mail whenever possible. Wherever possible, documents shall be submitted in digital form and sent by electronic mail.