

## Draft – Dispute Settlement

14 June 2017/fh,es

### 12. Applicable Law and Dispute Resolution

12.1 The “Articles” and all its exhibits are to be governed by and construed in accordance with Swiss law, to the exclusion of the conflict of law rules of Swiss international private law.

12.2.1. All disputes, disagreements or any claim arising from the “Articles” or its exhibits or relating to the Articles or its exhibits, its violation, dissolution or invalidity are to be first exclusively referred to the “Board”.

12.2.2. If the “Board” is not able to resolve the dispute through mediation between the parties within three weeks, or if one of its members is part of the dispute, the dispute is exclusively referred to the “ICANN Ombudsman”.

12.2.3. If the “ICANN Ombudsman” is not able to resolve the dispute through mediation within seventy days, the dispute is exclusively referred to the “General Assembly”.

#### **[Option Arbitration Tribunal]**

*[12.2.3.1. The “Arbitration Tribunal” is formed by three “Members”. Any conflict of interest regarding or part in the dispute, prohibits a “Member” from being part of the tribunal, in this event another “Member” has to be chosen.*

*12.2.3.2. The rules for the arbitral proceedings are the UNCITRAL Arbitration Rules as of 2013.*

*12.2.3.2. The “Arbitration Tribunal” decides disputes with a single majority vote. The decision is final and enforceable but can be reviewed by the “General Assembly” and the Swiss court appropriate.*

*12.2.3.3. Decisions of the “Arbitration Tribunal” can be referred for review to the “General Assembly”.*

*12.2.3.4. The “Members” and three substitutes of the “Arbitration Tribunal” are elected by the “General Assembly” for one year. A re-election is possible.*

*{12.2.3.4. The “Members” of the “Arbitration Board” are selected by the “Board” on request within a period of one month, taking into account proposals by the parties of the dispute.}}*

12.2.4. If the “General Assembly” is not able to reach an agreement with the parties of the dispute, the dispute is exclusively referred to the court appropriate under Swiss civil law.

Commented [F1]: Mandatory Board Meeting