

The SIMC-SCIA Med-Arb Protocol

The Singapore International Mediation Centre (“**SIMC**”) and the Shenzhen Court of International Arbitration (“**SCIA**”) launched the SIMC-SCIA Med-Arb Protocol (“**MA Protocol**”) on 25 November 2022.

By opting for the MA Protocol, not only do parties gain access to a more efficient dispute resolution process, but they also benefit from significant cost savings, allowing them to allocate their time and other resources saved to meet their core business objectives.

Owing to the strong interest received, we wish to highlight the distinctive combination of an efficient procedure and the cost-saving benefit inherent in the MA Protocol.

A. Where the dispute is submitted at the first instance to SCIA.

Efficient Process: Streamlined procedures ensure a quick and simple way to activate the MA Protocol.

Step 1. Parties submit the following documents to SCIA:

- a. SCIA Arbitration Application Form
- b. SIMC Mediation Request Form
- c. Arbitration Agreement/Clause
- d. Copy of Company / Business Registration documents.
- e. SCIA Authorization Form (if applicable)

Step 2. Within 2 business day from the receipt of the complete set of the above documents, the Case manager of SCIA will forward to SIMC, the Mediation Request Form. SCIA will simultaneously file the notice of arbitration and Notice on Suspension of Arbitration Proceedings. Upon receipt of the Mediation Request Form (the “**Mediation Commencement Date**”), SIMC will commence mediation proceedings pursuant to the SIMC Mediation Rules. All subsequent steps in the arbitration shall be stayed pending the outcome of mediation at SIMC.

Step 3. The mediation conducted under the auspices of SIMC shall be completed within 8 weeks from the Mediation Commencement Date, unless the Case manager of SCIA in consultation with SIMC extends the time.

Step 4. At the termination of the 8-week period (unless the deadline is extended by the Case manager of SCIA) or in the event the dispute cannot be settled by mediation either partially or entirely at any time prior to the expiration of the 8-week period, SIMC shall promptly inform the Case manager of SCIA of the outcome of the mediation-

Step 5. In the event that the dispute has not been settled entirely by mediation, the arbitration shall resume in respect of the dispute or remaining part of the dispute (as the case may be) in accordance with the Arbitration Rules of SCIA.

Step 6. In the event of a settlement of the dispute by mediation between the parties, SIMC shall inform the Case manager of SCIA that a settlement has been reached. Any party to the mediation may, with the express consent of all the other parties to the mediation, submit the settlement agreement resulting from the mediation to the Case manager of SCIA, for the SCIA to record and issue it as a consent arbitral award pursuant to the Arbitration Rules of SCIA.

Cost Savings: If parties reach a settlement through mediation, they will save 50% of the SCIA arbitration fee that would have been payable had the dispute proceeded to arbitration.

1. Where the parties have agreed to submit their dispute for resolution under the MA protocol, a non-refundable arbitration fee shall be payable to SCIA upon the filing of the notice of arbitration. This will be 33% of the SCIA arbitration fee pursuant to the Arbitration Rules of SCIA.
2. Upon receipt of the Mediation Request Form, SIMC will work with the parties to finalize the number of mediation days required, the date(s) of the mediation, the mode of mediation, the mediator to be appointed and all other parameters of the mediation, after which SIMC will inform the parties of the mediation fee payable. Parties are not obligated to proceed with the mediation if they do not agree with the mediation fee. If the parties accept the mediation fee, the parties will then sign the SIMC Agreement to Mediate. Following the signing of the Agreement to Mediate, the mediation fee is to be fully paid before the mediation can take place.
3. In the event that the dispute has not been entirely settled by mediation, the rest of the arbitration fee will be payable to SCIA upon the resumption of the arbitration proceedings for the whole or the remaining part of the dispute.
4. In the event that the mediation results in a settlement of the dispute between the parties, the parties need only pay to SCIA, an additional 17% of the SCIA arbitration fee pursuant to the Arbitration Rules of SCIA. Therefore, in total, the parties would only need to pay to SCIA, 50% of the SCIA arbitration fee.

B. Where the dispute is submitted at the first instance to SIMC.

Where parties have commenced mediation proceedings directly with SIMC, any party to a settlement agreement resulting from the mediation may, with the express consent of all the other parties to the mediation, apply to SCIA under this MA Protocol, to have SCIA record and issue the settlement agreement as a consent arbitral award of the SCIA. Where such an application is made to SCIA, a non-refundable fee shall be payable to SCIA, which will be charged on a sliding scale according to the amount in dispute in the case, e.g. 50% of the arbitration fee if the amount in dispute is less than ¥1,000,000, and 45%-50% of the arbitration fee if the amount in dispute is between ¥1,000,000 and ¥5,000,000 (inclusive). See Arbitration Rules of SCIA for details.

Service Commitment

SIMC and SCIA are committed to ensuring an impartial and efficient dispute resolution of the dispute for all parties involved. Please do not hesitate to contact SCIA or SIMC if any further information or assistance is required in relation to the MA Protocol.