

Charter of The International Court for Commercial Mediation, Conciliation and Arbitration

I. Legal Organization and Charter

The International Court for Commercial Mediation, Conciliation and Arbitration (hereinafter "ICCMCA") is a not-for-profit corporation established under Chapter 1702 of the Ohio Revised Code in the State of Ohio, United States of America. The Articles of Incorporation of ICCMCA were filed with the Ohio Secretary of State on the 19th of August 2009.

II. Internal Organization

A) Under the Articles of Incorporation of ICCMCA dated August 13th, 2009, there is an initial Board of Trustees with three members. The Board of Trustees is free to organize its activities according to the decisions of its members, provided that at all times they meet the statutory requirements and perform the statutory duties specified in the laws of Ohio and any other relevant laws, and any further duties imposed by the Articles of Incorporation or this Charter. Members of the Board of Trustees are appointed for an unlimited time.

B) ICCMCA shall have an Advisory Council with the formal title "Advisory Council of the Arbitration Court". The initial number of members of the Advisory Council shall be ten, and all of the Trustees shall also be members of the Advisory Council. The size of the Advisory Council may be increased or decreased at any time on decision of the Board of Trustees. Members of the Advisory Council shall be appointed by the Board of Trustees for a term of five years. There shall be no limit to the number of terms a member of the Advisory Council may serve.

C) ICCMCA shall have a Registrar and Assistant Registrars as may be appointed by the Board of Trustees. A Registrar or Assistant Registrar may also be members of the Board of Trustees or the Advisory Council.

III. Activities of ICCMCA

A) The mission statement of ICCMCA as set forth in its Articles of Incorporation dated 13th of August 2009 is "to promote international conflict resolution and to engage in all aspects of conflict resolution, both public and private, including but not limited to research, writing, publications, seminars, conferences, workshops, teaching and public awareness of the issues involved in international conflict resolution, administration of proceedings and enforcement of awards duly rendered."

B) The Board of Trustees is authorized to take any act or decision it deems appropriate in pursuit of the goals of ICCMCA.

C) ICCMCA shall include a diversity of highly qualified persons from different countries on its Board of Trustees, Advisory Council and other appointments.

D) ICCMCA shall establish a modernized dispute resolution mechanism, making maximum use of information and communication technology to increase speed and efficiency and reduce costs without compromising the quality of its services or the interests of justice.

E) ICCMCA shall electronically publish its rules and procedures for dispute resolution and respond to reasonable public requests for information concerning its activities that do not involve proprietary or privileged information.

IV. Dispute Resolution Procedures

- A) When any matter is referred to ICCMCA for mediation and/or arbitration, the relevant ICCMCA rules (as adopted and amended by the Board of Trustees under advice from the Advisory Council from time to time) shall apply to any matter not properly governed by international rules incorporated by reference below, rules stipulated to by the parties or the law applicable to such matter if any.
- B) In any arbitral proceedings conducted under the auspices of ICCMCA, the model IBA Rules on the taking of Evidence in International Commercial Arbitration (as adopted on 1 June 1999 and as amended from time to time) of the International Bar Association shall be applied.
- C) A schedule of fees for the services of ICCMCA shall be published and amended from time to time by the Board of Trustees.

V. Meetings of the Board of Trustees

- A) Meetings of the Board of Trustees shall occur at least quarterly, and at any other time if requested by any of the Trustees. All of the Trustees shall be given seven days written notice by the person convening a meeting of the Trustees, however the requirement of notice may be waived if all of the Trustees are present or concur in writing.
- B) The Board of Trustees shall appoint from among its members a Chairman and a Vice-Chairman. The Chairman shall conduct the meetings and in his absence the Vice-Chairman may conduct the meeting. At each meeting a Secretary shall be appointed to keep the minutes of the meeting, unless the meeting is conducted in such a format that a transmittable record is ensured.
- C) The Board of Trustees shall attempt to reach all of its decisions by consensus. If the Chairman of a meeting determines that a consensus cannot be reached in a particular matter, he may elect to put the matter to a vote. A quorum of a majority of the Trustees shall be required to make binding decisions and/or conduct a vote.
- D) Meetings of the Board of Trustees may be conducted by teleconference or other means acceptable to the members. Any Trustee not able to participate in a meeting shall have the right to participate in any vote taken by reviewing the minutes of the meeting and expressing his view within a reasonable time, which time shall be indicated by the minutes or other record of the meeting which shall be forwarded to such Trustee without delay.
- E) Any action of the Board of Trustees may be taken without a meeting by the unanimous consent of all of the members of the Board of Trustees, in written or electronic form.

VI. Meetings of the Advisory Council of the Arbitration Court

- A) Meetings of the Advisory Council shall be called by the Board of Trustees, and at least once annually.
- B) Due to the geographical scope of the mission of ICCMCA, meetings of the Advisory Council will generally be conducted by teleconference or in electronic form. Procedures for conducting the meetings of the Advisory Council shall be decided by the Board of Trustees with due regard given to the opinions and the convenience of the members of the Advisory Council.
- C) Two or more members of the Advisory Council may initiate a meeting by conveying

reasonable notice to all of the other members in writing.

VII. Appointment of Mediators & Arbitrators

A) Appointments of mediators and arbitrators shall be made by the Board of Trustees or by a procedure prescribed by the Board of Trustees.

B) Members of the Board of Trustees may serve as arbitrators or mediators in a matter brought before ICCMCA, provided that after their appointment they abstain from directly participating in the ICCMCA administration of any proceeding where they are presiding.

C) Members of the Advisory Council may serve as arbitrators or mediators, provided that after their appointment they abstain from directly participating in the ICCMCA administration of any proceeding where they are presiding.

D) The Registrar and any Assistant Registrars shall not administer any matter where they have also been appointed as an arbitrator or mediator by ICCMCA.

VIII. Duties of the Registrar and Assistant Registrars

A) The Registrar shall carry out the daily functions of ICCMCA. Such duties shall include but not be limited to maintaining the website of ICCMCA, responding to public requests for information, keeping the Board of Trustees fully informed of any matters referred to ICCMCA, keeping proper records of the expenses and daily activities of ICCMCA, and carrying out all lawful instructions of the Board of Trustees.

B) The Registrar shall receive all requests for mediation or arbitration, as well as any related pleadings, responses or other communications or submissions made by the parties to any such matter, and perform the roles and duties designated to the Registrar under any applicable rules or procedures of ICCMCA.

C) The Registrar shall receive from arbitrators appointed by ICCMCA a written copy of their decision and/or award upon conclusion of an arbitration, shall ensure the keeping of a suitable copy of such for at least ten years from the relevant effective date, and shall take any due measures to ensure the attestation and enforcement of any award made by an ICCMCA appointed tribunal.

D) In the case of mediation, the Registrar shall receive a report from the mediator summarizing the relevant proceeding and its outcome, and keep a suitable copy for at least ten years from the date of such report.

E) The Registrar shall take all reasonable measures to ensure the confidentiality of the information in the files of ICCMCA pertaining to actual or possible proceedings to be referred to ICCMCA, as well as any such information that should come to the attention of the Registrar that is not within the public domain.

F) In any case of doubt, questions about the duty to maintain the confidentiality of any information shall be referred to the Board of Trustees.

IX. Finances, Expenses

A) The budget of ICCMCA will be managed by the Board of Trustees. One member of the Board of Trustees will be designated as Treasurer and will have the primary duty of managing any funds belonging to or entrusted to ICCMCA.

B) All members of ICCMCA are entitled to reasonable compensation for their work on behalf of ICCMCA. The basis for calculation of compensation, methods of calculation and approval of individual claims for compensation will be prescribed by the Board of

Trustees.

C) To the extent that ICCMCA has funds available after meeting all other financial obligations, it will give first priority to funding educational projects relating to alternative dispute resolution.

X. Amendments

This Charter may be amended by a majority decision of the Board of Trustees taken after reasonable notice to all the members of the Board of Trustees.