

DIS

German Arbitration Institute



TOP 10 RECOMMENDATIONS

Rules Lab Practice Group Technology



Data Security and Data Protection

1 Update DIS Guidance Note and FAQ to reflect the recent developments and changes in Data protection regulations, especially at the EU level

2 Provide an English version of the Data Protection Guidelines:

- [“DIS Privacy Information for Applicants”](#) OR/AND [“DIS Arbitration Privacy Policy”](#)
- [“FAQ DIS Arbitration Privacy Policy”](#)



Virtual Hearings and Use of Technologies during the Hearing

3 Provide Practical Guidelines for Tribunals for virtual hearings to ensure that participants experience a seamless virtual hearing

- HKIAC Guidelines could be used as a model (available [here](#))
- This would be made available to the parties on the DIS website

4 Offer a model protocol for virtual hearings to the tribunals and the parties (this could include a checklist and suggested clauses, including to ensure data protection)

- ICC Checklist for a protocol on virtual hearings and suggested clauses could be used as a model ([link](#))



Virtual Hearings and Use of Technologies during the Hearing

5 Offer an indicative list of service providers that could assist for the organization of virtual hearings, including cost estimates, for instance:

- Service providers offering an all-inclusive package (Document management, presentation of exhibits and court reporting, such as Opus2)
- Service providers offering variable adjustable services (FTI remote hearing services; Spark, etc.)
- Service providers assisting the parties with the presentation of complex facts using Z-Axis
- List of court reporters specializing in international arbitration (eg, [IDRC list](#))



Virtual Hearings and Use of Technologies during the Hearing

6

DIS should consider amending Article 29 of the DIS Rules with a new provision specially allowing for remote hearings if the parties agree on those or if the Tribunal considers a remote hearing to be appropriate.

- If Article 29 is amended as such, a new Annex 7 could be implemented providing for remote hearing guidelines (see point 3 and 4), including a “bucket list” of critical aspects such as test/prep calls, hearing managers, etc.



Use of Electronic Platforms

7

Integrating Exhibit Manager (commonly used by many law firms) within the DIS eFile platform (so that all users could make use of a hyperlinked eBrief once it has been uploaded on the DIS platform)

Note: Make sure that this will not hinder usage of the eFile by law firms that are not using Exhibit Manager (technically this should not be a problem)



Use of Electronic Platforms

8 Offer a fully electronic filing system, for instance:

- By allowing for fully electronic filings via DIS eFile and then print the Statement of Claim for hardcopy service to the Respondent, OR
- Alternatively: re-evaluate whether electronic DIS proceedings can be implemented into the beA system for German respondents (which would allow for fully electronic proceedings, but has other downsides)

9 Promote the usage of eFile with the parties and arbitrators:

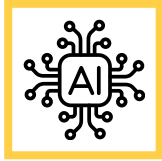
- DIS could further promote the use of DIS eFile by explicitly referring to it in the Rules, for example in Article 4.
- Another option would be to amend Article 27.4 DIS Rules and Annex 3 in a sense that the use of the DIS eFile would have to be discussed during the CMC.
- Additionally, DIS could encourage arbitrators to proactively encourage the use of DIS eFile.



Use of Electronic Platforms

10 Continuous improvement of DIS eFile:

- DIS should continuously improve DIS eFile, specifically as regards using the platform in the oral hearing:
 - ideal platform for hearing would make other electronic (or hardcopy) hearing bundles redundant +
 - be the go-to-platform for EPE operators presenting the file and relevant exhibits to the Tribunal and the parties
- Further steps to integrate AI tools into the DIS eFile (eg to structure, order and display exhibits in chronological or any other logical order, creation of timelines)



Further use of AI:

11 BONUS recommendation: Possibility to use AI for better case management internally at DIS:

- AI tool designed for case analysis and prediction based on institutional awards
- Internal tool for arbitrator conflict check / selection?

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