



# MIZAN PLATFORM USER'S GUIDE



**The purpose of this guide is to direct the user through the digital expedited arbitration platform (Henceforth, the Platform).**

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***Preliminary remarks:***

- *The **Claimant** and the **Respondent** may each constitute **several** individuals or legal entities (group of persons organized in the form of commercial or civil companies, groups of persons such as within the framework of Economic Interest Grouping or associations with or without a profit motive). However, in the event of several claimants with common interests they must file their claims together as a **single person** being the Claimant. With regard to the respondents, they may be grouped into one person called the Respondent or they may remain individual respondents and therefore several respondents will be listed in the request for arbitration.*
- *In the following text, each of the **Claimants** and **Respondents** is referred to as the Party and together as the **Parties** to the dispute subjected to arbitration undertaken on the Platform.*
- *The buttons and icons that the user must click on when using the Platform are highlighted in light grey in this guide.*



# USE OF THE PLATFORM IN 9 STEPS



## STEP 2 – FILING THE REQUEST FOR ARBITRATION

File your request for arbitration on the platform in accordance with the formal and substantive requirements set forth in Article 3 of the mizan Digital Expedited Arbitration Rules.



## STEP 4 – APPOINTMENT OF THE ARBITRATOR

Select from the list of arbitrators proposed by mizan the arbitrator who will be in charge of settling your dispute.



## STEP 6 – PAYMENT OF ARBITRATION FEES

Pay the arbitration fees into mizan's bank account. The amount to be paid is determined by the mizan Court of Arbitration in accordance with the provisions of Article 33 of the Digital Expedited Arbitration Rules.



## STEP 8 – HEARING

Assist online to the hearing from the Platform



## STEP 1 - PROFILE CREATION

Create your profile by accessing the Platform via its website: [www.platforme.mizan-adr.ma](http://www.platforme.mizan-adr.ma)



## STEP 3 – RESPONSE TO THE REQUEST FOR ARBITRATION

Respond to the request for arbitration via the Platform in accordance with the formal and substantive requirements set forth in Article 3 of the mizan Digital Expedited Arbitration Rules.

## STEP 5 – TERMS OF REFERENCE

Establish by mutual agreement your terms of reference.



## STEP 7 – INSTRUCTION OF THE DISPUTE

Set out your claims, focusing in particular on the points at dispute, the subject matter of the request and the legal arguments put forward in support of your memorandums.



## STEP 9 – ARBITRAL AWARD

The Arbitrator has 30 days from the date of the end of the exchanges between the Parties to render the arbitral award.

## Step 1 - Profile creation:

To create your profile, you must:

1. Access the mizan Platform via its website: [www.plateforme.mizan-adr.com](http://www.plateforme.mizan-adr.com);
2. Then, click on the "Register" button and create your profile by filling in the information requested concerning your identity: civilities (Mr., Ms.), last name, first name, function or profession (*lawyer, financial director, professor, legal director, financial director, engineer, employee, legal representative of a company, etc.*), usual or professional email address, mobile phone number with country code without including the 0 after the (+), legal address (complete and permanent) including postal code or the post office box with its number if applicable.
3. Create and enter a **personal password** (minimum of 8 characters in numbers and letters) that you must keep strictly confidential and that you must keep in order to be able to reconnect to the Platform with the said password each time it is necessary.

Once this phase is completed, you will receive an email from mizan containing a **specific hyperlink** to finalise the creation of your account. You must:

1. Click on the **link received by email** which will take you to:
2. Connect to the platform using your email address and the confidential password entered when creating your profile; and
3. Enter on the new page that will appear the **4-digit code received by text message** on your mobile phone to authenticate yourself on the Platform.

After this phase, **the registration on the platform will be finalised** and you will automatically receive an email confirming your registration on the Platform.

**Note:** *The creation of the profile can be carried out by the person concerned by a dispute, whether he is an individual natural person or an authorized person of a specific company, or by a representative appointed by the individual or the company who can be a lawyer, legal counsel or expert who can validly proceed to the creation of the profile on behalf of the natural person or the company he represents.*

## Step 2 – Submission of the request for arbitration:

After creating your profile, you will have the possibility to start the proceedings as claimant to the arbitration (hereafter, the “**Claimant**”).

The **Claimant** may either decide to start the process of filing the request for arbitration on the Platform or to postpone it to a later date. In the latter case, the **Claimant** must reconnect to the Platform using their email address and **password** entered when creating his profile, then follow the instructions below.

To file the request for arbitration on the Platform:

1. The **Claimant** must create a new dispute by clicking on the icon at the top left side of the page with the sign (+) “**New dispute**”;
2. The **Claimant** must choose between resolving “**My Dispute**” (which means that the **Claimant** is the person directly and personally concerned by the dispute) or resolving a “**Third Party Dispute**” (which means that the **Claimant** is acting through a representative who may be a lawyer, legal counsel, expert, financial director, etc.). The third party can be a

natural person, a commercial company, a private company, a public company, an economic interest group, an association, etc.

3. The **Claimant** must provide the information requested by the Platform according to the choice made between “**My dispute**” and “**Third Party Dispute**”:

### Choice n°1 – “**My dispute**”:

A page appears. The **Claimant** must provide the following information: their last name, first name, nationality, usual or professional email address, mobile phone number, legal address (complete and permanent), type of identity document (ID card or passport), the number of their identity document and the date of validity of their identity document. The **Claimant** must **upload** a copy of their identity document by clicking on the “**Attach a document**” button.

### Choice n°2 – “**Third Party Dispute**”:

A page appears with two choices: either “**Natural Person**” (individual) or “**Legal Entity**” (*a commercial company, a private company, a public company, an economic interest group, an association, etc.*). The information to be provided by the **Claimant** concerns the natural or

legal person who is represented and is as follows:

- When representing a **natural person**, the following information must be provided: the last name, the first name, the nationality, the usual or professional email address, the mobile telephone number, the legal address (complete and permanent), the type of identity document (ID card or passport), the number of the identity document and the date of validity of the identity document. The **Claimant** must **upload** a copy of the identity document of the natural person they represent by clicking on the "Attach a document" button.
- When representing a **legal entity**, the following information must be provided: the company name (trade name of the company, name of the association or group), the legal form in all letters (Public limited company, limited liability company, partnership, simplified joint stock company, association etc.), the share capital in amount (dirhams, dinars, Francs, CFA etc.), the address of the head office, the permanent contact email address, the mobile or landline telephone number, the trade register number or its equivalent. The **Claimant** must also **upload** an extract of the trade

register or its equivalent **dated less than 3 months** by clicking on the "Attach a document" button.

Once they have completed the above information, the **representative** must complete the information relating to **their own identity**: their last name, first name, function or profession, nationality, email address, mobile phone number, legal address (complete and permanent), the type of identity document (ID card or passport), the number of their identity document, the validity date of their identity document. They must also **upload** a copy of their identity document and power of attorney document by clicking on the "Attach a document" button.

4. After completing and **uploading** the aforementioned documents, the **Claimant** must fill in the following information in the "Description of the dispute" page:

- **Nature of the dispute**, which may be commercial, financial, social, construction, e-commerce, industrial property, distribution, etc.;
- **Amount of the dispute** by specifying one of the three monetary currencies mentioned

on the Platform (MAD, Euros, US Dollars); and

- A brief description of the dispute (maximum 1 000 words, equivalent to 2 pages in A4 format) to describe the dispute. It is recommended that the **Claimant** states clearly and precisely, in particular, who are the persons involved in the dispute, the nature of the dispute, what is the problem that led to this dispute (*late delivery, failure to pay, warranty not honored, total or partial non-performance, etc.*), and whether there have been attempts at an amicable settlement between the parties.

*For example: in the case of a problem between an employee and his employer, it is recommended to include in the brief description the nature of the employment contract, whether it is a fixed-term or open-ended contract, the date on which the contract was concluded, the date on which the problem arose, the type of problem (serious misconduct - presumed or real – which led to a decision to dismiss by the employer, repeated absences - justified or unjustified, etc.), and the circumstances surrounding it.*

5. After completing the information concerning the

description of the dispute, the **Claimant** must **upload** in PDF format **the request for arbitration and the annexes** relating to the problem which are documents explaining or illustrating the problem such as contracts, invoices, a letter of warranty, etc. on the “**Request for Arbitration**” page on the Platform. To **upload** these documents, the Claimant must click on “**Add the request for arbitration**” then click on “**Add an attachment file**”.

***Note:** The Claimant is invited to comply with the formal and substantive requirements set out in Article 3 of the Digital Expedited Arbitration Rules with regard to the drafting of the request for arbitration.*

6. After **uploading** the request for arbitration, the **Claimant** must fill in the contact information of the person with whom he has a dispute (opposing party) the “**Respondent**” by clicking on the “**Add a natural person**” button when it is a natural person or on the button “**Add a legal entity**” when it is a legal person.

#### **Choice n°1 - “Add a natural person”:**

A page appears and the **Claimant** must provide the following

information on the identity of the opposing party, a natural person (the **Respondent**): their last name, first name, usual or professional email address, mobile telephone number with the country code without including the 0 after the (+) and its notification address (*the legal, complete and permanent address where the Respondent should receive any registered letter with acknowledgment of receipt*).

### Choice n°2 – “Add a legal entity”

A page appears and the **Claimant** must provide the following information on the identity of the opposing legal entity (the **Respondent**): their company name, e-mail address, mobile or landline telephone number, trade register number or its equivalent, the last name and first name of its legal representative and its notification address (legal, complete and permanent address).

7. After filling in the contact information of the opposing party, a page appears “**Arbitration agreement**”.

### **Important notes :**

(i) In order to resort to mizan arbitration, natural persons (individuals) or legal entities (companies, associations or groups)

who have found that a dispute cannot be resolved amicably, must have an **arbitration clause** in their contract (legally referred to as the “**arbitration clause**”) which states that in the case of a problem or dispute between the contracting parties, it shall be resolved through **mizan's digital expedited arbitration**. In the event that the relationship between the **Parties** does not provide for arbitration in Mizan's expedited digital mode, and that a dispute had already occurred, it will be necessary for the **Parties** to draw up together a specific agreement for this expedited digital arbitration referred to as an “**arbitration agreement**”, to be signed together, if they so wish.

(ii) The rules applicable to an arbitration proceeding are first the **law of the contract**, second the **law of the arbitration** and third the mizan **Arbitration Rules**. The law of the primary contract(s) in dispute shall be **the law chosen by the Parties, or in the absence of a choice by the Parties, the law governing their contractual relationship(s) which may be determined by the appointed Arbitrator** in accordance with the rules identified by him. The law of the arbitration is **the law of the chosen seat** of the arbitration which shall govern the arbitration

proceedings in accordance with the specific legislation of the State chosen as the seat of the arbitration. In the absence of a choice of seat in the main contract(s), the **Arbitrator shall proceed to designate the seat and thus the law of the arbitration.** The designation of the seat is important during the **phase of possible challenge against the arbitral award** which is offered to the unsuccessful **Party** to the arbitral proceedings. The means of challenging the arbitral award that could be raised by this **Party**, such as an **action for annulment** or an **action for review**, must be exercised before the (state) courts of the seat of the arbitration. Finally, the **mizan Arbitration Rules** organize the arbitration procedure when the **Parties** have agreed upon in the arbitration agreement.

*For example, in an international contract concluded between a person resident in Tunisia and another resident in Senegal which provides that the law of the contract is Tunisian law, that the seat of the arbitration is Casablanca, and which assigns jurisdiction to the mizan institution to administer the arbitration proceedings by its Digital Expedited Arbitration Rules, the Arbitrator who would*

*be appointed by the Parties or failing that by the mizan Court of Arbitration, shall rule in accordance with Tunisian law and possibly other rules of international commercial law, all in compliance with the procedural rules set forth in the mizan Rules. The debtor of the arbitration award (also called the person who would have succumbed to the arbitration with an award that would be unfavorable to him) could exercise the recourses against the said award only and before the courts of Casablanca because the seat of the arbitration indicated in the arbitration clause is Casablanca – Morocco.*

The **Claimant** must select the **form of the arbitration agreement** that binds him to the person with whom the problem arose. The **Claimant** must click on the "**Arbitration Clause**" button if he has an arbitration clause or on the "**Arbitration Agreement**" button if he has an arbitration agreement.

8. On the same "**Arbitration Agreement**" page, the **Claimant** must **upload** the arbitration agreement by clicking on the "**Attach a document**" button.
9. After **uploading** the arbitration agreement, a page appears "**Payment page**" in which the

**Claimant** must **upload** the payment receipt of the registration fee of the proceedings amounting to 7 500.00 Moroccan dirhams or the equivalent in foreign currency by clicking on the "Attach a document" button.

The payment must be made to mizan's bank account, according to the data presented below:

### **BENEFICIARY:**

Mizan Arbitration S.A.R.L.

28, Boulevard Moulay Youssef,  
20070, Casablanca, Morocco

### **BENEFICIARY'S BANK:**

Banque populaire - Al Hadika  
Agency

54, Boulevard Rachidi, Casablanca,  
Morocco

### **BANK ACCOUNT STATEMENT:**

<b>Bank code</b>	190
<b>Locality code</b>	780
<b>Main account number</b>	21211 2933388 000 0
<b>C.RIB</b>	31

***Note:** A secure procedure for the payment of the registration fee on*

*the Platform by **international credit card** is being validated with the **Moroccan Interbank Center** and will be communicated to the Parties in due course.*

10. After **uploading** the receipt for payment of the dispute registration fee, the **Claimant** must finalize the creation of the arbitration file for the dispute by clicking on the "Validate and Submit" button.

If the **Claimant** has not completed filling the necessary information or wishes to modify a section, he can click on the relevant section in the dispute menu on the left side of the page and click on the "Edit this form" button and then proceed with the validation and submission of the dispute to the mizan Secretariat as explained above.

The mizan Secretariat will then verify the **compliance** of the **request for arbitration** with the **Digital Expedited Arbitration Rules** and may adopt one of the following three decisions:

### **Decision 1: Validation of the request for arbitration**

Once the mizan Secretariat is satisfied that the request for arbitration meets the

requirements of the Digital Expedited Arbitration Rules and that the required registration fee has been paid, it **notifies the Respondent to connect to the Platform, consult the request for arbitration and respond to it within 15 days** (see **Step 3 - Response to the Request for Arbitration** below).

*Note: The registration fee is non-refundable if the arbitration application is rejected.*

### **Decision 2: Request to modify the request for arbitration**

Where the mizan Secretariat considers that the Request for Arbitration does not comply with any of the requirements set forth in the Digital Expedited Arbitration Rules, it may **require the Claimant to comply with such conditions within a period of time to be determined by the Secretariat.**

### **Decision 3: Rejection of the request for arbitration**

When the **Claimant** has not made the changes required by the mizan Secretariat within the required time limit or when the arbitration agreement **uploaded** on the Platform does not grant jurisdiction to the mizan institution to settle the dispute, the Secretariat may, by reasoned decision, decide to **reject the request for arbitration.**

### Step 3 - Response to the request for arbitration:

The **Respondent** notified by the mizan Secretariat by e-mail must click on the **specific hyperlink** indicated in the received email. This link will redirect him to an **authentication page**.

1. The **Respondent** must authenticate himself on the Platform by indicating **his e-mail address and the password** that was communicated to him by e-mail. This password is a **generic code** generated automatically by the Platform and will be subject to subsequent modification by the **Respondent** (*see paragraphs below*).
2. A new page appears and the **Respondent** must complete his profile by filling in the requested information: his last name, first name, telephone number with the country code without including the 0 after the (+). He must also create and enter a personal password (*of a minimum of 8 characters in numbers and letters*) which he must keep strictly confidential and which he must keep in order to be able to reconnect to the Platform using the said password each time it is necessary.

Once logged into the platform, the **Respondent** will see a **yellow notification in the bottom left side of the page**.

3. The **Respondent** must click on the notification icon colored in yellow and then **click on the banner that will appear** inviting to **“Join a Dispute”**.

From the moment the **Respondent** accesses the request for arbitration and becomes aware of the subject of the dispute, he has **15 days** to complete the required information as follows:

- If the **Respondent** is a **natural person**, a new page will appear, where the **Respondent** must fill in the following information: his last name, first name, nationality, usual or professional e-mail address, mobile telephone number, address (complete and permanent), the type of identity document
- Identity document (*ID card or passport*), the number of his identity document and the date of validity of his identity document. The **Respondent** must **upload** a copy of his ID by clicking on the **“Attach Document”** button.
- If the **Respondent** is a **natural person** and is **represented** by

another person (*lawyer, legal counsel, expert, etc.*), a new page appears where the **Respondent** must fill in the following information: last name, first name, nationality, usual or professional email address, mobile telephone number, legal address (complete and permanent), type of identity document (*ID card or passport*), the number of the identity document and the date of validity of the identity document. The **Respondent** must **upload** a copy of the identity document of the natural person he represents by clicking on the "Attach a document" button.

- If the **Respondent** is a legal entity and is represented by another person (*lawyer, legal advisor, expert*), a new page appears where the **Respondent** must fill in the following information: the company name, the legal form (*in full letters: Public limited company, limited liability company, general partnership, joint-venture, simplified joint-stock company, association, etc.*), the share capital, the head office, the email address, the mobile or landline telephone number, the trade register number or its equivalent. The **Respondent** must also **upload** an extract from the trade register or its equivalent dated within 3 months of the

**upload date** by clicking on the "Attach a document" button.

4. After filling in the above information, a "Response to the Request for Arbitration" page will appear, the **Respondent** must **upload** its response to the request for arbitration by clicking on "Add your Response" and the annexes to the response by clicking on "Add an attachment file".

***Note:** The Respondent is requested to comply with the form and content requirements set forth in Article 4 of the Digital Expedited Arbitration Rules for the drafting of the answer to the request for arbitration.*

5. After **uploading** the response to the request for arbitration, a page will appear and the **Respondent** must finalize the response to the request for arbitration by clicking on the "Validate and Submit" button so that his information can be transmitted via the platform to the mizan Secretariat for verification.

***Note:** In the event that the Respondent who has been notified of the arbitration dispute via the mizan platform and connects to the platform while agreeing to join the dispute, but does not complete the requested information and*

*does not **upload** his response to the request for arbitration and he disconnects, he will still be able to reconnect using his **email address and personal password**. He must then click on the "**Mizan Index**" icon to **find the dispute in question** and access it to complete the information, **upload** his response to the request for arbitration and then click on the "**Validate and Submit**" button so that his information is transmitted to the mizan Secretariat for verification.*

**If the Respondent fails to respond within the 15-days period mentioned above, the mizan Secretariat will send him an electronic registered letter or a letter served by bailiff service.**

**Upon expiration of the 15-days period following the Claimant's notification by electronic registered letter or letter served by bailiff service and in the absence of a response from the Respondent, the arbitration proceedings shall continue by default in the absence of the Respondent in accordance with Article 4 of the Digital Expedited Arbitration Rules.**

Once the mizan Secretariat has again verified the conformity of the information provided, **the parties to the dispute or, failing**

**that, the Claimant alone, in the event that the Respondent has not considered proceeding with the request for arbitration, will be notified by email in order to continue the arbitration proceedings by appointing an Arbitrator.**

## Step 4 - Appointment of the Arbitrator:

In the normal case where the **Claimant and the Respondent** have validly entered into the **arbitration procedure** and in order to appoint the **Arbitrator** who will decide their dispute, they must agree on the identity of the **Arbitrator** within a **time limit to be set by the Secretariat**. It is up to one of the parties, either the **Claimant** or the **Respondent**, to propose the appointment of an **Arbitrator** from the list of arbitrators proposed by mizan.

To appoint an **Arbitrator**, the **Claimant** or the **Respondent** must first connect into the platform using his email address and personal password.

Once connected to the platform, the **Claimant** or **Respondent** must:

1. Join the concerned dispute and click on the "**Arbitrator**" section in the dispute menu on the left side of the page; then
2. Click on the "+" sign and choose an **Arbitrator** from the list proposed by mizan.

He can consult the **profile of the Arbitrator** by clicking on it to make his choice.

3. The **Claimant** or **Respondent** must then select the appropriate checkbox to the left of the **Arbitrator's** name and click on the "**Propose Appointment**" button to **validate his choice**.

If the **Claimant** or the **Respondent** wishes to propose the appointment of an **Arbitrator** who is not on the list proposed by mizan, he must contact the mizan Secretariat by email at [secretariat@mizan-adr.com](mailto:secretariat@mizan-adr.com) or by telephone at +212 5 22 29 89 40 to request the inclusion of the said **Arbitrator** on the proposed list, providing with his full contact details. The **mizan Court of Arbitration** may accept or refuse the inclusion of the said **Arbitrator** in the list after reviewing the information obtained in particular from the **registration form** that would have been sent by the **mizan Secretariat** to the proposed **Arbitrator**.

In principle, the **Arbitrator** proposed by either party must be accepted by the other party or parties to the dispute **within 8 days**.

The **Respondent** or the **Claimant**, if applicable, must connect in to the platform using their email address and their personal password, then follow the following steps:

1. Join the relevant dispute to **accept or reject** the other **Party's** proposal regarding the **Arbitrator**;
2. Click on the "**Arbitrator**" section in the dispute menu on the left of the page; and
3. Click on the "**Yes**" or "**No**" button. If a **Party** declines the other **Party's** proposal for appointment, it shall in turn propose an **Arbitrator** by following the same procedure.

If the **Parties** fail to agree on the appointment of an **Arbitrator**, and following **two attempts** to appoint an **Arbitrator**, the **mizan Court of Arbitration** shall appoint an **Arbitrator** taking into account the nature of the dispute, the nationality of the parties and the qualifications of the **Arbitrator** in accordance with **Article 8 of the Digital Expedited Arbitration Rules**. The **Parties** shall be informed and notified on the platform and by email of the chosen **Arbitrator**.

The **Arbitrator** notified by the **mizan Secretariat** has the option of **accepting or declining his appointment within 7 days** of receiving his invitation to join the dispute.

**Failing acceptance, another Arbitrator will be appointed and notified by the mizan Court of Arbitration.**

Upon acceptance of his assignment, the appointed **Arbitrator** must send to **mizan and to the Parties** a declaration of **impartiality, independence and availability in accordance with the model that will be sent to him by the mizan Secretariat.**

Once the **Arbitrator** has accepted his mission, the parties the parties have **7 days to challenge his appointment and to send the reasons for such challenge to mizan.**

When the **Claimant** or the **Respondent** wishes to challenge the appointment of the **Arbitrator**, he must:

1. Click on the "**Arbitrator**" section in the dispute menu on the left side of the page;

2. Click on the “Challenge” button and fill in the reason for the challenge before submitting; and
3. Click on the “Send” button to submit and validate his challenge.

The mizan Court of Arbitration may reject the request for challenge and forward the case to the Arbitrator so appointed, or accept the request for challenge and appoint a new Arbitrator in accordance with Article 11 of the Digital Expedited Arbitration Rules.

## Step 5 – Terms of Reference:

Once the Arbitrator has accepted his mission, he has 15 days to prepare a Terms of Reference and a provisional timetable for the arbitration and submit it to the Parties for their approval.

The Terms of Reference shall include, but not be limited to, the following:

1. Identification of the Parties and the dispute;
2. A summary of the respective claims of the Parties;
3. The main rules applicable to the proceedings;
4. The seat of the arbitration; and
5. A list of the issues to be resolved.

The Terms of Reference also determine the timetable of the proceedings, including in particular:

1. The deadlines for the Parties to file their respective memorandums and responses in claim and defense;

2. The possible date of the listening hearing that would take place by videoconference using the technological means of the mizan platform; and
3. The possible date of the award.

Each of the **Parties** must then **approve the Terms of Reference** and has **8 days** from the receipt of an email notifying the filing of the Terms of Reference to do so.

Thus the **Claimant** and the **Respondent** must:

1. Connect to the platform using their email addresses and personal passwords;
2. Join the relevant dispute; and
3. Click on the “**Terms of Reference**” section in the dispute menu on the left side of the page to consult the available Terms of Reference.

**If the Parties accept the Terms of Reference as filed by the Arbitrator**, they must each:

4. Approve it by clicking on the “**Approve**” button.

In the event of **disagreement on the content of the Terms of Reference**, the **Parties** may request its modification. Thus, instead of approving the Terms of

Reference, the **Party** wishing to request a modification must click on the “**Request modifications**” button and **upload** the modified Terms of Reference as desired.

**The Arbitrator will have 8 days** to modify the Terms of Reference according to the requests of the **Parties** and submit it again for their approval.

The **Parties** will be notified of the filing of the new Terms of Reference by email and by notification on the mizan platform and they will have **8 days** to approve it by following the same procedure as mentioned above.

In the absence of approval of the Terms of Reference by either **Party** within the **8 days delay and in the absence of a request for modifications**, the **Arbitrator** may, at his discretion, take any action he deems necessary for the proper conduct of the arbitration in accordance with **Article 15 of the Digital Expedited Arbitration Rules**.

## Step 6 – Payment of the Arbitration Fee:

Upon approval of the **Terms of Reference**, the **Parties** will receive an email to proceed with the **payment of the arbitration fee to mizan’s bank account**, the amount of which is set by the **mizan Court of Arbitration** in accordance with the provisions of **Article 33 of the Digital Expedited Arbitration Rules**.

**Parties** are required to justify the payment of the arbitration fee by submitting their **payment receipt** on the platform. To do so, they must:

1. Connect to the mizan platform by entering your email address and your personal password;
2. Join the relevant dispute; and
3. Click on the “**Payment**” section in the dispute menu on the left side of the page.

Once the payment page appears, the **Parties** must:

4. **Upload** their payment receipt by clicking on “**Attach your payment receipt**”; and
5. Click on the “**Submit**” button.

From this point on, no action regarding the following steps will be possible before **the payment is validated by the mizan Secretariat**. Therefore, the **Parties** must wait for the mizan Secretariat to verify the payment receipts for validation.

It should be noted that the **costs of the arbitration shall be borne equally by the Parties** to the dispute unless they agree otherwise. Furthermore, if a **Party** fails to make the required payment, the Digital Expedited Arbitration Rules allow the other **Party** to make the payment in its place in accordance with the provisions of **Article 38 of the Digital Expedited Arbitration Rules**.

If the **Parties** fail to pay the full amount of the arbitration fee, **the request for arbitration shall be rejected by the Mizan Secretariat**.

## Step 7 - Investigation of the dispute:

Once the payment is approved by the **mizan Secretariat**, the **Parties** will receive an email from the **mizan Secretariat** confirming the approval of their payment. The page on the platform called "**Dispute Instruction**" will be unlocked, **which will allow the Parties to start their debate by exchanging their memorandums.**

In accordance with the Terms of Reference drawn up by the Arbitrator and approved by the Parties, the **mizan Secretariat** shall set a limited number of exchanges of memorandums, which the Parties must respect and which shall be notified to them on the "**Dispute Instruction**" page.

The exchange of memorandums allows the parties to set forth their claims, focusing in particular on the points at issue, the subject matter of the claim, and the legal grounds invoked in support of their memorandums.

If necessary, **the Arbitrator may request the mizan Secretariat to allow the parties to exchange additional memorandums.**

To start the exchange of memorandums, the **Claimant** must:

1. Connect to the mizan platform using his email address and personal password;
2. Join the relevant dispute;
3. Click on the "**Dispute instruction**" section in the dispute menu on the left side of the page;
4. **Upload** his memorandum by clicking on the "**Add a new memorandum**" button.  
The **Claimant** may also **add additional documents** as necessary by clicking on the "**Add an annex**" button; and
5. Click on the green "**Finalize**" button. **If the green button is not clicked, the brief and the annexed documents will not be transmitted to the platform and therefore will not be accessible to the other Party and the Arbitrator.**

After the **Claimant** has finalized the submission of his memorandum and the annexed documents on the platform, an email is automatically sent by the **mizan Secretariat** to the **Respondent** so that he can access the **Claimant's** memorandum and **upload his reply memorandum**

with the annexed documents, if any, all within the deadlines set forth in the Terms of Reference and the provisional timetable of the arbitration.

To do so, the **Respondent** must:

1. Connect in to the mizan platform using his email address and personal password;
2. Join the relevant dispute;
3. Click on the “Dispute instruction” section in the dispute menu on the left side of the page;
4. **Upload** your brief by clicking on the “Add a new memorandum” button.

The **Respondent** may add as many annex documents as necessary by clicking on the “Add an attachment” button; and

5. Click on the **green** “Finalize” button to validate this step.

This operation of exchanging memorandums and documents between the **Parties** must be repeated as many times as the number of exchanges of memorandums fixed by the Terms of Reference (*for example twice for each party if the number of briefs has been fixed at two*).

At any time during the arbitration proceedings, each Party or its representative, if any, may access its personal space on the platform, including all documentation exchanged during the proceedings, via a computer or tablet.

The Arbitrator and the mizan Secretariat are also entitled to access the mizan platform for the purposes of the arbitration proceedings.

## Step 8 – Hearing

A hearing can be held via a secure video conference included in the platform. The hearing should be scheduled by the **Arbitrator** in the Terms of Reference. It may be held at the request of one or both **Parties** if the **Arbitrator** deems the request appropriate.

The **Arbitrator** sets the date and time of the video conference in the Terms of Reference sent to the **Parties** at the beginning of the proceedings. If the **Parties** have requested a listening hearing, the **Arbitrator** sets the date and time of the video conference as an integral part of the arbitration proceedings.

The hearing allows the **Parties** to present their assessment of the dispute succinctly from their point of view of fact and law and to answer any questions that may be put to them by the **Arbitrator**.

The video conference space on the platform is accessible only when the **Arbitrator** has unlocked it.

To unlock the video conferencing space, the **Arbitrator** must:

1. Connect in to the platform using his email address and personal password;
2. Join the relevant dispute;
3. Click on the “Hearing” section;
4. Click on the “Unlock the video conference” button;
5. A page will appear to start the meeting and then he must click on the “Start meeting” button; and
6. Accept the **Parties** to the dispute when they request access to the hearing.

On the day of the hearing date, the **Parties** or their representatives must:

1. Connect on to the platform a few minutes before the scheduled hearing time by entering their email address and personal password;
2. Join the relevant dispute;
3. Click on the “Hearing” button in the dispute menu on the left side of the page; and
4. Click on the “Join the meeting” button.

Before joining the hearing, the Parties (*excluding any foreign person concerned or interested in the dispute except when such person(s) are present in the space in which the Parties make their contributions and answers to the Arbitrator and are necessarily and previously accepted by the Arbitrator and identified with their last name, first name, and function, for example, lawyer – associate, cabinet secretary, etc.*) must ensure that the **microphone** and the **camera** of the device used are working properly. It is also recommended to use a computer or a tablet connected to direct current for the proper evolution of the hearing.

If a **Party** fails to appear at the hearing without providing a valid reason, the **Arbitrator** is **entitled** to continue the hearing without the presence of the Party and to render his award.

It should be noted that the hearing is **automatically and securely recorded** in the mizan platform and can be consulted on the same platform at any time by the Parties, the Arbitrator, or the mizan Secretariat.

## **Step 9 - Arbitral award:**

At the end of this procedure, in which each of the **Parties** has been able to present its arguments and answer the **Arbitrator's** questions, the **Arbitrator** may propose that the **Parties** send him a short **concluding memorandum** so that he can then render the arbitral award.

The **Arbitrator** has **30 days** from the date of the end of the exchanges between the **Parties** to render the arbitral award.

The arbitral award must be in **writing**. The **Arbitrator** must **give reasons** for his award **unless the Parties agree otherwise** (*in which case the Arbitrator would have been appointed as an **amiable compositeur**, meaning he does not have to give reasons for the arbitration decision in law*). The award must be signed by the Arbitrator and must state the place of arbitration and the date on which it is rendered.

The **Arbitrator** must attach the arbitral award on the platform in the “Award” section. The **mizan Court of Arbitration** must verify the validity of the award in order to notify it to the Parties, or if

necessary, request the Arbitrator to rectify it.

After verification by the Court of Arbitration, the **Parties** will receive an email from mizan inviting them to connect to the platform to **download and view the arbitration award**.

The **Parties** must:

1. Connect by entering their email address and their personal password;
2. Join the relevant dispute; and
3. Click on the “Award” section in the litigation menu on the left side of the page.

**The arbitral award is final and binding on the parties.** The award acquires what is commonly known as "res judicata". By agreeing to arbitration, the Parties undertake to execute or cause to be executed any arbitral award without delay. An award has the same legal value as a judgment rendered by a state court.

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**Note:** *the documents listed below must imperatively be the subject of a handwritten or digital signature before being scanned for uploading to the platform.*

These are respectively:

1. The request for arbitration;
2. The response to the request for arbitration;
3. The Terms of Reference;
4. The statement of claim;
5. The statement of defense;
6. Replies and rejoinders if applicable; and
7. The arbitral award.



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