

**[English Translation]**

Note: This is an English translation for the convenience of users. The Japanese version is the only official text.

Arbitration Procedures Rules

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September 14, 2010

June 10, 2014

Chapter 1 General Provisions

(Purpose)

Article 1 These Rules shall provide the matters necessary for arbitration procedures and settlement procedures conducted by Dai-Ichi Tokyo Bar Association Arbitration Center (hereinafter referred to as "Arbitration Center").

(Definitions)

Article 2 In these Rules, "Arbitration Agreement" means an agreement to refer resolution of all or part of civil disputes already occurred or civil disputes related to certain legal relationships (whether under the contract or not) which would occur in the future (hereinafter collectively referred to as "Civil Disputes") to one or more arbitrators and accept the judgment (hereinafter referred to as "Arbitration Award").

2. In these Rules, "Arbitration Tribunal" means a single arbitrator or a collegiate body of more than one arbitrator that examines the subject civil disputes and renders Arbitration Award under the Arbitration Agreement.

3. In these Rules, "Arbitration Procedures" mean the procedures carried out by Arbitration Center in order to examine the subject civil disputes and render Arbitration Award under the Arbitration Agreement.

4. In these Rules, "Person to be an Arbitrator" means the person who was appointed by Arbitration Center **Steering Committee** (hereinafter referred to as "Committee") or the parties in accordance with the procedures provided for in Article 5 and directs the settlement procedures before conclusion of the Arbitration Agreement.

5. In these Rules, "Arbitrator, etc.," means an Arbitrator or the Person to be an Arbitrator.

6. In these Rules, "Arbitration Procedures, etc.," mean arbitration procedures or settlement procedures.

7. In these Rules, "Arbitration Session, etc.," means the Arbitration Session or Settlement Session.

8. In these Rules, "Application for Arbitration, etc.," means application to Arbitration Center for commencement of Arbitration Procedures, etc., in order to resolve civil disputes.

9. In these Rules, "Settlement Procedures" means the procedures aiming at resolution of civil disputes through mutual concessions, which are conducted by Arbitration Center under the direction of Arbitrator, etc., after Application for Arbitration, etc.

(Application of Rules)

Article 3 If there is the Arbitration Agreement to seek Arbitration Award of Arbitration Center (including the cases under the Arbitration Act (Act No. 138 of 2003), Article 13, paragraph 5) and the parties made an Application for Arbitration, etc., these Rules and the rules for Arbitration Procedures, etc., determined by the Dai-Ichi Tokyo Bar Association shall be the "agreement between the parties" in the meaning of the Arbitration Act.

(Arbitration Organization)

Article 4 Arbitration Procedures, etc., at Arbitration Center shall be carried out by one Arbitrator, etc., except as provided for in the following paragraph.

2. The following cases shall be handled by a collegiate body of two or three Arbitrators, etc.

(1) Where it is deemed to be reasonable by the Committee.

(2) Where the parties indicated their express intention and it is deemed to be reasonable by the Committee.

3. If an arbitration is conducted by a collegiate body of two or three Arbitrators, etc., the chair of the collegiate body shall be elected by the Arbitrators, etc.; provided, however, that the Arbitrator, etc., appointed by the Committee shall be the chair if the other Arbitrators, etc., are appointed by the parties.

4. Chair of the collegiate body shall direct the Arbitration Session, etc.

(Appointment of Arbitrator, etc.)

Article 5 If the Arbitration Procedures, etc., are carried out by one Arbitrator, etc., the Committee shall appoint the Arbitrator, etc., from among the candidates for arbitrators

(hereinafter referred to as "Candidates for Arbitrators") registered in the List of Candidates for Arbitrators (hereinafter referred to as "List"), which is kept at Arbitration Center; provided, however, that if the parties desire to appoint an Arbitrator, etc., by themselves, the Arbitrator, etc., may be appointed from among the Candidates for Arbitrators by an agreement between the parties.

2. Where the Arbitration Procedures, etc., are carried out by a collegiate body of two or three Arbitrators, etc., Arbitrators, etc., shall be appointed by the Committee from among the Candidates for Arbitrators; provided, however, that the parties who desire to appoint the Arbitrators, etc., by themselves may appoint one Arbitrator, etc., from among the Candidates for Arbitrators under the preceding paragraph and remainder of the Arbitrators, etc., shall be appointed by the Committee from among the Candidates for Arbitrators.

3. Notwithstanding the preceding two paragraphs, in special cases such as where the parties desire to appoint the Arbitrator, etc., from the persons other than the Candidates for Arbitrators, the Committee may appoint the person determined to be appropriate for the Arbitrator, etc., as Special Arbitrator, etc., only for the said cases.

(Resignation and Dismissal of Arbitrator, etc.)

Article 6 Arbitrator, etc., may resign with the approval of the Committee if the Arbitrator, etc., has reasonable cause.

2. The parties may dismiss the Arbitrator, etc., by an agreement.

(Confidentiality Obligation, etc.)

Article 7 Arbitration Session, etc., shall not be published.

2. Arbitration Procedures, etc., shall be kept in confidence and the members of the Committee, Arbitrator, etc., Assistant to Arbitrators and officers of the Dai-Ichi Tokyo Bar Association and staff involved in Arbitration Procedures, etc., shall not disclose the existence, contents and the results of Arbitration Procedures, etc. The same shall apply after their retirement; except for disclosure in the research activities, etc., by not identifying the names of the parties, specific contents of disputed property, etc., for the purpose of research, etc.

3. Anyone may not request Arbitration Center for disclosure of the records of Arbitration Procedures, etc., except for disclosure of the records under Article 22, paragraph 5; provided, however, that Arbitration Center may issue the certificate of the matters concerning Arbitration Procedures, etc., at the application of the parties if it is deemed to be reasonable by Arbitration Center.

(Duties of Assistant to Arbitrators)

Article 8 Assistant to Arbitrators shall conduct the following duties set forth below under the instructions of the Arbitrator, etc.

(1) Witnessing at Arbitration Session, etc.

(2) Investigation of the matters instructed by the Arbitrator, etc. (facts, laws and regulations and precedents, etc.)

(3) Escalation of the opinions to the Arbitrator, etc.

(4) Any other matters deemed to be necessary by Arbitrator, etc.

(Administrative Office)

Article 9 Affairs related to the Arbitration Procedures, etc., shall be conducted by the Administrative office of Arbitration Center.

(Written Notice, etc.)

Article 10 Notices of the matters necessary for the Arbitration Procedures, etc., maybe delivered by Arbitration Center orally, in writing and any other proper methods; provided, however, that if the notices under Article 17, Article 32, paragraph 1, Article 35, paragraph 4, Article 36, paragraph 2, Article

38, paragraph 2, Article 44, paragraph 4 and Article 45, paragraph 2 are sent by mail, they shall be sent by registered mail with delivery certificate or similar methods.

2. Except for the preceding paragraph, if notices of the Arbitration Procedures, etc., are sent in writing, they shall be in accordance with the Arbitration Act, Article 12.

Chapter 2 Application for Arbitration, etc.

(Application for Arbitration, etc.)

Article 11 If an application for Arbitration, etc., is made, the applicant shall pay the application fee and submit the following documents to Arbitration Center.

(1) Written Application for Arbitration, etc.

(2) If the party is a corporation, the document certifying the capacity of the representative.

(3) If there is a document of Arbitration Agreement between the parties, the document.

2. If the applicant has the evidentiary documents to constitute the grounds for the Application for Arbitration, etc., the applicant shall submit copies of the evidentiary documents to Arbitration Center as soon as possible.

(Matters to be Described in Written Application for Arbitration,

etc., and Submitting Documents)

Article 12 The following matters shall be described in the Written Application for Arbitration, etc.

- (1) The name or appellation and address of the party
- (2) Purpose of Application for Arbitration, etc.
- (3) Grounds and methods of producing evidence for Application for Arbitration, etc.

2. The number of copies of Written Application for Arbitration, etc., and evidentiary documents to be submitted shall be determined by Arbitration Center or Arbitrator, etc.

(Acceptance of Application for Arbitration, etc.)

Article 13 Arbitration Center shall accept the Application if the Application for Arbitration, etc., satisfies the requirements under the preceding two Articles.

### Chapter 3 Arbitration Procedures

(Commencement of Arbitration Procedures)

Article 14 Arbitration Procedures shall be commenced when the Arbitration Agreement between the parties was submitted and the Arbitration Procedures shall be conducted in accordance with this Chapter; provided, however, that the matters not stipulated in this Chapter shall be in accordance with the

Arbitration Act and the matters not stipulated in the same Act may be conducted in accordance with the provisions determined by the Arbitration Tribunal at its discretion.

2. To the Arbitration Agreement under the preceding paragraph, the Arbitration Act, Article 13, paragraph 2 through paragraph 5 shall apply *mutatis mutandis*.

(Duties of Arbitration Tribunal)

Article 15 Arbitration Tribunal shall conduct fair and prompt treatment of the matter in accordance with these Rules and any other rules for arbitration.

(Arbitration Venue)

Article 16 Arbitration venue of the Arbitration Procedures shall be Tokyo or the place designated by the Arbitration Tribunal.

2. Notwithstanding the preceding paragraph, the Arbitration Tribunal may carry out the following procedures set forth below at any place deemed to be appropriate by the Tribunal.

(1) Deliberations of the Arbitration Tribunal, collegiate body.

(2) Hearings of the statements of the parties, appraisers or third parties.

(3) Inspection of objects, documents or places, etc.

(Notice of Appointment, etc., of Arbitrator)

Article 17 Arbitration Center shall, promptly after commencement of the Arbitration Procedures, give notice to the other party that the applicant made an application for commencement of the Arbitration Procedures and to the applicant and the other party the name of the Arbitrator, (for a lawyer who uses the name of the professional duties, the name for the professional duties), the time and date and the place of the first Arbitration Session and any other necessary matters; except for the cases where the procedures were transferred to the Arbitration Procedures from the Settlement Procedures under Article 43, paragraph 3 and the Person to be an Arbitrator became the Arbitrator.

(Challenge to Arbitrator)

Article 18 The parties may make a challenge to the Arbitrator if the Arbitrator falls under any of the following events.

(1) If the Arbitrator does not satisfy the requirements for the Arbitrator determined by an agreement between the parties.

(2) In addition to the events set forth below, if there are reasonable grounds for doubting the fairness or independence of the Arbitrator.

a. If the Arbitrator or its spouse or the person who used to

be the spouse is the party to the case or the person has a relationship as the joint right holder, joint obligor or redemption obligor with the party.

b. If the Arbitrator is a blood relative of the party within the 4<sup>th</sup> degree, relative in-law within 3<sup>rd</sup> degree or a relative living together or the Arbitrator used to be any of them.

c. If the Arbitrator is the guardian, supervisor of the guardian, curator, supervisor of the curator, assistant or supervisor of the assistant.

d. If the Arbitrator became a witness or an appraiser of the case.

e. If the Arbitrator is or used to be a representative or a curator of the party.

2. The party who appointed the Arbitrator or recommended appointment of the Arbitrator or was involved in similar acts may challenge the Arbitrator only if the cause for the challenge was known to the party after appointment.

3. The party who intends to make an application under paragraph 1 shall submit to Arbitration Center the Written Application describing the cause for the challenge within fifteen (15) days from the date on which the party knew the organization of the Arbitration Tribunal or the date on which the party knew that any of the events set forth in each item of the same paragraph

exists, whichever comes later.

4. If Arbitration Center recognizes that there is a cause for challenge with the Arbitrator, Arbitration Center shall make a decision that the challenge is justified.

(Disclosure of the Information of Interests of Arbitrator)

Article 19 A person who accepts negotiations on the request of assuming the post of the Arbitrator shall disclose to the requesting party all the facts which might bring about doubt about the fairness and independence of itself.

2. The Arbitrator shall, during the progress of Arbitration Procedures, disclose to the parties without delay all the facts which might bring about doubt about the fairness and independence of itself (except those which were already disclosed).

(Provisional Measures or Preservative Measures)

Article 20 Arbitration Tribunal may order to any party the provisional measures or preservative measures for the subject of dispute which is deemed to be necessary by the Arbitration Tribunal at the application of either party.

2. Arbitration Tribunal may order to any party to offer reasonable security for taking the provisional measures or preservative measures under the preceding paragraph.

(Submission of Written Answer)

Article 21 Arbitration Tribunal may order the other party to submit the Written Answer by the first Arbitration Session; except for the application under the Arbitration Act, Supplementary Provision, Article 3, paragraph 3.

2. The following matters shall be described in the Written Answer under the preceding paragraph.

(1) Name or appellation of the party

(2) Case number

(3) Purpose of answer

(4) Grounds and methods of producing evidence for answer

3. If the other party has the evidentiary documents to constitute the grounds for the answer, the other party shall submit copies of the evidentiary documents to the Arbitration Tribunal as soon as possible.

(Examination)

Article 22 Arbitration Tribunal shall conduct oral examination in order to have the parties submit evidence or state their opinions at the Arbitration Session.

2. Arbitration Center shall give notice to the parties of the time and date and place of Arbitration Session at least seven

(7) days before the Arbitration Session unless there are special circumstances.

3. Arbitration Tribunal shall conduct oral examination with the parties present; provided, however, that examination may be separately conducted if it is deemed to be reasonable by the Arbitration Tribunal.

4. Arbitration Tribunal may investigate the evidence at the Arbitration Session and if it is deemed to be necessary, the Arbitration Tribunal may investigate the witness or appraiser, etc., at the application of the party or ex officio, or conduct any other investigations.

5. Arbitration Tribunal shall take measures to allow all of the parties to know the contents of the reports and any other evidentiary materials which constitute the grounds for the Arbitration Award or other decision of the Arbitration Tribunal.

6. Arbitration Tribunal shall declare conclusion of examinations if it determines it is the time for rendering Arbitration Award for the case.

7. Arbitration Tribunal may resume examination after declaration of conclusion of examination if it is deemed to be necessary by the Tribunal.

(Treatment of Party who is not Cooperative)

Article 23 If the applicant fails to state the purpose of application, grounds for application and any other matters required by the Arbitration Tribunal or does not submit the evidence constituting the grounds for application, the Arbitration Tribunal may determine termination of the Arbitration Procedures.

2. Arbitration Tribunal may hold the Arbitration Session, even if the party does not appear in the Arbitration Procedures after duly receiving the notice of Arbitration Session by the party.

3. Arbitration Tribunal may render the Arbitration Award based on the evidence collected by that time in the following cases.

(1) In case of paragraph 1, decision of termination of the Arbitration Procedures is not made.

(2) In the event that the other party failed to state its assertions against the application and any other matters required by the Arbitration Tribunal or does not submit the evidence constituting the grounds for its assertions.

(3) If one party does not appear at the Arbitration Session.

(Participation of Interested Parties)

Article 24 If it is deemed to be appropriate by the Arbitration Tribunal, the Arbitration Tribunal may permit or request attendance of the interested parties at the procedures with

the consent of both parties.

(Appraisal)

Article 25 Arbitration Tribunal may appoint one or more appraisers, have them appraise necessary matters and report the results in writing or orally.

2. Under the preceding paragraph, the Arbitration Tribunal may request the parties to perform the following acts.

(1) To furnish to the appraiser the information necessary for appraisal.

(2) To submit to the appraiser the documents and any other items necessary for appraisal or enable the appraiser to inspect them.

3. If it is requested by the parties or it is deemed to be necessary by the Arbitration Tribunal, the appraiser shall appear at the session of oral examination after submitting the report under paragraph 1.

4. Parties may perform the following acts set forth below at the session of oral examination under the preceding paragraph.

(1) To ask questions to the appraiser.

(2) To have an expert whom the party requested to state the matters related to the appraisal.

(Examination of Evidence conducted by the Court)

Article 26 Arbitration Tribunal or the parties may make an application to the court for conducting mandate of investigation, examination of a witness, appraisal, documentary evidence (except for the documents submitted by the parties) and verification (except for verification in which the parties present the object of verification) which are deemed to be necessary by the Arbitration Tribunal under the Code of Civil Procedure.

2. If the parties make the application under the preceding paragraph, the parties shall obtain the consent of the Arbitration Tribunal.

(Records of Examination)

Article 27 Arbitration Tribunal shall prepare the record of session by each Arbitration Session and the Arbitrator shall affix its name and seal.

2. In the record of session under the preceding paragraph, the type, time and date and place of the session, name of the persons who appeared (for a lawyer who uses the name of the professional duties, the name for the professional duties) and the summary of examinations shall be described.

3. If the statements of the related parties are recorded, the recording tape shall be retained for the period to be separately

determined.

(Settlement and Offer of Settlement Recommendation)

Article 28 Parties may resolve the dispute by settlement even after commencement of the Arbitration Procedures.

2. Arbitration Tribunal may offer settlement on all or part of the dispute if the parties approve regardless of the progress of the Arbitration Procedures.

3. The approval and withdrawal thereof under the preceding paragraph may not be required to be made in writing.

4. Arbitration Tribunal shall describe in the record of session that the approval and withdrawal thereof was made under paragraph 2.

(Method of Arbitration Award, etc.)

Article 29 If the arbitration is conducted by a collegiate body, the matters related to the Arbitration Procedures and Arbitration Award shall be made by a majority vote of the members of the collegiate body through deliberations; provided, however, that in case of a tie vote, the Chair of a collegiate body shall decide.

(Preparation of Written Arbitration Award and Matters to be

Described)

Article 30 In order to render Arbitration Award, Written Arbitration Award shall be prepared and the Arbitrator who rendered the Arbitration Award shall affix its name and seal; provided, however, that if the Arbitration Tribunal is a collegiate body, it is sufficient that a majority of Arbitrators constituting the Arbitration Tribunal shall affix their names and seals and the reason for the other Arbitrator not having affixed its signature is described.

2. In the Written Arbitration Award under the preceding paragraph, the following matters shall be described; provided, however, that out of the arbitration fee under item 3, the portion excluding the conclusion fee may not be described at the discretion of the Arbitrator and item 4 shall not be described if the parties agree not to require description thereof.

- (1) Name or appellation and address of the party
- (2) Formal award (text of judgement)
- (3) Ratio of burden of arbitration fee
- (4) Grounds for award
- (5) Date of preparation
- (6) Arbitration venue

(Decision having the Contents of Agreement in Settlement)

Article 31 Arbitration Tribunal may make a decision having the contents of agreement in the settlement if a settlement was made between the parties under Article 28 after commencement of the Arbitration Procedures and both parties made an application.

2. The decision under the preceding paragraph shall have the effect of Arbitration Award.

3. In order to make a decision under paragraph 1, the Written Decision shall be prepared under the preceding Article (excluding paragraph 2, item 4) and it shall be indicated that it is the Arbitration Award.

(Notice of Arbitration Award)

Article 32 Arbitration Tribunal shall give the notice of Arbitration Award by giving Written Notice to each party.

2. The Written Notice under the preceding paragraph shall be a copy of the Written Arbitration Award and the Arbitrator shall affix its signature thereon.

3. The proviso of Article 30, paragraph 1 shall apply *mutatis mutandis* to the copy of Written Arbitration Award under the preceding paragraph.

(Change of Application)

Article 33 If an applicant makes changes of or additions to the application, the applicant shall obtain the approval of the Arbitration Tribunal.

(Counterclaim)

Article 34 The other party may make an application for counterclaim arising from the same case only before the conclusion of examination.

2. The counterclaim under the preceding paragraph shall be examined by consolidating with the arbitration case applied by the applicant unless there are special circumstances.

3. To the application for counterclaim, Article 11, paragraph 1, item 1, the same Article, paragraph 2, Article 12, Article 13 and the preceding Article shall apply *mutatis mutandis*.

(Termination of the Arbitration Procedures)

Article 35 Arbitration Procedures shall be terminated when the Arbitration Award or decision on termination of the Arbitration Procedures was given.

2. If any of the following events occur, the Arbitration Tribunal shall make a decision to terminate the Arbitration Procedures.

(1) If the applicant withdrew the application; except where the other party brought objection to the withdrawal and the

Arbitration Tribunal recognizes that the other party has a legitimate interest in resolution of the civil dispute referred to the Arbitration Procedures.

(2) If both parties agreed to terminate the Arbitration Procedures.

(3) If a settlement was concluded between the parties on the civil dispute referred to the Arbitration Procedures; except for the decision under Article 31, paragraph 1 was made.

(4) In accordance with the Arbitration Act, Article 23, paragraph 4, item 2.

(5) If the Arbitration Agreement was invalid, revoked or terminated.

(6) In addition to the events set forth in each item above, if the Arbitration Tribunal recognized that it would be unnecessary to continue the Arbitration Procedures or it would be impossible to continue the Arbitration Procedures.

3. Arbitration Tribunal may decide termination of the Arbitration Procedures if any of the following events occur in addition to those in accordance with Article 23, paragraph 1.

(1) If any party has not appeared at the Arbitration Session.

(2) If any party has not followed the direction of arbitration by the Arbitrator.

(3) If any party has not paid the predetermined expenses by the due date.

(4) If the case was recognized as unsuitable for arbitration.

4. Under the preceding two paragraphs, the Arbitration Tribunal shall promptly give notice to the parties of termination of the Arbitration Procedures.

(Dismissal of Application for Arbitration, etc.)

Article 36 Arbitration Center may terminate the Arbitration Procedures by dismissing the Application for Arbitration, etc., if it determines it is not reasonable to refer to the arbitration even before organization of the Arbitration Tribunal.

2. In the case of the preceding paragraph, Arbitration Center shall promptly give notice to the parties of termination of the Arbitration Procedures; provided, however, that before sending notice to the other party under Article 17, the notice shall only be sent to the applicant.

#### Chapter 4 Settlement Procedures

(Commencement of Settlement Procedures)

Article 37 Settlement procedures shall commence where Application for Arbitration, etc., was made, but the Arbitration Agreement was not submitted and shall be in accordance with

this Chapter.

2. If the Settlement Procedures are not provided for in this Chapter, Chapter 3 shall apply *mutatis mutandis* to the extent they are consistent with the nature (except for Article 19).

(Progress of Settlement Procedures)

Article 38 Settlement Procedures shall be carried out by the Person to be an Arbitrator.

2. Arbitration Center shall give notice to the other party promptly after commencement of Settlement Procedures that the applicant has applied for commencement of Settlement Procedures and to the applicant and the other party the name of the Person to be an Arbitrator (for a lawyer who uses the name of the professional duties, the name for the professional duties), the time and date and place of the first Settlement Session and any other necessary matters.

3. Arbitration Center shall send to the other party the document to confirm whether the other party requests implementation of Settlement Procedures together with the notice under the preceding paragraph.

4. Person to be an Arbitrator shall make fair and quick treatment of the matter in accordance with these Rules.

(Settlement Session)

Article 39 Settlement Session shall be held at Arbitration Center with both parties being present. If the Person to be an Arbitrator recognizes it as reasonable, the Settlement Session may be held even if one party is not present.

2. If the Person to be an Arbitrator recognizes it as necessary for inspection of the site and resolution of other matters, the Person to be an Arbitrator may hold the Settlement Session at the place deemed to be reasonable.

3. Arbitration Center shall give notice to the parties of the time and date and place of Settlement Session at least seven (7) days before the Settlement Session unless there are special circumstances.

(Hearings of Circumstances)

Article 40 Person to be an Arbitrator shall hear the details of the matters and assertions of the parties at the Settlement Session and the parties shall state or submit the respective assertions and evidence in writing or orally.

2. If the Person to be an Arbitrator recognizes it as necessary to organize the assertions of the parties and review the case, the Person to be an Arbitrator may order the parties to state their assertions in writing.

(Period of Settlement Procedures)

Article 41 Person to be an Arbitrator shall conclude hearings of circumstances within three times of sessions and present the settlement proposal to the parties, except where the matters are complicated or many parties are involved and there are any other reasons.

(Conclusion of Settlement Agreement)

Article 42 If a settlement was made between the parties, the settlement agreement shall be prepared and the Person to be an Arbitrator shall affix its name and seal as a witness.

2. Settlement agreement shall be prepared according to the number of parties plus a copy retained by Arbitration Center and the number may be increased or decreased by the Person to be an Arbitrator depending on the circumstances of the parties.

3. Person to be an Arbitrator shall describe the contents of settlement agreement and determination of the ratio of burden of the conclusion fee in the settlement agreement.

4. Settlement Procedures shall be completed when the procedures under the preceding three paragraphs were completed.

5. Settlement agreement shall be directly delivered or sent by registered mail with delivery certificate to each party.

(Termination of the Settlement Procedures by Conclusion of Arbitration Agreement)

Article 43 Parties may request Arbitration Center to transfer to the Arbitration Procedures at any time during the Settlement Procedures by Arbitration Agreement.

2. Person to be an Arbitrator may confirm the parties whether they are willing to request Arbitration Award at any time during the Settlement Procedures and may prepare Arbitration Agreement based thereon and take any necessary measures, including request for submission, etc.

3. If the Arbitration Agreement between the parties was submitted to Arbitration Center during the Settlement Procedures (including the cases under the Arbitration Act, Article 13, paragraph 5), the Settlement Procedures are terminated and will be transferred to the Arbitration Procedures.

4. If the case was transferred to the Arbitration Procedures under the preceding paragraph, the Person to be an Arbitrator shall be the Arbitrator, unless the parties bring any particular objection.

5. Parties may maintain the assertions and evidence during the Settlement Procedures in the Arbitration Procedures.

6. If the parties maintain the assertions and evidence under

the preceding paragraph, the Arbitrator may order the parties to resubmit the documents and in any other necessary form if it is deemed to be necessary for Arbitration Award by the Arbitrator.

(Termination of Settlement Procedures without Conclusion of Settlement Agreement)

Article 44 If there is any of the events set forth in each item below, the Person to be an Arbitrator may terminate the Settlement Procedures as non-conclusion of Settlement.

(1) If the parties have not appeared at the Settlement Session.

(2) If it was confirmed by the Person to be an Arbitrator that both parties or one party did not desire resolution by settlement.

(3) If the parties have not followed the direction of the Person to be an Arbitrator.

(4) If the parties have not paid the arbitration fee and any other predetermined expenses by the due date.

(5) If the Person to be an Arbitrator recognized that the case is not appropriate for settlement.

2. If the applicant withdraws the application, it shall be made in writing.

3. If the application was withdrawn under the preceding paragraph,

the Settlement Procedures shall be terminated.

4. If the Settlement Procedures were terminated under paragraph 1 or the preceding paragraph, Arbitration Center shall promptly give notice to the parties of termination of the Settlement Procedures.

(Dismissal of Application for Arbitration, etc.)

Article 45 Arbitration Center may dismiss the Application for Arbitration, etc., and terminate the Settlement Procedures even after Application for Arbitration, etc., if Arbitration Center determines the Settlement Procedures are not reasonable.

2. Under the preceding paragraph, Arbitration Center shall promptly give notice to the parties of termination of the Settlement Procedures; provided, however, that before sending the notice to the other party under Article 38, paragraph 2, the notice shall only be sent to the applicant.

#### Chapter 5 Arbitration Fee

(Arbitration Fee)

Article 46 Parties shall pay to Arbitration Center the Arbitration fees under the Rules for Arbitration Fees separately determined.

Supplementary Provisions

(Enforcement Date)

1. These Rules shall be in effect as of March 1, 2004 with the approval of the Japan Federation of Bar Associations.

(Transitional Measures)

2. Arbitration Procedures, etc., that commenced before enforcement hereof shall be in accordance with the previous Rules.

Supplementary Provision

Amendments of Article 10 through Article 13 and name of Chapter 2, amendment of changing Chapter 2 into Chapter 3, amendments of Article 17, Article 18, paragraph 1, item 2, Article 34, paragraph 3, Article 35, paragraph 4 and Article 36, paragraph 2, amendment of changing Chapter 3 into Chapter 4, amendments of Article 38, paragraph 2 through paragraph 4, Article 42, paragraph 5, Article 44, paragraph 2 through paragraph 4 and Article 45, paragraph 2 and amendment of changing Chapter 4 into Chapter 5 shall be in effect as of April 1, 2008 with the approval of the Japan Federation of Bar Associations.

Supplementary Provision

Amendments of Article 7, paragraph 3 and Article 22, paragraph

5 through paragraph 7 shall be in effect as of the date of the approval of the Japan Federation of Bar Associations (March 18, 2010).

Supplementary Provision

Amendments of Article 17, Article 27, paragraph 2 and Article 38, paragraph 2 shall be in effect as of December 1, 2010 with the approval of the Japan Federation of Bar Associations.

Supplementary Provision

Amendment of Article 37, paragraph 2 shall be in effect as of the date of the approval of the Japan Federation of Bar Associations (June 19, 2014).