SCC Arbitration Institute

SCC Platform

Guidelines for parties and arbitral tribunals

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Content

1. Introduction

The SCC Platform - simplifying secure communication from request to award

Beginning in September 2019, all new SCC arbitrations are administered on the SCC Platform - a secure digital platform for communication and file sharing between the SCC, the parties and the tribunal.

These guidelines instruct participants in SCC arbitrations on the use of the Platform and address some of the questions that may arise along the way. The guidelines are not intended, and should not be understood, as additional arbitration rules. Further information and "how-to" guides are available on the Platform under the tab "General Information". Feel free to contact the SCC Secretariat with any questions not addressed in the guidelines.

A better process - a better solution

SCC Arbitration Institute

2. The SCC Platform

Access to and use of the Platform

Upon receipt of a request for arbitration, the case is registered on the SCC Platform. Each arbitration is allocated its own individual "site" on the SCC Platform. Only the SCC and the participants in the arbitration have access to the site. The parties gain access to the site upon invitation via email from the SCC - the Claimant upon registration of the request for arbitration, the Respondent in connection with the service of process. Arbitrators receive an invitation once the case has been referred to the arbitral tribunal.

First-time users of the Platform will be guided through a registration process to create a user profile and accept terms and conditions for the use of the Platform. Users involved in multiple arbitrations use the same profile to access all sites. Users should update their profiles with any changes to their contact information.

The Platform will constitute the forum through which the SCC communicates with the parties, counsel and arbitrators throughout the proceedings. Therefore, certain interaction with the Platform on the part of the participants is necessary (see more below). Otherwise the participants in each arbitration are free to agree on the extent to which they will use the Platform.

The purpose of the Platform is to provide participants with a secure and efficient way of communicating and sharing documents and relevant information regarding the arbitration. If participants take full advantage of this service, the Platform serves as a complete file of the case materials and as an archive for a year after the arbitration is terminated. The participants in the arbitration are therefore encouraged to use the Platform for filing all case materials.

Necessary interaction with the SCC Platform

- Members of the tribunal and a minimum of one person per party are required to log in, create a user profile and follow SCC updates on the Platform.

- It is the tribunal's responsibility to ensure that the following documents are uploaded to the case site on the Platform:
    - timetable;
    - statement of claim;
    - statement of defence;
    - decisions and procedural orders; and
    - awards (final and any separate), including proof of dispatch to parties.

Recommended actions at the first case management conference

Participants in an arbitration are advised to address the following issues relating to the use of the Platform at the first case management conference:

- Folder structure and file naming (Appendix I to these guidelines).
- Expected storage and number of users (see section 4 below).

3. Platform structure and functions

Files

The following principles apply to the files available on the Platform:

• All documents and communication from the SCC are uploaded on the Platform.

• Each party is responsible for uploading case materials to the extent agreed upon at the first case management conference. The ultimate responsibility to ensure that the documents referenced in Section 2 above is made available on the Platform rests with the tribunal.

• The tribunal is responsible for uploading its own documents, such as timetable, procedural orders, awards and decisions throughout the proceedings.

Submission uploader

The home dashboard and files list include a submissions uploader. Using the submissions uploader to upload submissions and exhibits allows users to categorize and add dates to the uploaded files, making it easier for both the tribunal and the parties to navigate all uploaded documents in the files list. The parties and the tribunal are encouraged to use the submissions uploader to increase efficiency in navigating documents after they are uploaded.

Files list

In the files list, users can easily browse all documents they have access to on the platform using filter and search functionality. When used in combination with the submissions uploader, users can navigate files based on date, type, submission, folder, and upload date.

During the initial case conference, the tribunal is encouraged to establish expectations regarding the addition of information to all uploaded files, ensuring they are easily accessible in the files list.

Calendar

The calendar is linked to an SCC email address, allowing the administrators of calendar events to send Outlook and Teams meeting invitations from the platform.

Only the tribunal and the SCC can add events to the case calendar. The SCC updates the calendar with specific dates, such as the date for rendering the award. The tribunal is encouraged to keep the calendar updated in accordance with the timetable for the proceedings.

Participants

Only participants to the arbitration will be provided with access to the Platform. Participants in the arbitration include:
• Arbitrators;
• Administrative secretaries (if any);
• Parties; and
• Counsel

Access to the Platform is administered by the SCC. All user profiles are visible to all participants in the arbitration.

Tribunal Notices

A notice board function enables the tribunal to post practical information throughout the proceedings. Information posted on this board can be edited after posting. Parties can comment on the posted information. The Tribunal may select one of two categories, either to the SCC or to all users, based on the intended purpose of the post.

SCC Resources

Links to relevant resources on the SCC website.

4. Data structure and functions

SCC Platform data package

The SCC offers storage and user accounts on the Platform in the form of data packages. A data package includes:
• 5 GB storage,
• user account for each member of the tribunal,
• user account for the administrative secretary (if any), and
• access to user accounts for five (5) users per claimant and respondent respectively, and
• one-year archiving following the end of the arbitration.
Each SCC arbitration is offered one data package included in the administrative fee.

All cases

Where the disputed amount exceeds EUR 500,000, two data packages are included in the administrative fee.

In most cases, the included storage will be sufficient, however, additional data packages are available against an administrative storage fee should more data storage or additional users be required. It is possible to add one or more additional data packages. An additional data package is offered at EUR 1,000 per initiated 6 months period and is charged by the SCC at the end of the arbitration.

There is no technical limitation on adding more data than what is offered in the included data package(s). However, should the participants exceed the limits included in the administrative fee, additional data packages will be added automatically, and the administrative fee/s for such additional data package(s) will be charged by the SCC at the end of the arbitration.
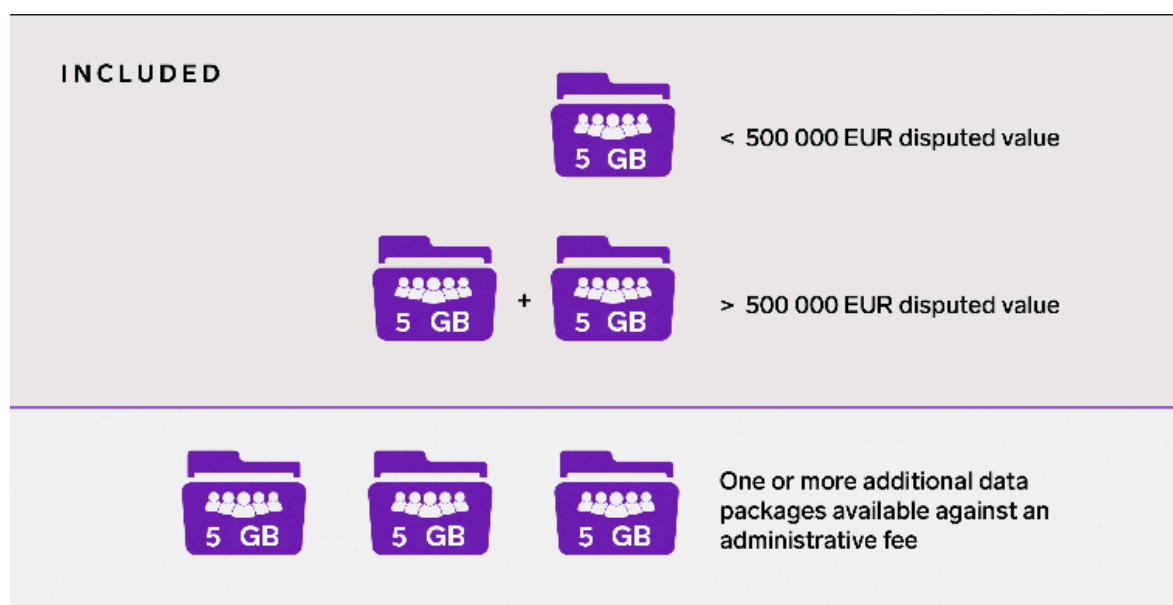
Archiving

In accordance with the SCC Arbitrators' Guidelines, the arbitral tribunal is required to keep a copy of the case file for at least one year after rendering the final award. Storing the file on the Platform meets the requirement of archiving under the SCC Arbitrator's Guidelines. For this purpose, each site will remain accessible to the tribunal and the parties for one year after the end of the arbitration. During this period, participants in the arbitration will not be able to upload files to the site. However, the site will remain open for viewing and downloading files. In cases where additional data packages have been used as described above, the administrative storage fee will include fees for the archiving period and will be charged by the SCC in advance when settling the accounts.

5. Security

The SCC Platform is powered by HighQ, a world leading supplier of secure digital solutions for the legal profession used and trusted by 250+ law firms, including some of the largest in the world. The system is ISO 27001 certified and has a SOC2 Report.

All files are kept in cloud-based storage in high-security facilities with separate back-up facilities at a different location. Both the primary and backup facilities are located within the EU/EEA. All data is encrypted using military-grade encryption and all files are scanned for malware and viruses when uploaded.

The system has numerous security systems in place; two-factor authentication, a single encrypted https entry point, web application firewalls, intrusion detection, log file monitoring, anti-virus, code scanning technologies, etc. The interface and settings are further designed to minimize the risk of human error compromising security or confidentiality.

The system is regularly scanned for vulnerabilities by HighQ as well as by third party security experts. In addition, the system is subjected to third-party penetration tests at regular intervals.

The Platform has 99,9 % uptime and any scheduled maintenance downtime will be scheduled to minimise inconvenience to users.

HighQ adheres to high confidentiality standards and are contractually bound by confidentiality to the SCC. HighQ may neither access any files uploaded to the Platform, nor is it able to view or amend the list of people with access to different sites without the prior permission of the SCC.

Appendix I
— SCC Platform folder structures and file naming

Selection of folder structures

The Platform provides several pre-set folder structures. One set of folders is used for communications with the SCC Secretariat. For the proceedings before the tribunal, including party submissions and communication between parties and the tribunal, there are four options for folder structures:

• Option A — Basic (default)

• Option B — Thematical order

• Option C — Chronological order

• Option D — Customizable structure; available in cases where the disputed amount exceeds EUR 500,000.

The folder structures are further described in Appendix I.

The parties and the tribunal are advised to decide at the first case management conference which of the four folder structures is to be used in the proceedings and inform the SCC accordingly.
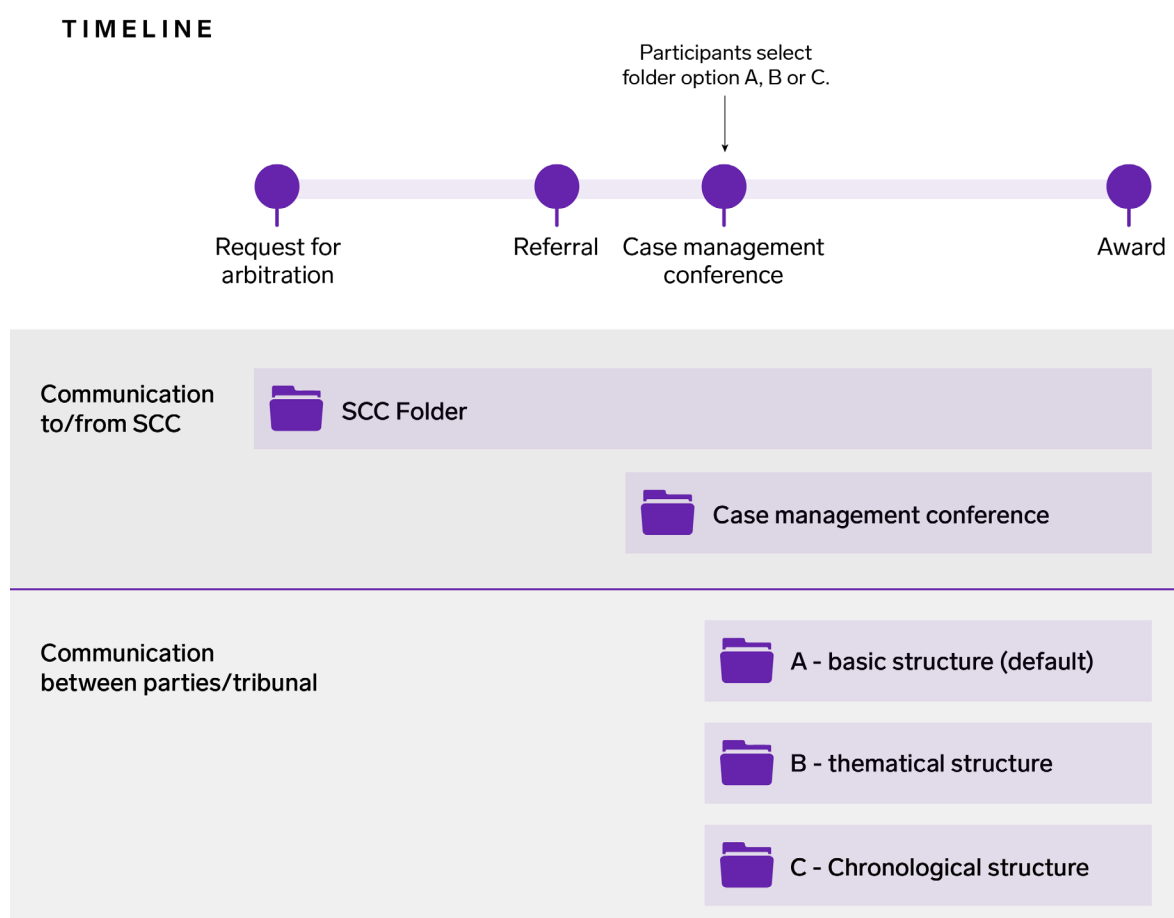
General principles for folder structures

Option A — Basic will be made available in the arbitration unless the participants agree and inform the SCC otherwise after the first case management conference. Option A — Basic is used in emergency arbitrator proceedings.

Once a folder structure has been selected, it cannot be amended or changed except where expressly indicated. Due to security restrictions, files cannot be removed from the Platform once uploaded, nor can they be moved between folders by the parties or arbitrators. However, the SCC may provide assistance under certain circumstances. Please contact the SCC if you require support. Folder structures A, B and C cannot be amended or changed, neither can Option D, once it has been submitted to the SCC and made available on the Platform.

All folders are visible to all users, unless expressly indicated (see Appendix I).

The following infographic describes the folder structure pre and post selection of folder structure.

TIMELINE

Participants select folder option A, B or C.

Request for arbitration — Referral — Case management conference — Award

Communication to/from SCC
- SCC Folder
- Case management conference

Communication between parties/tribunal
- A - basic structure (default)
- B - thematical structure
- C - Chronological structure

SCC folder structure for the communication with the participants

The following structure is used by the SCC to communicate with the participants in the arbitration throughout the course of the proceedings.

SCC Communication and Case Management Conference

📁 **Communication to the SCC**
Participants are required to upload all communication addressed to the SCC during the course of the proceedings to the relevant sub-folder below.

    📁 **From claimant**
    E.g. request for arbitration, power of attorneys.

    📁 **From respondent**
    E.g. answer to the request for arbitration, power of attorneys.

    📁 **From tribunal**

    📁 **From tribunal (NOT VISIBLE TO THE PARTIES)**
    E.g. communication regarding practicalities such as bank details or similar.

📁 Communication from the SCC

    📁 To tribunal (NOT VISIBLE TO THE PARTIES)
    E.g. communication regarding practicalities such as bank details or similar.

📁 Arbitrator confirmation of acceptance

📁 Case management conference
E.g. agendas or other correspondence related to case management conferences.

📁 [Challenge to arbitrator]
This folder is made available only if a challenge to an arbitrator is submitted.

Option A - basic

Option A — Basic will be made available in the arbitration unless the participants agree and inform the SCC otherwise after the first case management conference. Only Option A — Basic is used in emergency arbitrator proceedings.

📁 **Claimant**
Only representatives of the claimant possess uploading rights, including to subfolders

    📁 Submissions

    📁 Exhibits

    📁 Hearing

    📁 Costs

    📁 Other

📁 **Respondent**
Only representatives of the respondent possess uploading rights, including to subfolders

    📁 Submissions

    📁 Exhibits

    📁 Hearing

    📁 Costs

    📁 Other

📁 **Arbitral tribunal**

    📁 **Party communication with the tribunal**

        📁 To/from the parties

        📁 From claimant (NOT VISIBLE TO THE RESPONDENT)
            Restricted to submissions in Word format,
            cost submissions (if applicable)

        📁 From respondent (NOT VISIBLE TO THE CLAIMANT)
            Restricted to submissions in Word format,
            cost submissions (if applicable)

    📁 Procedural Orders

    📁 Hearing

    📁 Decisions

    📁 Awards
    The tribunal should upload the award to the Platform, as a signed and scanned PDF attachment, on the day that the award is rendered. The same day, the tribunal should send a signed hard-copy original of the award to the parties by courier or registered mail. Proof of dispatch of the award to the parties should be uploaded to the Platform and sent to the SCC together with an original hard-copy of the award.

    📁 Other

    📁 Internal tribunal files (NOT VISIBLE TO THE PARTIES)
    E.g. draft awards

Option B — thematical order

📁 Claimant
Only representatives of the claimant possess uploading rights, including to subfolders.

    📁 Submissions
    E.g. Statement of Claim, Statement of Reply.

        📁 Exhibits

        📁 Reports

            📁 Experts

            📁 Legal opinions

        📁 Witness statements

    📁 Hearing

        📁 Opening statements

        📁 Expert presentations

        📁 Additional exhibits

        📁 Closing arguments

        📁 Costs

        📁 Other

    📁 Other

📁 **Respondent**
Only representatives of the Respondent possess uploading rights, including to subfolders.

📁 Submissions
E.g. Statement of Defence, Statement of Rejoinder

📁 Exhibits

📁 Reports

📁 Experts

📁 Legal opinions

📁 Witness statements

📁 Hearing

📁 Opening statements

📁 Expert presentations

📁 Additional exhibits

📁 Closing arguments

📁 Costs

📁 Other

📁 Other

📁 **Arbitral tribunal**

  📁 Party communication with the Tribunal

    📁 To/from the parties

    📁 From claimant (NOT VISIBLE TO RESPONDENT)
    Restricted to submissions in Word format, cost-submissions (if applicable)

    📁 From respondent (NOT VISIBLE TO CLAIMANT)
    Restricted to submissions in Word format, cost-submissions (if applicable)

  📁 Procedural orders

  📁 Hearing

    📁 Transcripts

    📁 Practical and procedural

    📁 Other

  📁 Decisions

  📁 Awards
  The tribunal should upload the award to the Platform, as a signed and scanned PDF attachment, on the day that the award is rendered. The same day, the tribunal should send a signed hard-copy original of the award to the parties by courier or registered mail. Proof of dispatch of the award to the parties should be uploaded to the Platform and sent to the SCC together with an original hard-copy of the award.

  📁 Other

  📁 Internal tribunal files (NOT VISIBLE TO THE PARTIES)
  E.g. draft awards.

Option C — chronological order

📁 **Submissions I**

    📁 Claimant Submission I — Statement of Claims

        📁 Submission in Word format (NOT VISIBLE TO RESPONDENT)

        📁 Exhibits

        📁 Legal exhibits

        📁 Witness statements

        📁 Expert reports

        📁 Other

    📁 Respondent Submission I - Statement of Defence

        📁 Submission in Word format (NOT VISIBLE TO CLAIMANT)

        📁 Exhibits

        📁 Legal exhibits

        📁 Witness statements

        📁 Expert reports

        📁 Other

📁 **Submissions II**

    📁 Claimant Submission II - Statement of Reply

        📁 Submission in Word format (NOT VISIBLE TO RESPONDENT)

        📁 Exhibits

        📁 Legal exhibits

        📁 Witness statements

        📁 Expert reports

        📁 Other

    📁 Respondent Submission II - Statement of Rejoinder

        📁 Submission in Word format (NOT VISIBLE TO CLAIMANT)

        📁 Exhibits

        📁 Legal exhibits

        📁 Witness statements

        📁 Expert reports

        📁 Other

Should the need for additional submissions folders arise, the tribunal may request the SCC case administrator to make available the relevant number of additional submission folders in accordance with the structure above.

📁 **Hearing**

    📁 Opening statements

        📁 Claimant

        📁 Respondent

    📁 Expert presentations

        📁 Claimant

        📁 Respondent

    📁 Additional exhibits

        📁 Claimant

        📁 Respondent

    📁 Closing arguments

        📁 Claimant

        📁 Respondent

    📁 Costs

        📁 Claimant (NOT VISIBLE TO RESPONDENT)

        📁 Respondent (NOT VISIBLE TO CLAIMANT)

    📁 Transcripts

    📁 Practical and procedural

    📁 Other

Should the need for additional hearing folders arise, the tribunal may request the SCC case administrator to make available the relevant number of additional hearing folders in accordance with the structure above.

📁 Procedural orders

📁 Decisions

📁 Awards
The tribunal should upload the award to the Platform, as a signed and scan ned PDF attachment, on the day that the award is rendered. The same day, the tribunal should send a signed hard-copy original of the award to the parti es by courier or registered mail. Proof of dispatch of the award to the parties should be uploaded to the Platform and sent to the SCC together with an original hard-copy of the award.

📁 Other

📁 Internal tribunal files (NOT VISIBLE TO THE PARTIES)
E.g. draft awards

Option D — customized — amount in dispute > EUR 500 000

In arbitrations where the amount in dispute exceeds EUR 500 000, the participants in the arbitration have the option to submit to the SCC a customized folder structure to be used during the proceedings.

Should the participants opt for the customized folder structure, the tribunal shall inform the SCC of this decision after the first case management conference. SCC will provide the tribunal with a template. The tribunal may select if they want to work from a template based on option A, B or C, or from a blank template. The customized folder proposal must be submitted in the template provided by the SCC.

File naming

Irrespective of which folder structure is used, all files uploaded to the Platform can be viewed and sorted in different ways by using different settings, e.g. as an index following the folder structure, chronologically based on the uploaded date, or alphabetically. These settings are individual to each participant and not shared with other participants.

The tribunal is encouraged to decide on a policy for file naming in accordance with its preferences and is advised to name files in a manner which makes an alphabetical sorting of them relevant.