



DIFC Courts

DIFC Dispute Resolution Authority and Hangzhou Arbitration Commission forge alliance to develop e-commerce dispute resolution

Dubai's Dispute Resolution Authority (DRA) has taken another step towards global connectivity of dispute resolution centres by forging an agreement with one of China's leading arbitration bodies. The Memorandum of Understanding (MoU) targets the development of online dispute resolution solutions to bolster global e-commerce and the use of smart technologies, such as artificial intelligence and blockchain. The agreement will also support the development of enforcement mechanisms between Hangzhou and DIFC Courts.

The cooperation accord was signed by Mark Beer, OBE, Chief Executive, DRA, who was in China to speak at The Second Global Cross-border e-commerce Summit. With Hangzhou spearheading the 'online silk road', the conference also explored the protection of intellectual property relating to cross-border e-commerce. Emerging as the modern-day crossroads connecting east and west, Dubai's commitment to harness technology to be a City of the Future compliments Hangzhou's parallel ambitions.

Looking East and developing relations with China is amongst the foreign policy priorities of Dubai and the UAE. China has been Dubai's biggest trading partner since 2014 and it has been the second-largest trading partner of the UAE since 2011. This knowledge exchange agreement follows the newly announced Courts of the Future Forum, an initiative spearheaded by the DRA's DIFC Courts, and the Dubai Future Foundation. Assembling global experts in law, technology, IT and business, the Forum will aim to design a global prototype for how the Courts of the Future will apply the Rules of the Future to solve the Problems of Future.

For more information: <https://www.difccourts.ae/2017/10/31/difc-dispute-resolution-authority-and-hangzhou-arbitration-commission-forge-alliance-to-develop-e-commerce-dispute-resolution/>

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Dispute Resolution Authority is well-positioned to provide advisory services

Sharing best practice has been a hallmark of the DIFC Courts since day one. From a long-standing involvement in the International Association of Court Administration to the recent series of professional development seminars with Ras Al Khaimah Courts, they have proudly worked alongside judiciaries both at home and abroad to raise standards for all. When the Dispute Resolution Authority (DRA) was established in 2014 to oversee the DIFC's full suite of dispute resolution services and ancillary bodies, it also took on responsibility for coordinating partner relationships across the various divisions.

Based on the success and international standing of the DIFC Courts, as well as that of the DIFC Academy of Law, DIFC-LCIA Arbitration Centre and DIFC Wills and Probate Registry, the DRA began to receive interest from governments keen to draw on this experience in a new way: not through a delegation or speaking engagement, but through the provision of formal advisory services. The first such request came from Kazakhstan, and specifically the team behind the planned Astana International Financial Centre Authority (AIFC Authority). Given the DIFC's contribution to firmly anchoring Dubai on the global map of international financial centres, the AIFC team were interested in the DRA's experience as they looked to establish the first specialist, English-language common law commercial court and independent arbitration centre in Kazakhstan under-construction financial free zone. The result was the first consultancy services agreement signed by the DRA, with the proposed model for the new judicial system recently presented to the AIFC's senior leadership. This marks the start of an exciting new chapter in the DRA story, with a number of other governments showing an interest in utilising similar advisory services as they look to develop and enhance their own system for commercial dispute resolution.

The DRA has proven that it is possible to set up a world class dispute resolution framework in a fair, transparent, timely, and cost-effective manner, creating a competitive advantage for the wider economy. As more and more countries prioritise developing their judiciaries as part of larger reform efforts, the DRA team is well-positioned to help them in their journey towards judicial excellence.

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Defendants to be served by direct and instant messaging under new rules

In a move designed to help people and businesses resolve disputes more quickly, the DIFC Courts Small Claims Tribunal (SCT) is giving claimants the option to use direct and instant messaging to give defendants notice as part of an expanded range of e-services. Until now, all defendants have first received SCT claim forms via email, then in person, or through courier, or at the last known address if they do not reply. Under the new rules, if the defendant is still unresponsive, the claimant may use e-services, including direct and instant messaging, to serve the claim. To preserve privacy and prevent misuse, the communication must be direct and the claimant must formally request permission from the SCT before going ahead.

Nassir Al Nasser, SCT Judge and Registrar, said: “With direct and instant messaging now part of our daily life, it is important for our courts to reflect changes in how we communicate. Small Claims Tribunal cases often involve individuals and small businesses, as well as a mobile expatriate population, and it is sometimes difficult to physically locate the other party and serve court documents. Allowing service by instant messaging has the potential to help both claimants and defendants, speeding up resolution of disputes.”

Already a feature of justice systems in the United Kingdom, Australia, Canada and parts of the United States, e-services open up another avenue for claimants to reach defendants. The new service will also support defendants, by alerting them through a different channel that a claim has been filed against them, ensuring that they do not miss out on the opportunity to present their side of the case. The existing rules state that when defendants do not respond or are evasive, the SCT will automatically issue a default judgement. The fully updated SCT rules are published on-line at -

<http://difccourts.ae/publications/directions/registrardirections/>

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Global consultation launched in Dubai to define courts of the future

On 28 November 2017, the Dubai International Financial Centre (DIFC) Courts and Dubai Future Foundation have invited global experts in law, technology, IT and business to offer their insights on rules governing commercial dispute resolution in the future. Launched through a worldwide open-

source consultation alongside the World Economic Forum's Annual Meeting of the Global Future Councils 2017, the forward-looking rules devised by the Courts of the Future Forum are designed to help techpreneurs and companies of the future innovate securely.

Part 40,000: Founding Principles for the Courts of the Future are explained through an imagined set of rules for processing claims in a new specialist division of a court. This division would be designed to support companies developing new technologies, sectors and applications – from blockchain to 3D-printing. The rules also include details of how the court itself could use these technologies, such as artificial intelligence for adjudicating small claims.

Mark Beer, Co-Chief Executive and Registrar General, DIFC Courts, said: *“While the courts of the future are still being imagined, we can say with certainty that they will be both global and multilingual. Our first step is to begin to determine new types of rules that could underpin commercial justice in the future. That is why we are inviting experts from around the world to participate in this unprecedented global consultation to shape the Courts of the Future.”*

Dr. Noah Raford, Chief Operating Officer and Futurist-in-Chief, Dubai Future Foundation, said: *“This joint project is exploring new ways to facilitate safe pre-legal innovation and assist legal and judicial systems as they evolve to meet the challenges posed by the economic and commercial impact of technology. A key ingredient for this is knowing the tools are available to navigate and reduce the risks and to innovate securely.”*

Speaking at the launch event, **Marvin Ammori, Chief General Counsel, Virgin Hyperloop One,** said: *“With the help of a top accounting firm, we are currently researching where to house our IP to protect it and Dubai was among the top cities on our list. To have something like the Courts of the Future initiative, with the thinking and intelligence that's gone into this, it ticks all the boxes.”*

The kick-off event saw over 120 invited members of the international legal, business and development communities hear talks around the theme of the “Rules of the Future.” Among the speakers was noted academic and author of *Rules for a Flat World*, Professor Gillian Hadfield.

For more information about the Forum and the global consultation exercise, please visit <http://www.courtsofthefuture.org/part-40000-principles/>

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DIFC Courts welcome ‘The Law for Administration of Non-Muslim Estates in Dubai and Execution of their Wills’

The procedures for registration and enforcement of DIFC Wills through the DIFC Wills & Probate Registry and the DIFC Courts, enabling non-Muslims the freedom of choice on inheritance matters, have been strengthened following the announcement of ‘The Law for Administration of Non-Muslim Estates in Dubai and Execution of their Wills’.

Commenting on ‘The Law for Administration of Non-Muslim Estates in Dubai and Execution of their Wills’, **Michael Hwang**, Chief Justice, **DIFC Courts**: “we welcome this new law and applaud the Government of Dubai’s continuing commitment to offering eligible residents and investors the freedom to choose how their Dubai assets are distributed, should they pass away.”

He added: ‘The new streamlined procedure for the enforcement of DIFC registered Wills should now enable probate applications to be processed more smoothly and efficiently. We also believe that the additional clarity that this law brings will bolster confidence for people living, working and investing in Dubai.’

To date, the Registry has registered over 3,000 Wills, and ten Probate Orders have been issued by the DIFC Courts. Under the new law, DIFC Will registration will operate through a “Wills Registry for Non-Muslims”. Transitional provisions in the law state explicitly that all previously registered wills are considered valid.

The new law ensures Probate Orders follow the same system of execution in the Dubai Courts as used successfully for all other DIFC Court Orders. Since the DIFC Courts were formed, over 100 Orders have been presented to the Dubai Courts for execution through a simple, straightforward process. Locking into these tried and tested procedures will make the services offered by the Registry even more compelling, and give further reassurance to those registering their Wills that their inheritance wishes will be upheld.

For more information: <https://www.difccourts.ae/2017/11/01/difc-courts-welcome-the-law-for-administration-of-non-muslim-estates-in-dubai-and-execution-of-their-wills/>

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