

QUESTIONNAIRE

1. The Actual Administration and Use

About your organization or the representative organization in your country.

- (1) Provide the definition and kinds of ADR.
- (2) Provide the number of arbitration and mediation cases accepted and disposed of, with a breakdown as to type, if possible.
- (3) Generally, what is the frequency of hearing of other procedure and how long is the elapsed time for an arbitration award or a mediation? Are the answers different for different types of cases?
- (4) How many persons, in each field, are listed as candidates or applicants? (Aside from lawyers, what are the qualifications and occupations of such persons?)
- (5) What requisites are necessary to be listed as a candidate? (For example, are certain specified qualifications, career records and specializations necessary?) Who decides this?
- (6) Have policies been devised to improve the quality of arbitrators and mediators?
- (7) How is the compensation for arbitrators and mediators determined? Also, what are the actual amounts?
- (8) When you have a procedure that transfers from the arbitration to the mediation, or from the mediation to the arbitration, do the members of panel change?

2. Relationship with the Court System

Please show any act or law related to the below topics.

- (1) When a case is instituted, does the court refer the matter to arbitration or mediation? If so, is it referred to a private sector organization or to an organ of the court? (Here and below, if there is a relevant law or regulation, please provide the text.)
- (2) In a case where the matter is referred to a private sector organization, how is the liability for the costs of the arbitration or mediation allocated?
- (3) Is there court supervision? Also, is there some sort of cooperation between the arbitration or mediation organization and the court? How does the court participate? (For example, does it cooperate in the examination of evidence, in the provision of information or the like?)
- (4) In the event that mediation ends in failure, how is the matter disposed of? For example, how is the issue of extinctive prescription (similar to the statute of limitations) handled?

(5) How is the enforceability of the arbitration award or the mediation agreement ensured? Does the court participate in that process?

3. Particular Issues

(1) Have special rules been established for cases related to intellectual property rights? For example, is it possible to arbitrate with respect to the validity of a patent?

(2) Are there disputes when arbitration is rejected?

(3) Is there a specialized arbitration or mediation system (or rules) for computer software and the like?

(4) In the event of a dispute concerning computer software, how is a decision made as to grasping the facts of the technological issues? How are qualified persons selected for that purpose?

(5) What measures are in place for the protection of secrets? (For example, are there methods of controlling records, limiting the scope of disclosure to agents, and so on?)

(6) Have some measures been conceived to promote prompt settlements?

(7) How is ADR publicized? How can potential users learn about your ADR organization's system?

(8) What kind of dispute is suitable for the online ADR? How about the actual use?

4. Please attach any court precedents related to the above topics.

(end)