

Empanelment Policy for Arbitrators

The purpose of adopting Empanelment of Arbitrators for deciding INDRP Domain dispute cases is to regulate, promote and improvise quality of Arbitration proceedings. The Empanelment Policy further defines the term and tenure of an Arbitrator's empanelment with .IN Registry for deciding for deciding INDRP Domain dispute cases. The Rules pertaining to Arbitrators' Empanelment are as follows:-

Rule 1

The Eligibility criteria for becoming an Arbitrator is as follows:-

- a. An Arbitrator should be a citizen of India. He/she shall not be less than 40 years of age and not more than 70 years of age.
- b. He/ She should be an Advocate enrolled with the Bar Council of India, having minimum 10 years of practice experience as an advocate with expertise in Intellectual Property Law and Technology Law. He/ She also should have filed minimum 5 cases in .INDRP Domain dispute cases/ UDRP/ Trade Mark Infringement.
- c. The arbitrator must not have been convicted by a court of Law for criminal and / or civil misdemeanour, or for misconduct after conduct of disciplinary proceedings and that no criminal case or any departmental proceeding is pending against him/her which calls into question the arbitrator's ability to act as a panellist.

Provided that the .IN Registry may even otherwise invite eminent persons having specialized knowledge and substantial relevant experience in the field of domain dispute resolution for being empanelled on the panel of arbitrators.

The decision of the .IN Registry for the inclusion of the name of a person or otherwise on the panel of the arbitrators shall be final.

Rule 2

The number of Arbitrators on NIXI Panel shall be 20.

Rule 3

- a. An Arbitrator's empanelment tenure shall be for a term of 2 years from the date of their appointment. After completion of 2 years, the empanelment of Arbitrator shall cease to exist.
- b. Any Arbitrator can relinquish his/her membership after giving one month notice to NIXI with no pendency of cases. After the retirement of an Arbitrator, new INDRP Domain dispute cases will not be allocated to him/her.

Rule 4

Reappointment of an Arbitrator shall be considered after completion of a gap of 1 (One) year from the date of completion of their earlier empanelment. The cooling off period shall be of 1 year.

Rule 5

An Arbitrator shall submit /furnish a statement of acceptance and declaration of impartiality and independence and abide by NIXI Code of Conduct for Arbitrators.

Rule 6

The Arbitrators shall be allotted the domain dispute cases by NIXI as per roaster (in sequence of alphabetical order).

Rule 7

An Arbitrator shall deliver the Arbitration Award as per the INDRP Rules of Procedure and INDRP Policy within the time frame of statutory period of 60 days as mentioned in it. An extension of 30 days is allowed in exceptional circumstances after arbitrator provides with a reasonable explanation. In case, the Award is delayed, without an unsatisfactory explanation, there will be a penalty of deduction from the Arbitral fee @ 10% deduction per week after 60 days.

Rule 8

The physical hearings of the Arbitration proceedings, if any, shall be conducted at NIXI Office or place of choice by NIXI. No facility of transportation shall be provided to either Arbitrator or parties and they will have to arrange on their own.

Rule 9

NIXI CEO will have the right to terminate an Arbitrator from Empanelled list upon giving due notice with reason, before the expiry of his or her tenure on the grounds of gross misconduct, failing to carry out their duties in a timely manner, or any other reason, as the CEO may deem fit with an explanation.

Rule 10

The instant Arbitrator Empanelment Policy is in furtherance and stimulation of the Code of Ethical Conduct for Arbitrators and not in its contradiction

NOTE: Any change in the instant Policy will be subject to approval of the CEO of NIXI.