

VIAC PORTAL
GUIDELINES

FOR VIAC PROCEEDINGS

[VERSION: 25 MARCH 2021]

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I. REGISTRATION AND LOGIN

1. GENERAL INFORMATION

The VIAC Portal can be used for all VIAC proceedings – besides arbitral proceedings in accordance with the Vienna Rules (“VR”) also for proceedings in accordance with the Vienna Mediation Rules (“VMR”) or for ad hoc proceedings in which VIAC assists. These Guidelines are based on arbitral proceedings in accordance with the Vienna Rules.¹ As far as the use of the VIAC Portal is desired, the content of these Guidelines applies equally to other VIAC proceedings, subject to any deviations that may be necessary due to the particularities of the respective proceedings. For such other VIAC proceedings, the parties are therefore requested to contact VIAC in due time before the initiation of the proceedings.

All new cases received will dispose of a separate platform („Case Site“ or „Site“) in the VIAC Portal, specifically created for this purpose. In the beginning of the proceedings, the parties (their representatives) are each asked to name at least one designated user and his e-mail address. By naming this person and his e-mail address, the party (its representative) acknowledges that the Portal functions as notified address pursuant to the applicable rules (Art. 12 para. 4 VR). When registering, the user confirms this provision, and - if he is acting on behalf of a company - that by using the portal he equally obligates the company itself.

Designated users will receive access to a case-related platform ("Case Site" or "Site") in the VIAC Portal by invitation via e-mail from the VIAC Secretariat. When registering for the first time, users must accept the Terms of Use and register themselves, i.e. select a secure password and fill out the user profile completely. The VIAC Secretariat will be happy to assist with this.

For security reasons, the login to the [VIAC Portal](#) is made using two-factor authentication. After entering the e-mail address and password, during each login process, a code is sent to the registered e-mail address, which must be entered within five minutes. Only after this two-stage process, the users gain access to the Sites of the VIAC Portal which are available to them. People

¹ See Art. 6 para. 2 VR: To the extent the terms used in this document refer to natural persons, the form chosen shall apply to all genders.

involved in multiple proceedings use the same user profile to access all Sites (single login). Any changes to the contact details must be carried out by the user himself and without delay.

HighQ also offers users the "HighQ Hub" feature. With the HighQ Hub, users are given the opportunity to use a single login process to access all HighQ platforms (VIAC and others) to which they are granted access. users of the VIAC Portal are also subject to the VIAC Portal Terms of Use when accessing the VIAC Portal via the "HighQ Hub". Those users are particularly encouraged to ensure the security of their accounts.

2. FILING OF THE STATEMENT OF CLAIM

The proceedings are initiated in accordance with the applicable VIAC Rules. Article 7 para. 1 and Art. 12 para. 1 VR provide that the Statement of Claim including exhibits shall be submitted to the Secretariat of the VIAC in electronic form and in hard copy. Once the e-mail address(es) of the designated user has been provided by the claimant, this user will receive an invitation to the VIAC Portal from the VIAC Secretariat - during office hours - ideally within a few hours. claimants are advised to contact the VIAC Secretariat prior to filing a Statement of Claim so that access to the VIAC Portal can be provided in a timely manner. After the registration and successful authentication, the filing in electronic form can be effected through the upload of the Statement of Claim in the VIAC Portal.

However, regardless of this, the written communication initiating the proceedings may still be submitted in accordance with the applicable VIAC Rules (Art. 7 and 12 VR), e.g. by e-mail to office@viac.eu, especially if no access to the VIAC Portal has been provided at that time.

3. FILING OF THE ANSWER TO THE STATEMENT OF CLAIM

Unless otherwise requested, VIAC will continue its practice to send the Statement of Claim to the respondent primarily in hardcopy. After the designated user's e-mail addresses have been provided by the respondent, the designated user in turn receives an invitation to the VIAC Portal from the VIAC Secretariat. The Answer to the Statement of Claim, including exhibits, can also be submitted via the VIAC Portal.

4. ARBITRAL TRIBUNAL

The arbitrators will receive an invitation to the VIAC Portal by e-mail from the VIAC Secretariat as part of the transfer of the file (Art. 11 VR). The transfer of the file will then be carried out using the VIAC Portal, in principle.

II. USING THE VIAC PORTAL

1. SCOPE OF USE

Prior to the transfer of the file to the arbitral tribunal, all written communications and exhibits between the parties and the VIAC Secretariat will be transmitted via the VIAC Portal.

Upon the transfer of the file, the arbitral tribunal shall determine the means of communication between the parties and the arbitral tribunal (Art. 12 para. 2 VR). The arbitral tribunal shall therefore decide together with the parties during the first case management conference to what extent the VIAC Portal should be used, and in particular which set of modules should be used. The VIAC Secretariat shall be informed about any such stipulation. Arbitrators and parties are encouraged to use the VIAC Portal to the fullest extent possible; the VIAC Secretariat will be happy to assist.

Depending on the determined method of communication, the correspondence with VIAC is carried out via the VIAC Portal or in another electronic form, following the transfer of the file.

The manner of transmission according to the applicable VIAC Rules (Art. 12 para. 3 VR) shall remain unaffected by the introduction of the platform, i.e. written communications shall continue to be sent in one of the forms specified therein, e.g. also by e-mail (if addressed to VIAC, please send to office@viac.eu). In particular, in the event of technical problems with the VIAC Portal, users are requested to contact us immediately in order to solve the problem or to discuss an alternative form of transmission.

2. USERS

It is required that the members of the arbitral tribunal and at least one representative per party register in and log into the VIAC Portal. The parties themselves receive access if they are not represented or if this is expressly requested. If the parties are represented, normally only the party

representatives will have access to the VIAC Portal. If a party representative represents more than one party, a single registration for all represented parties is sufficient. If, on the other hand, a party is represented by more than one party representative, it is sufficient for the purposes of the case administration by VIAC to register one party representative. In case the representation is terminated prematurely, the VIAC Secretariat will immediately revoke the access for the respective users and a new user will be invited on behalf of the party.

Parties and arbitrators are each responsible for uploading their respective case-related communications.

The corresponding permissions are granted by the VIAC Secretariat exclusively. For security reasons, access to the Case Site must always be applied for with the VIAC Secretariat. For this reason, people involved in the particular case cannot gain access themselves or invite other people. Once the file has been transferred to the arbitral tribunal, any changes will always be made only after consultation with the arbitral tribunal.

3. VOLUME AND COSTS

In each case, a maximum of 8 users for the parties (i.e. 4 each for the claimant and respondent group), as well as a total of 5 GB of storage space are available at no additional cost. If the amount in dispute exceeds 1 million euros, both the number of included users and the storage space are doubled. In addition to that, users for the members of the arbitral tribunal (max. 3) and an administrative secretary are available free of charge in each case. If more users or storage space become necessary, the VIAC Secretariat can be contacted anytime; it will send an offer for the required additional packages and the corresponding costs.

However, the storage space available for each Site is not limited from a technical point of view. This means that even if the paid data volume is exceeded, the files can still be uploaded. This merely results in subsequent costs. However, prior to filing extraordinarily large submissions, it is recommended to contact the VIAC Secretariat to ensure the required storage space, also with regard to the total storage space of the platform.

4. DURATION OF USE

For the duration of the proceedings, the Case Site will be made available to

users. After termination of the proceedings, VIAC may terminate access to the Case Site. users will of course be notified of this well in advance. If users are interested in a longer duration of use for archiving purposes, they can contact the VIAC Secretariat.

III. MODULES

1. GENERAL INFORMATION

The first module is called "General Information"; it is an overview of the users at the claimant's, respondent's and arbitral tribunal's side. Furthermore, the contact details of the VIAC Case Managers can be found here, who will be happy to assist in case of any uncertainties.

2. FILES

The centerpiece of the VIAC Portal is the Files module. Here, in particular, submissions including exhibits can be uploaded easily and conveniently. For this purpose, firstly, there is the folder for VIAC Administration with subfolders, where any written communication from and to the VIAC Secretariat is uploaded. Following the transfer of the file, there are folders named Procedural Correspondence, Procedural Orders, Submissions, Exhibits, Hearing, and Other by default. The users of other groups will be notified about the upload via automatic e-mail notification of the platform (depending on the personal settings regarding e-mail notifications).

3. OVERVIEW FILES

In the module "Overview Files" all files are neatly displayed according to the selected sorting criteria. In particular, the overview also provides the "upload date" for each document, i.e. the time of the upload. This overview can be exported as a PDF or Excel file (especially for documentation purposes).

4. DEADLINES

Here, the arbitral tribunal can, if wanted, enter deadlines for various tasks related to the arbitral proceedings and assign them to the users. The entries can only be edited by the arbitral tribunal.

5. CALENDAR

The calendar can be used by the arbitral tribunal to show important deadlines and dates in a well-arranged overview. The calendar is visible to all in its entirety but can only be edited by the arbitral tribunal.

6. USERS

This module provides an overview of all persons who have access to the respective Case Site. This includes the arbitrators and a potential administrative secretary, as well as the designated users representing the parties or the parties' representatives. The overview therefore does not necessarily show all persons involved in the proceedings.

7. VIAC RESOURCES

Here you can find useful links to the VIAC website and contact details, the VIAC Rules and the Cost Calculator. Here, users also get directed straight to the VIAC Guidelines for Arbitrators. Furthermore, the Terms of Use and related documents, as well as the VIAC Portal Guidelines can be found here.

8. OPTIONAL: CORRESPONDENCE

The module "Correspondence" offers the arbitral tribunal and the parties the possibility to communicate with each other on certain matters (instead of the commonly used e-mails). New posts can only be added by the arbitral tribunal. These can be commented on by the parties afterwards. It can be used, for example, for organizing conference calls and hearings or for other communication that is not uploaded in form of a submission. The messages cannot be removed afterwards and are visible to all users.

IV. SECURITY, CONFIDENTIALITY AND DATA PROTECTION

Data security on the Portal is of particular concern to VIAC. The VIAC Portal is powered by HighQ from Thomson Reuters.

HighQ's security controls program complies with the applicable laws as well as the accepted standards for the industry. It is designed to address security and confidentiality concerns, to protect against threats or hazards to security or integrity, as well as to prevent unauthorized activities as regards the contents.

Thomson Reuters is subject to strict confidentiality obligations regarding the

content and users of the HighQ VIAC Portal.

Thomson Reuters is able to monitor the general use, the amount of users, the storage/amount of data and the modules. However, they are not able to access any data in files and documents or any information concerning the users (without prior written permission).

The data is hosted on servers in Germany. Thomson Reuters will, in principle, not transfer this location and data outside of Germany.

The protection of the personal data of the users is of great importance to VIAC. The [Vienna International Arbitral Centre \(VIAC\) / Arbitration Privacy Policy](#) describes why and how VIAC processes personal data we collect in connection with our role as an institution. The data processing of VIAC is subject in particular to the provisions of the General Data Protection Regulation.

USER MANUAL #1: PROFILE SETTINGS

In the top navigation bar on the rightmost side, there is a profile menu that allows users to customize various features. Under "My profile", for example, it is possible to update the user profile including the contact information. Under "Settings" the language, password and notification settings can be changed.

1. LANGUAGE AND PASSWORD

In the menu item "General", the system language can be selected. The VIAC Portal can be used in English and German without any limitations. In case there is no translation for the other languages available in the menu, the system automatically falls back to the default language English UK.

Here, it is also possible to change the password. Due to strict security measures, each password must meet the following minimum requirements:

- 10 or more characters,
- 1 or more uppercase characters,
- 1 or more numbers,
- 1 or more alpha-numeric characters.

In addition, the password must be changed every 90 days.

2. E-MAIL-ALERTS

The next menu item is called "Site e-mail alerts"; these are **optional** alerts that inform the users about activities in the Sites for which they have at least viewing permission. Users can choose for which Sites they want to receive automatic alerts and also determine how often they want to receive these notifications. The user can choose here for each Site individually between

- **Immediate alerts (RECOMMENDED)** – after certain activities, for example after the upload of files, an e-mail notification is sent immediately;
- **Daily alerts (on the following day)** – the e-mail notification lists all activities of the previous day;
- **Weekly alerts** – the e-mail notification lists all activities of the previous week.

It is also possible, however, to select all three options together.

The default setting for alerts is "Immediately", so that the users involved in the proceedings are informed immediately in case of any activity. In order to reduce the number of e-mails, users can, at their own risk, select daily notifications (note: these will not be sent until the next day). In any case, weekly alerts are not advisable.

Dates and deadlines in the proceedings are subject to the applicable VIAC Rules; they **do not depend** on the time of the e-mail alerts or the time when a document was accessed.

If a file is uploaded to the platform, the other users will be notified about it via automatic e-mail alerts of the platform (depending on the personal settings regarding e-mail alerts). If multiple files are uploaded at the same time, either one or more e-mail alerts are generated depending on the upload method (one by one or all at once).

The e-mail alerts always include a link to the respective document, which only allows authorized and logged-in users to access it.

Users will **not** receive alerts from other Sites (i.e., other cases) in the VIAC Portal for which they are not authorized, or for activity in their own Sites for which they do not have the necessary viewing permission. Moreover, only activities that chronologically happen after a user has been added to a Site will

trigger alerts.

3. SYSTEM NOTIFICATIONS

This menu item contains a list of certain actions and activities that are related to a specific user. This includes, for example, tasks, comments or mentions assigned to the user. Similar to the e-mail alerts, it is possible to select notifications (in this case so-called system notifications) here. For each of the actions listed, you can choose between e-mail and/or online notifications (in the latter case there will be online notifications under the bell icon).

USER MANUAL #2: MODULES

Each Case Site has the following modules, located at the top on the second line directly under the VIAC logo:

- General Information
- Files
- Overview Files
- Deadlines
- Calendar
- Users
- VIAC Resources

OPTIONAL:

- Correspondence

All modules are described in more detail below.

1. GENERAL INFORMATION

This module provides an overview of the users authorized for the Case Site in the corresponding group. Insofar as users have properly provided their contact details, these can also be found in the overview. In addition, the contact details of the members of the VIAC Secretariat are also listed here.

2. FILES

i. Permissions

Permissions are assigned exclusively by the VIAC Secretariat and cannot be changed by the users themselves. The permissions can be distinguished as follows

- View (and download) files,
- Add (upload) files,
- Admin.

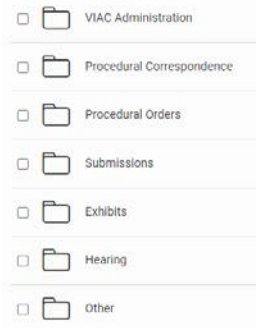
The individual user permissions are always based on the default permission group. The permission groups are "claimant(s)", "respondent(s)" and "arbitral tribunal". In the "Files" module, these groups sometimes each have their own subfolder in which only they can upload files, while users of the other groups have only view permissions if at all. users with admin rights have, in addition to the other permissions mentioned above, the ability to perform bulk uploads and also see which other users have accessed the files at what time. The parties and arbitrators always have such admin permissions for their own subfolders.

Neither the parties nor the members of the arbitral tribunal can edit or delete files once they have been uploaded. However, it is possible to edit Microsoft Office documents (such as Word files) and thereby create a new version of the document, which is then marked as such a new version, for example with "v2". All versions and their authors are available under "More actions"/"Version history" for all users who can view the file, and any changes can thus be traced. However, any unauthorized files can be removed by the VIAC Secretariat after consultation with the arbitral tribunal.

ii. Folder Structure

The folders in this module correspond to the different types of documents.

In addition to the folders already created by default, additional folders can also be made available here upon request (free of charge). The folders already created can also be renamed, if necessary.



- **VIAC Administration**

This folder is used to upload all written communications, including exhibits, until the file is transferred to the arbitral tribunal. After the transfer of the file, this only applies to the documents that primarily serve the purpose of communication between the VIAC Secretariat and the parties or the arbitral tribunal (e.g. applications for an increase of arbitrators' fees, challenges of arbitrators etc.).

The folders visible only to one side, only to the parties or only to the arbitral tribunal, are intended solely for the well-established practice of case administration under the VIAC Rules and are in no way intended to impede transparency among the parties to the proceedings (for example: the submission of the Statement of Claim to the VIAC Secretariat according to Art. 7 para. 1 VR, an order to remedy any defect of the Statement of Claim according to Art. 7 para. 3 VR, submission of the amended Statement of Claim to the respondent according to Art. 7 para. 4 VR, etc.). When submitting files, users can decide whether certain files should initially be visible only to the VIAC Secretariat, or whether they should be immediately visible to the other parties involved as well. It goes without saying that VIAC processes all submitted documents in accordance with the VIAC Rules and forwards them after their examination and, if necessary, correction in accordance with the VIAC Rules.

The VIAC Administration folder contains the following subfolders:

- Communication with claimant (only visible to claimant)
- Communication with respondent (only visible to respondent)
- Communication with parties (not visible to arbitral tribunal)
- Communication with the arbitral tribunal (not visible to parties)
- Communication with parties and arbitral tribunal

After the transfer of the file, the following folders can also be used:

- **Procedural Correspondence**
(here the arbitral tribunal, claimant and respondent can upload files)
- **Procedural Orders**
(here only the arbitral tribunal can upload files)

- **Submissions**
(with subfolders for uploads by claimant and respondent)
- **Exhibits**
(with subfolders for uploads by claimant and respondent)
- **Hearing**
(here the arbitral tribunal, claimant and respondent can upload files)
- **Other**
(here the arbitral tribunal, claimant and respondent can upload files)

Unless there are separate subfolders for the groups in the folders, the arbitral tribunal, claimant and respondent can all upload and edit files in these folders. It should be noted that Microsoft Office documents (such as Word files) can also be edited here by users of other groups. However, changes are always traceable (see above). If separate subfolders for the groups and the corresponding different permissions are needed though, we kindly ask you to contact the VIAC Secretariat.

Additionally, the following folders can also be made available:

- A folder for arbitral awards, which may be uploaded by the VIAC Secretariat in accordance with the applicable VIAC Rules (Art. 36 para. 5 VR);
- An internal folder for the arbitral tribunal (not visible to parties);
- A folder for the claimant's submissions, which are initially to be sent only to the arbitral tribunal (not visible to respondent);
- A folder for the respondent's submissions, which are initially to be sent only to the arbitral tribunal (not visible to claimant).

The aforementioned two folders, which are visible only to the arbitral tribunal initially, serve exclusively for the conduct of the proceedings by the arbitral tribunal and are definitely not intended to prevent transparency among the parties to the proceedings.

- Folder for collaborative drafts

Furthermore, a folder can be set up, in which all users can upload and edit documents together (but not delete them), such as the draft of Procedural Order #1. After each change a new version of the file is created and it is always

possible to access the first version, i.e. the original version. In addition, a record is kept of exactly which users have carried out changes. In order to track the specific changes in the best possible way, it is recommended to employ the track-changes mode. This folder is intended for drafts only. The final version should always be saved in one of the other folders.

iii. Upload of files

Files can either be uploaded straight to the folder using drag & drop or by clicking on "Upload". There, users can either search for a file on their local computer or drag and drop multiple files into the designated field. If you click on "Upload" "Bulk Upload", you can even upload ZIP folders, which are automatically unpacked, and their contained files are saved separately and in their original size in the VIAC Portal. If ZIP folders are added in a different way, i.e. by drag & drop or by clicking on "Upload", these ZIP folders are uploaded unchanged, i.e. not unpacked. During the upload of the file, the file is scanned for viruses.

It is important that the files are always uploaded in the folder designated for that purpose. It is the responsibility of all users to do this for themselves. At the same time, users are not able to upload files to folders, where they do not have the permission to upload files. For example, the arbitral tribunal cannot upload files in the claimant's or respondent's folder.

The user who uploads the file is indicated as the author of the file.

Basically, all types of files can be uploaded. For some, however, no preview is possible. Files can be uploaded regardless of their size, however, subject to the size limit that may apply due to the browser you are using. Consideration should be given to data volume limitations and any associated costs, as outlined in the VIAC Portal Guidelines.

iv. More actions

Next to each file, on the right, there is a menu with three dots. When you click on it, you can perform various actions related to this file.

By clicking on this menu item, the document can be downloaded and forwarded to other persons, e.g. as an e-mail attachment, or it can be archived. It then shows in the Portal that the file was accessed by a certain person at a certain time (but not that it was forwarded).

Furthermore, a link to this file can be sent to other users via e-mail. Only people who are authorized for the Case Site can be selected as recipients of this hyperlink. To access the hyperlink, users must log in with their credentials. Only the VIAC Secretariat can monitor this activity.

Under "Version History" you can find relevant data related to the specific file. As far as documents in their own folder are concerned, users can also see there which other users have accessed the file and at what time. In addition, the "Overview files " module shows the "created date" (which corresponds to the upload date).

v. View

The Files module offers different views (list, column and thumbnail view) and sorting options.

On the left side, "Recent" can be selected in order to easily find the most recently added files. There the files can be accessed either directly, or the users can follow the storage path indicated there. In addition, the files marked as "Favorites" by the respective user can also be found here on the left. By clicking on "Index", moreover, the entire folder structure of the Files module is displayed, and the index can also be exported.

vi. Archiving

When the folders are selected in the index view, you can download all files from the Files module together into a ZIP folder by clicking on "Actions" / "Download" or "Create bundle" in the top menu. The folder structure will be maintained, and users can, of course, download only those files for which they have the necessary permission to view. When a bundle is created, there will also be an index of the folders of the Case Site created and added.

If this archiving function is used, users have to check on their own whether the files in the "bundle" are included in their entirety.

3. OVERVIEW FILES

In the module "Overview Files" all files are neatly displayed according to the selected sorting criteria. In particular, the overview also provides the "upload date" for each document, i.e. the time of the upload. This overview can be exported as a PDF or Excel file (especially for documentation purposes).

4. DEADLINES

The arbitral tribunal can enter deadlines here, if wanted, and assign them to the parties. The deadlines can only be edited (e.g. marked as "complete") by the arbitral tribunal.

5. CALENDAR

The calendar can be used by the arbitral tribunal to show important deadlines and dates in a well-arranged overview. The calendar is visible to all in its entirety but can only be edited by the arbitral tribunal.

6. USERS

This module provides an overview of all persons who have access to the respective Case Site. This includes the arbitrators and a potential administrative secretary, as well as the designated users representing the parties or the parties' representatives. The overview therefore does not necessarily show all persons involved in the proceedings.

The respective authorizations are provided solely by the VIAC Secretariat. For security reasons, access to the Site must always be requested from the VIAC Secretariat. Persons involved in the specific case therefore cannot provide themselves with access or invite other persons.

7. VIAC RESOURCES

Here are useful links, such as to the VIAC website, VIAC Rules, and Cost Calculator. Moreover, you can also find the VIAC Guidelines for Arbitrators, as well as the VIAC Portal Guidelines, Terms of Use and related documents in this section.

8. OPTIONAL: CORRESPONDENCE

i. General Information

The module "Correspondence" offers the arbitral tribunal and the parties the possibility to exchange information with each other. It can be used, for example, to organize the case management conference or for other communication which is not made in form of a letter or submission. Members of the arbitral tribunal can create new posts in this module, while the parties can only comment on them.

The posts, including any comments, can be forwarded by clicking on the "More actions" button, namely to other authorized users by clicking on "Share" or to other persons by clicking on "Export to PDF"; such a PDF can also be created for archiving purposes.

ii. Attachments

Files from the Case Site can be added or linked to the posts. Furthermore, it is possible to upload files that are not yet in the VIAC Portal. Here, however, it should be considered that in this case the files will not be saved in any of the folders. Therefore, it is recommended to upload the files in the appropriate folder first and link them only afterwards.

iii. Comments

In principle, it is possible to comment on the posts. If this is not wanted, this can be changed under settings.

iv. Notifications

Here, it is recommended to respect the user e-mail preferences. Suppressing the notification is not advisable, because the contribution could then be overlooked.

Detailed instructions and many useful tips can also be found in the [HighQ Knowledge Base \(https://knowledge.highq.com/help/Home\)](https://knowledge.highq.com/help/Home).

In case of questions and uncertainties, the VIAC Secretariat will be happy to assist you: Please contact portal@viac.eu.



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