

Dispute Resolution

# Launch of the SICC-SIMC Litigation-Mediation-Litigation Protocol and SICC Model Clause for International Arbitration Matters

The Appropriate Dispute Resolution: The Singapore Way launch event on 12 January 2023 saw the introduction of two new initiatives relating to collaboration between the different modes of dispute resolution:

- (a) Launch of the Litigation-Mediation-Litigation Protocol ("**LML Protocol**") between the Singapore International Commercial Court ("**SICC**") and the Singapore International Mediation Centre ("**SIMC**"); and
- (b) Launch of the SICC Model Clause for International Arbitration matters.

Justice Philip Jeyaretnam, in his keynote address, noted that the initiatives highlight the significance of offering business users of dispute resolution services clear and adaptable pathways between the three main modes of dispute resolution. Under the LML Protocol a party commencing proceedings in the SICC may have the proceedings stayed for a few weeks in order to refer the dispute for mediation at SIMC. Any resulting settlement agreement can be recorded as an order of court. The SICC Model Clause can be combined with the Singapore International Arbitration Centre ("**SIAC**") Model Clause for a combined choice of arbitral institution and supervisory court.

### SICC and SIMC Launch Mediation-Friendly Protocol

With the aim of promoting the amicable resolution of international commercial disputes, the SICC and SIMC have collaborated to establish a LML Protocol. Parties can adopt the LML Protocol when negotiating contracts by incorporating the model LML Clause into their agreements. Alternatively, parties can adopt the LML Protocol at any other time via a separate agreement.

The LML Protocol sets out the procedure under which disputes commenced in the SICC are to be referred to SIMC for mediation, and the procedure to continue or terminate proceedings in the SICC on the conclusion of the mediation.

# Client Update: Singapore

## 2023 JANUARY

### Dispute Resolution

- (a) **Referral to mediation.** Regardless of whether parties have commenced proceedings in the SICC they may refer a Dispute for mediation in accordance with the LML Protocol. Where any party wishes to commence proceedings under the LML Protocol, and has not already commenced proceedings in the SICC, that party must commence proceedings in the SICC by filing and serving an Originating Application and Claimant's Statement in accordance with the SICC Rules 2021. Where parties have commenced proceedings in the SICC, and the parties agree to refer the Dispute for mediation in accordance with the LML Protocol, one of the parties must file with the SICC Registry a letter stating that the parties have agreed to refer the Dispute for mediation in accordance with the LML Protocol.
- (b) **Commencement of mediation.** The relevant party must, by the date and time (if any) stated in the Court's directions, take the relevant steps under the Mediation Rules of SIMC to commence mediation. The Court may grant a case management stay of the SICC proceedings for a period of up to eight weeks, which may be extended for good reasons.
- (c) **Interim relief.** The Court may, on the application of a party, make such interim or supplementary orders as the Court thinks appropriate for the purposes of preserving the rights of any party.
- (d) **Conclusion of mediation.** After the expiry of the case management stay, the SICC Registry will convene a case management conference. If the mediation is successful, parties may choose to have the settlement terms recorded as an order of court. If there is a partial settlement, parties may choose to have the settled items recorded as an order of court and seek SICC's directions on the conduct of proceedings for the remaining issues, in accordance with the SICC Rules 2021.

The key highlights of the LML Protocol may be found [here](#), and the full LML Protocol may be found [here](#).

### SICC Introduces Jurisdiction Model Clause

Given the increasing number of matters heard by the SICC on international arbitrations seated in Singapore under the International Arbitration Act 1994 ("IAA"), the SICC has introduced a jurisdiction model clause to assist parties in designating the SICC as the supervisory court to hear IAA-related applications. This clause may be incorporate by the parties into their contracts, or at a later date and even after a dispute has arisen. SIAC will also be including the clause as one of the options in its Model Clause, where the international arbitration is Singapore-seated. The jurisdiction model clauses are available in Annex A [here](#), and may also be found on the respective websites of the SICC and SIAC.

This jurisdiction model clause is the joint effort of an SICC Working Group that was chaired by Justice Philip Jeyaretnam, President of the SICC, and comprised nine lawyers from several Singapore practices and foreign law practices, including Rajah & Tann Singapore's [Francis Xavier, SC](#).

## Dispute Resolution

Click on the following link for more information:

- [Media Release titled "Singapore International Commercial Court Launches Mediation-Friendly Protocol with Singapore International Mediation Centre to Advance Singapore as Asian Hub for Dispute Resolution"](#) (available on the SIMC website at [www.simc.gov.sg](http://www.simc.gov.sg))
- [Media Release titled "Singapore International Commercial Court launches initiative to hear arbitration matters with support from Singapore International Arbitration Centre"](#) (available on the SIAC website at [www.siac.org.sg](http://www.siac.org.sg))
- [Revised SIAC Model Clause](#) (available on the SIAC website at [www.siac.org.sg](http://www.siac.org.sg))
- [Revised SICC Model Clause](#) (available on the SICC website at [www.sicc.gov.sg](http://www.sicc.gov.sg))
- [Speech by Second Minister for Law Edwin Tong SC at Appropriate Dispute Resolution: The Singapore Way](#) (available on the Ministry of Law website at [www.minlaw.gov.sg](http://www.minlaw.gov.sg))
- [Justice Philip Jeyaretnam: Keynote Address delivered at the Appropriate Dispute Resolution: The Singapore Way launch event](#) (available on the Singapore Judiciary website at [www.judiciary.gov.sg](http://www.judiciary.gov.sg))

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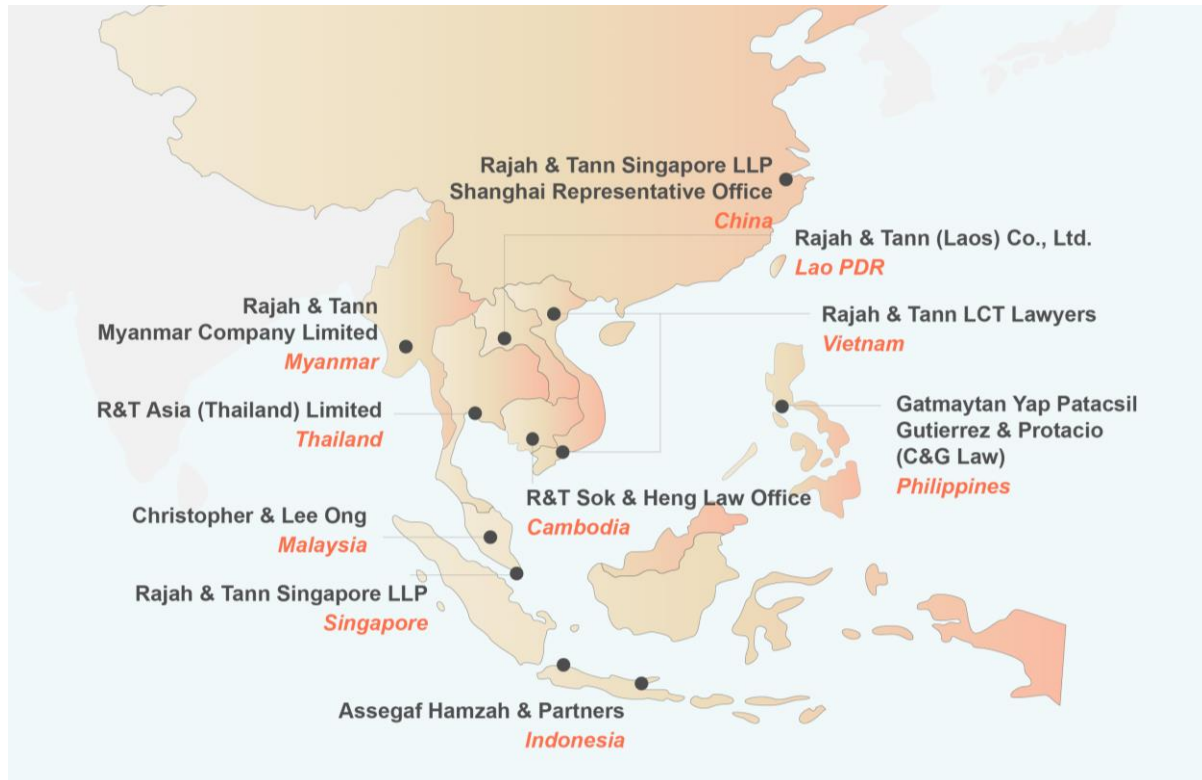
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