

Settlement of Disputes

- (1) In case of any disputes arising out of or in connection with this Agreement, including, but not limited to, a dispute about the validity of this Agreement or the application of the Severability Clause in § XX of this Agreement below, the Contract Partners shall endeavour in the first step to find an amicable solution through commercial negotiations as between partners by referring the dispute to the Managing Directors of both Contract Partners.
- (2) Should the Contract Partners not have started the negotiations within thirty (30) days after the corresponding written request by one Contract Partner or should the Contract Partners not have found an amicable solution within sixty (60) days after the negotiations had been started, the Contract Partners shall conduct a mediation procedure, except the Contract Partners unanimously agree upon in writing other time limits prior to the expiry of the aforementioned time limits. The details of the mediation procedure shall unanimously be agreed upon by the Contract Partners and the mediator.
- (3) Should the Contract Partners not agree upon a mediator within thirty (30) days after the failure of the commercial negotiations in accordance with § XX of this Agreement or should the failure of the mediation procedure be declared by one of the Contract Partners or by the mediator, the dispute shall be ruled finally and binding without recourse to the ordinary courts in an arbitration procedure in accordance with the provisions of the Arbitration Rules of the International Chamber of Commerce, Paris. The arbitration court shall consist of three arbitrators except the Contract Partners mutually agree upon otherwise in writing prior to the constitution of the arbitration court, and these arbitrators shall be nominated in accordance with the provisions of the aforementioned Arbitration Rules. The Chairman of the arbitration court shall have the qualification to become a judge and sufficient professional practical experience in commercial law. The remuneration of the arbitrators shall be agreed upon in writing between the Contract Partners and the arbitrators prior to the start of the arbitration procedure, if applicable. The award of the arbitration court shall contain a decision on the allocation of the cost of the arbitration procedure. The arbitration procedure shall take place at XX, XX. In the arbitration procedure the English language shall be used.
- (4) During the commercial negotiations, the mediation procedure and up to the final establishment of an arbitration court being able to decide, the aforementioned provisions shall not exclude the right of any Contract Partner to initiate a legal procedure in order to achieve preliminary legal protection at the ordinary courts in any jurisdiction.