RIPE NCC Conflict Arbitration Procedure

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Status

This procedure comes into effect when the RIPE NCC Association starts providing the RIPE NCC services on January 1st 1998. It has been approved by the executive board of the association. A consultation process with the membership which may result in extensions and ammendments is going to be started in 1998.

Purpose

This procedure is intended to resolve conflicts relating to RIPE NCC services in a timely and professional manner based on professional expertise and without involvement of the courts. As such it is part of the process of industry self regulation.

Scope and Applicability

It is also applicable to service related conflicts between contribtors and the RIPE NCC. This procedure is also applicable to conflicts between RIPE NCC contributors about issues directly related to RIPE NCC services particularly address space registration services. The contributors and the RIPE NCC agree to use this procedure to solve such conflicts.

Principles

The arbitration process shall be expeditious, professional and impartial. Each party chooses an arbiter from a pool approved by the contributors. Two arbiters choose a third to form a three person arbitration panel.

Arbiter Pool

Arbiters shall be persons known and respected by the RIPE community. They shall have good knowledge of the Internet environment. The pool should reflect as broad a spectrum of contributors as possible. Arbiters will be named by the RIPE NCC Executive Committe. They will be in function immediately after the nomination. The arbiters have to be approved at the first GA meeting after their nomination. The RIPE NCC Executive shall strive to ensure that at any time the poool of arbiters will consist of at least 6 persons. If there are less than 4 arbiters in the pool, parties may choose any individual willing to serve as an arbiter. Arbiters having a direct conflict of interest in a particular arbitration procedure will exclude themselves as early as possible in the procedure. Arbiters cannot be employed by or otherwise be directly associated whith a party to the conflict at hand. Should a conflict of interest become apparent at a late stage in the arbitration process the arbiter concerned has to immediately inform the parties to the conflict and the other arbiters in the panel. The panel then decides how the conflict has to be addressed. Contact and short biographical information about all arbiters shall be published by the RIPE NCC. The RIPE NCC shall also provide clerical support to those arbiters that wish to use it.

Initiation of the Procedure

In case of conflicts both parties should document their grievances and communicate them to the other party. They should then try to resolve the conflict between themselves. Only if such resolution has been tried and documented by at least one of the parties the formal procedure can start. The party initiating the procedure will select an arbiter from the pool and provide the arbiter with a written summary of their position in the conflict as well as documentation of their efforts to resolve it. The arbiter shall verify that sufficient attempts at direct resolution have been made. He shall then notify the other party that the resolution procedure has been initiated. The other party will then have two calendar weeks to either accept arbitration by this arbiter or to select one of their own from the pool. If they do not react within this time the first arbiter can decide to proceed with the single arbiter procedure or to select another arbiter from the pool for the other party and proceed with the three arbiter procedure.

Single Arbiter Procedure

The single arbiter procedure is executed under the responsibility of one arbiter. He can decide to obtain and document advice from other arbiters or relevant experts. Within 8 weeks from the start of the procedure the arbiter shall communicate his arbitration ruling to the parties concerned.

Three Arbiter Procedure

The three arbiter procedure is executed by a panel of three arbiters. Each side in the conflict chooses one arbiter who then together nominate a third. The third arbiter is responsible for the progress of the procedure. The basic procedure is the same as the single arbiter one except that the time limit for the arbitration ruling is 12 weeks. The panel will strive to make unanimous rulings. In the exceptional case of this being impossible a majority ruling can be made.