

Comparison between the Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules and New Administrative Rules for UNCITRAL Arbitration

Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
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Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
	PART 1 Administrative Rules for UNCITRAL Arbitration
	<p>Rule 1. Purpose</p> <p>These “Administrative Rules for UNCITRAL Arbitration” (the “Rules”) provide for the procedures and other necessary matters integrated into and supplemental to the UNCITRAL Arbitration Rules relating to arbitration administered by the JCAA where the Parties have agreed to resolve their dispute by arbitration under the UNCITRAL Arbitration Rules. With regard to the provisions of Part 2 and Part 3, if the provisions of these Parts are in conflict with the provisions of the UNCITRAL Arbitration Rules, the former provisions are to be applied.</p>
	<p>Rule 2. Definitions</p> <ol style="list-style-type: none"> 1. The term “UNCITRAL Arbitration Rules” means the UNCITRAL Arbitration Rules adopted by the United Nations General Assembly in 1976, 2010 or 2013 applied to the arbitration proceedings in accordance with Rule 3. 2. The term “JCAA” means the Japan Commercial Arbitration Association. 3. The term “Party” or “Parties” means one or more claimants and respondents. 4. The term “in writing” includes hard copy and electronic documents. “Electronic documents” include electronic, magnetic and any other recording media used in information processing by a computer or other electronic device. 5. The term “Commercial Arbitration Rules” means the Commercial Arbitration Rules of the JCAA 6. The term “Interactive Arbitration Rules” means the Interactive Arbitration Rules of the JCAA.
	<p>Rule 3. Application of the UNCITRAL Arbitration Rules 2010</p> <p>The UNCITRAL Arbitration Rules adopted by the United Nations General Assembly in 2010 shall apply, where an arbitration agreement provides for arbitration under the UNCITRAL Arbitration Rules without</p>

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	specifying which version (<i>i.e.</i> , the UNCITRAL Arbitration Rules adopted in 1976, 2010 or 2013).
<p>Article 1. Application of These Rules</p> <p>1. The Japan Commercial Arbitration Association (hereinafter the "Association") shall, in either of the following cases, provide administrative services for arbitration under the UNCITRAL Arbitration Rules (hereinafter "the UNCITRAL Arbitration Rules") in accordance with the provisions of articles 2 through 11 below:</p> <p>(a) Where the parties have agreed in advance to have the Association provide administrative services for arbitration under the UNCITRAL Arbitration Rules, or</p> <p>(b) Where the parties have agreed, with respect to a matter in which a request for arbitration has been submitted to the Association under its Commercial Arbitration Rules, to conduct the arbitral proceedings under the UNCITRAL Arbitration Rules.</p> <p>2. The proceedings of an arbitration administered under the preceding paragraph shall, as to matters not provided for in these Rules, be conducted in accordance with the provisions of the UNCITRAL Arbitration Rules.</p>	<p>Rule 4. Application of These Rules</p> <p>1. The JCAA shall, in either of the following cases, provide administrative services for arbitration under the UNCITRAL Arbitration Rules in accordance with Rules 5 through 17 below:</p> <p>(a) Where the Parties have agreed in advance to have the JCAA provide administrative services for arbitration under the UNCITRAL Arbitration Rules; or</p> <p>(b) Where the Parties agree in writing to arbitration conducted under the Rules and notify the JCAA of such agreement (i) after the claimant has requested arbitration under the Commercial Arbitration Rules or the Interactive Arbitration Rules but (ii) before the confirmation or appointment of any arbitrator by the JCAA.</p> <p>In the case of (b) above, the proceedings conducted under the Commercial Arbitration Rules or the Interactive Arbitration Rules before such agreement is reached shall remain in effect.</p> <p>2. The arbitral proceedings administered under Rule 4.1 shall be conducted under the Rules and, if not provided in the Rules, the UNCITRAL Arbitration Rules.</p>
	<p>Rule 5. The Relationships between Part 1, Part 2 and Part 3</p> <p>Part 2 and Part 3 of the Rules shall apply as the integral part of Part 1 of the Rules.</p>
	<p>Rule 6. Derogation from the Rules</p> <p>Where the Rules apply, the Parties, the arbitrators and the JCAA, and their relationships shall be governed by the Rules, and by any agreements varying any of the Rules except for Part 2 and Part 3 of the Rules.</p>
	<p>Rule 7. Interpretation of the Rules</p> <p>1 The authentic texts of the Rules shall be</p>

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	<p>English.</p> <p>2 In the event of any difference as to the interpretation of the Rules, the interpretation of the JCAA shall prevail; provided that the interpretation of an arbitral tribunal as to the provisions of Part 1 of the Rules shall prevail over that of the JCAA in the arbitration proceedings before such arbitral tribunal.</p>
<p>Article 2. Appointing Authority</p> <p>When a request for arbitration has been submitted under these Rules and unless otherwise agreed by the parties, the Association shall perform the functions of the appointing authority as set forth in the UNCITRAL Arbitration Rules.</p>	<p>Rule 8. Appointing Authority</p> <p>Unless otherwise agreed by the Parties, the JCAA shall serve as the appointing authority provided for in the UNCITRAL Arbitration Rules where the Rules apply.</p>
<p>Article 3. Request for Arbitration and Acceptance Thereof</p> <p>1. The party requesting the initiation of arbitral proceedings in a case described in article 1, paragraph 1, subparagraph (a) (hereinafter the "claimant") shall submit to the Association a written request for arbitration setting forth the matters referred to in article 3, paragraph 3 and article 18, paragraph 2 of the UNCITRAL Arbitration Rules.</p> <p>2. Arbitral proceedings shall be deemed to be initiated on the date on which the written request for arbitration referred to in the preceding paragraph is received by the Association.</p> <p>3. The Association shall, where the written request for arbitration referred to in paragraph 1 is in conformity with the provisions of article 3, paragraph 3 and article 18, paragraph 2 of the UNCITRAL Arbitration Rules and when the request fee and the administrative fee have been paid, give notice to the claimant and the other party (hereinafter the "respondent") of its acceptance of the request for arbitration. The association shall attach a copy of the written request for arbitration to the notice of acceptance given to the respondent.</p> <p>4. The provisions of the preceding three paragraphs shall apply <i>mutatis</i></p>	<p>Rule 9. Request for Arbitration</p> <p>1. To request the initiation of arbitral proceedings under Rule 4.1(a), the claimant shall submit in writing to the JCAA a request for arbitration (the "Request for Arbitration") setting forth the matters provided for in Rules 3.3 and 20.2 of the UNCITRAL Arbitration Rules.</p> <p>2. Arbitral proceedings shall be deemed to have commenced on the date on which the Request for Arbitration has been received by the JCAA.</p> <p>3. The JCAA, on having confirmed that the Request for Arbitration has been made in conformity with Rules 3.3 and 20.2 of the UNCITRAL Arbitration Rules and the administrative fee has been paid, shall promptly notify the claimant and the respondent thereof. A copy of the Request for Arbitration shall be attached to such notice to the respondent.</p> <p>4. Rules 9.1 through 9.3 shall apply <i>mutatis mutandis</i> to a counterclaim made by the respondent.</p> <p>(5. Delete: stipulated in Article 4 (1) (b))</p>

Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
<p><i>mutandis</i> to a counterclaim made by the respondent.</p> <p>5. The parties shall, when they have reached agreement as provided in article 1, paragraph 1, subparagraph (b), give written notice to the Association of such agreement. In such a case, the arbitral proceedings conducted theretofore shall remain valid.</p>	
<p>Article 4. Withdrawal of Request for Arbitration</p> <p>1. The claimant may, within thirty (30) days after the initiation of the arbitral proceedings and when no arbitrator has been appointed, withdraw the request for arbitration by giving written notice.</p> <p>2. Except as provided in the preceding paragraph, the claimant may withdraw the request for arbitration only with the written consent of the respondent.</p> <p>3. Withdrawal of the request for arbitration shall become effective when the written notice of withdrawal and, in the case mentioned in the preceding paragraph, the respondent's written consent thereto reach the Association.</p>	<p>Rule 10. Withdrawal of Request for Arbitration before the Constitution of the Arbitral Tribunal</p> <p>Before the constitution of the arbitral tribunal, the claimant may withdraw its claim by submitting a notice to the JCAA in writing (the "Notice of Withdrawal") stating that the claimant withdraws the claim. The JCAA shall notify the respondent of the Notice of Withdrawal.</p>
<p>Article 5. Office in Charge of Administrative Services</p> <p>The Association shall, without delay after accepting a request for arbitration, designate one of its offices as the secretariat in charge of administrative services and give each party, together with the notice of acceptance under article 3, paragraph 3, notice thereof.</p>	<p>Rule 11. Office in Charge of Administrative Services</p> <p>The JCAA shall notify, together with the notice of Request for Arbitration under Rule 9.3, the Parties of which of its offices is taking charge of the administrative services.</p>
<p>Article 6. Communications</p> <p>1. Except at hearings, communications between the arbitral tribunal and a party and communications between the parties shall be done in writing through the Association.</p> <p>2. The communications referred to in the preceding paragraph shall, notwithstanding the provisions of article 2 of the UNCITRAL Arbitration Rules, be deemed to have been received by the addressee when received by the Association.</p>	

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	<p>Rule 12. Communications</p> <p>A Party shall transmit a notice or any material submitted in writing in the arbitral proceedings to the arbitrator(s), the other Party and the JCAA; and the arbitral tribunal shall transmit to the JCAA a copy of a notice or any material in writing in the arbitral proceedings to the Parties.</p>
<p>Article 7. Cooperation concerning the conduct of Arbitral Proceedings</p> <p>The Association shall, at the request of the arbitral tribunal or either party, make tape recordings and arrange for interpreting, making a stenographic transcript and providing a hearing room and the like as necessary for conducting the arbitral proceedings.</p>	<p>Rule 13. Service or Assistance to the Parties and the Arbitral Tribunal</p> <p>The JCAA shall, at the request of the arbitral tribunal or either Party, make arrangements for interpreting, making a stenographic transcript of hearings, or providing a hearing room or other services necessary for conducting the arbitral proceedings.</p>
<p>Article 8. Language</p> <ol style="list-style-type: none"> 1. Unless otherwise agreed by the parties, the arbitral tribunal shall determine, without delay, the language or languages to be used in arbitral proceedings. The arbitral tribunal shall, in so determining, take into consideration whether interpreting or translating will be required and how the cost thereof should be allocated. 2. Arbitral proceedings conducted, prior to the determination of language or languages under the preceding paragraph, in a language other than the language or languages so determined shall remain valid notwithstanding the 2nd sentence of article 17, paragraph 1 of the UNCITRAL Arbitration Rules. 3. The arbitral tribunal may request a party to attach to any documentary evidence its translation into the language or languages to be used in arbitral proceedings. 4. Correspondence by the party or the arbitrator with the Association shall be conducted in Japanese or English. 	<p>Rule 14. Language to be used in Communications between the JCAA and the Parties or between the JCAA and the Arbitrators</p> <p>Communications between the JCAA and the Parties or between the JCAA and the arbitrators shall be made in either English or Japanese.</p>

Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
<p>Article 9. Service of Arbitral Award</p> <ol style="list-style-type: none"> 1. The Association shall serve a copy of the arbitral award on each party by hand delivery, by delivery-certified registered mail, or by any other method proving receipt. 2. Service under the preceding paragraph shall take place after the fees, costs, etc. stipulated in article 10 have been paid. 	<p>Rule 15. Notice of Arbitral Award</p> <ol style="list-style-type: none"> 1. The JCAA shall send the arbitral award to each Party after the Parties have fully paid to the JCAA the amount due under Rule 16. 2. The JCAA shall keep one original of the arbitral award.
<p>Article 10. Fees and Costs</p> <ol style="list-style-type: none"> 1. The claimant shall, at the time of requesting the initiation of arbitral proceedings, pay a request fee and an administrative fee to the Association in accordance with its Arbitration Fee Regulations. This shall also apply where the respondent makes a counterclaim. 2. Notwithstanding the provisions of article 41, paragraphs 1 and 2 of the UNCITRAL Arbitration Rules, the Association may, as necessary, request either or both of the parties to pay all or part of the fees and costs in advance. 3. If a party fails to pay the fees or costs stipulated in the preceding two paragraphs, the arbitral tribunal may suspend or terminate the arbitral proceedings. However, this shall not apply if the fees and costs that should have been paid by the party are paid by the other party. 4. When terminating the arbitral proceedings, the arbitral tribunal shall, in addition to fixing the amounts of the various costs referred to in article 38 of the UNCITRAL Arbitration Rules, fix the amounts of the administrative fee and the other costs stipulated in these Rules as well as determining the party to bear such amounts or the manner in which the burden of such amounts should be allocated. Notwithstanding the provisions of article 41, paragraph 5 of the UNCITRAL Arbitration Rules, the Association shall make an accounting of fees and costs paid in advance and, if there is an unexpended balance, refund same to either or both 	<p>Rule 16. Fees and Costs</p> <ol style="list-style-type: none"> 1. The claimant, when it submits a Request for Arbitration, shall pay an administrative fee to the JCAA under the Administrative Fee Regulations. The respondent shall pay such administrative fee when it submits a counterclaim. 2. Notwithstanding Rules 43.1 and 43.2 of the UNCITRAL Arbitration Rules, the JCAA, if it considers it necessary, may request either or both of the Parties to pay all or part of the fees and costs in advance. 3. If a party fails to pay the fees or costs under Rule 16.1 and 16.2, the arbitral tribunal may suspend or terminate the arbitral proceedings unless the other Party pays such unpaid amount instead. 4. When terminating the arbitral proceedings, the arbitral tribunal shall fix the amounts of the various costs referred to under Rule 40 of the UNCITRAL Arbitration Rules and the amount of the administrative fee and the other costs stipulated under the Rules, and apportion these fees and costs between the Parties. Notwithstanding Rule 43.5 of the UNCITRAL Arbitration Rules, the JCAA shall render to the Parties an account of these fees and costs paid in advance, and return any unexpended balance to either or both of the Parties.

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<p>Article 11. Other Services</p> <p>The Association may, upon request of the arbitral tribunal or the parties, provide such services, other than those referred to in the preceding articles, as may be deemed appropriate by the Association.</p>	<p>Rule 17. Other Services</p> <p>The JCAA may, upon request of the arbitral tribunal or the Parties, provide any services which are not stipulated under the Rules, if the JCAA finds it appropriate.</p>															
<p>Supplementary Provisions</p> <p>(Effective as of June 1, 1991)</p> <p>These Rules shall come into effect on June 1, 1991.</p>																
<p>Supplementary Provisions</p> <p>(Effective as of July 1, 2009)</p> <ol style="list-style-type: none"> 1. These Rules shall come into effect on July 1, 2009. 2. Any arbitral proceedings initiated before these Rules come into effect shall be governed by the former Rules; provided that subsequent proceedings may, upon agreement of the parties, be conducted pursuant to these Rules. In the event of such an agreement between the parties, the proceedings that already have been conducted pursuant to the former Rules shall remain valid. 																
<p>In case of the application of the UNCITRAL Arbitration Rules (as revised in 2013), the article number as set forth in these Rules is as follows:</p> <table border="1" data-bbox="170 1644 762 2054"> <thead> <tr> <th data-bbox="170 1644 344 1749">Article No.</th> <th data-bbox="349 1644 555 1749">1976 Rules</th> <th data-bbox="560 1644 762 1749">2013 Revised Rules</th> </tr> </thead> <tbody> <tr> <td data-bbox="170 1756 344 1827">Article 3.1</td> <td data-bbox="349 1756 555 1827">article 18, paragraph 2</td> <td data-bbox="560 1756 762 1827">article 20, paragraph 2</td> </tr> <tr> <td data-bbox="170 1834 344 1906">Article 3.3</td> <td data-bbox="349 1834 555 1906">article 18, paragraph 2</td> <td data-bbox="560 1834 762 1906">article 20, paragraph 2</td> </tr> <tr> <td data-bbox="170 1912 344 1984">Article 8.2</td> <td data-bbox="349 1912 555 1984">article 17, paragraph 1</td> <td data-bbox="560 1912 762 1984">article 19, paragraph 1</td> </tr> <tr> <td data-bbox="170 1991 344 2054">Article 10.2</td> <td data-bbox="349 1991 555 2054">article 41, paragraph 1</td> <td data-bbox="560 1991 762 2054">article 43, paragraph 1</td> </tr> </tbody> </table>	Article No.	1976 Rules	2013 Revised Rules	Article 3.1	article 18, paragraph 2	article 20, paragraph 2	Article 3.3	article 18, paragraph 2	article 20, paragraph 2	Article 8.2	article 17, paragraph 1	article 19, paragraph 1	Article 10.2	article 41, paragraph 1	article 43, paragraph 1	
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Article 3.1	article 18, paragraph 2	article 20, paragraph 2														
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Existing Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules			Administrative Rules for UNCITRAL Arbitration (amended)																		
Article 10.4	article 38	article 40																			
Article 10.4	article 41, paragraph 5	article 43, paragraph 5																			
Arbitration Fee Regulations																					
Article 1. Request Fee and Administrative Fee																					
<p>1. The request fee and the administrative fee that the claimant should pay at the time of submitting a request for arbitration shall be as follows:</p>																					
<table border="1"> <thead> <tr> <th>Amount or Economic Value of Claim</th> <th>Amount of Administrative Fee</th> </tr> </thead> <tbody> <tr> <td>Not more than ¥5,000,000</td> <td>¥216,000</td> </tr> <tr> <td>More than ¥5,000,000 but not more than ¥10,000,000</td> <td>¥216,000 plus 3.24% of excess over ¥5,000,000</td> </tr> <tr> <td>More than ¥10,000,000 but not more than ¥20,000,000</td> <td>¥378,000 plus 1.62% of excess over ¥10,000,000</td> </tr> <tr> <td>More than ¥20,000,000 but not more than ¥100,000,000</td> <td>¥540,000 plus 1.08% of excess over ¥20,000,000</td> </tr> <tr> <td>More than ¥100,000,000 but not more than ¥1,000,000,000</td> <td>¥1,404,000 plus 0.324% of excess over ¥100,000,000</td> </tr> <tr> <td>More than ¥1,000,000,000 but not more than ¥ 5,000,000,000</td> <td>¥4,320,000 plus 0.27% of excess over ¥1,000,000,000</td> </tr> <tr> <td>More than ¥5,000,000,000</td> <td>¥15,120,000</td> </tr> <tr> <td>Claim the Economic value of which cannot be calculated or is extremely difficult to calculate</td> <td>¥1,080,000 per claim</td> </tr> </tbody> </table>			Amount or Economic Value of Claim	Amount of Administrative Fee	Not more than ¥5,000,000	¥216,000	More than ¥5,000,000 but not more than ¥10,000,000	¥216,000 plus 3.24% of excess over ¥5,000,000	More than ¥10,000,000 but not more than ¥20,000,000	¥378,000 plus 1.62% of excess over ¥10,000,000	More than ¥20,000,000 but not more than ¥100,000,000	¥540,000 plus 1.08% of excess over ¥20,000,000	More than ¥100,000,000 but not more than ¥1,000,000,000	¥1,404,000 plus 0.324% of excess over ¥100,000,000	More than ¥1,000,000,000 but not more than ¥ 5,000,000,000	¥4,320,000 plus 0.27% of excess over ¥1,000,000,000	More than ¥5,000,000,000	¥15,120,000	Claim the Economic value of which cannot be calculated or is extremely difficult to calculate	¥1,080,000 per claim	
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<p>being caused continuously, the administrative fee shall be calculated based upon the amount of the claim plus the amount of interest, damages, etc. for a period of one year from the date of submitting the request for arbitration.</p>	
<p>Article 2. Administrative Fee in Case of Modification of Amount of Claim</p> <p>If, after paying the administrative fee, the claimant increases the amount of the claim or adds another claim, the administrative fee shall be the amount obtained by applying the preceding article to the claim as modified; provided that "the date of submitting the request for arbitration" in the provisions of the preceding article, paragraph 2 shall be replaced with "the date of increasing the amount of the claim or adding another claim."</p>	
<p>Article 3. Request for Decision on Propriety of Amount of Administrative Fee Already Paid</p> <p>A parties or the Japan Commercial Arbitration Association (hereinafter the "Association") may request the arbitral tribunal to decide on the propriety of the amount of the administrative fee already paid under the provisions of the preceding two articles. Upon such a decision, if the amount already paid falls short of the amount of the administrative fee so decided, the Association may request the claimant to pay the difference, or, if the amount already paid exceeds the amount of the administrative fee so decided, the Association shall refund the difference to the claimant.</p>	
<p>Article 4. Administrative Fee in Case of Withdrawal of Request for Arbitration</p> <p>If the claimant, within thirty (30) days after the initiation of the arbitral proceedings and when no arbitrator has been appointed, withdraws the request for arbitration, the Association shall refund the total amount of the administrative fee.</p>	

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<p>Article 5. Application in Case of Counterclaim</p> <p>The provisions of the preceding four articles shall apply to a counterclaim made by the respondent.</p>	

Arbitrator’s Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
PART 3 ARBITRATOR’S REMUNERATION	PART 2 ARBITRATOR’S REMUNERATION
Article 91. Application of the Provisions of Part 3 <p>The provisions of Part 3 shall apply to the arbitrator’s remuneration and related matters for arbitration conducted under the Part 1 or Part 2 of the Rules.</p>	Rule 18. Application of these Regulations <p>The provisions of Part 2 shall apply to the arbitrator’s remuneration and related matters for arbitration under the UNCITRAL Arbitration Rules administered by the JCAA.</p>
Article 92. Definitions 1 Under Part 3 of the Rules, the “Amount or Economic Value of Claim” shall mean the sum of the following (or the sum of the following for the each respective arbitration proceedings where two or more arbitral proceedings are consolidated): (a) the amount or economic value of claim(s) made by the claimant; (b) the amount or economic value of counterclaim(s) made by the respondent; (c) the amount or economic value of claim(s) made by or against the third party who has joined in the arbitral proceedings under Article 56; (d) the deemed amount under Article 91.2; (e) the amount of interest, damages, or other such amounts accruing or being caused continuously, if any, for a period of one year from the date of submitting the claim; and (f) the amount or economic value of claim(s) made by the Parties in set-off defense(s). 2 “Arbitration Hours” shall mean the time reasonably required to conduct the arbitral proceedings; provided that, only one-half of the traveling time the arbitrator spends for arbitral proceedings shall be included in the Arbitration Hours. 3 Where the amount of the claim(s) is denominated in a currency other than Japanese Yen, the amount shall be converted into Japanese Yen at the TTM rate or any other reasonable exchange	Rule 19. Definitions “Arbitration Hours” shall mean the time reasonably required to conduct the arbitral proceedings; provided that, only one-half of the traveling time the arbitrator spends for arbitral proceedings shall be included in the Arbitration Hours.

Arbitrator's Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)								
<p>rate designated by JCAA as of the business day immediately preceding the date of submission of the claim.</p>									
<p>Article 93. Hourly Charge Basis</p> <ol style="list-style-type: none"> The amount of an arbitrator's remuneration shall be based on the hourly rate multiplied by the number of the Arbitration Hours. The hourly rate of an arbitrator shall be JPY50,000 (not including consumption tax). The arbitrator(s) shall provide the JCAA with a monthly report by the 20th of the following month that states the Arbitration Hours under Article 92.2 and a description of the work performed for each day. 	<p>Rule 20. Hourly Charge Basis</p> <ol style="list-style-type: none"> The amount of an arbitrator's remuneration shall be based on the hourly rate multiplied by the number of the Arbitration Hours. The amount of each arbitrator's remuneration shall be fixed by the JCAA. The JCAA shall determine an hourly rate within the range of USD 500 to USD 1,500 for each arbitrator taking into account the arbitrator's experience, the complexity of the case and related matters, and in appropriate cases after having conferred with the Parties; provided that the hourly rate for the presiding arbitrator shall not be lower than the hourly rate for the other arbitrators. Notwithstanding Rule 20.2, the JCAA may determine any other hourly rate if all of the Parties agree. The arbitrator(s) shall provide the JCAA with a monthly report by the 20th of the following month that states the Arbitration Hours under Rule 19 and a description of the work performed for each day. 								
<p>Article 94. Upper Limit of Arbitrator's Remuneration</p> <ol style="list-style-type: none"> The upper limit of a sole arbitrator's remuneration shall be calculated on the basis of the Amount or Economic Value of Claim as follows: <table border="1" data-bbox="159 1684 794 2058"> <thead> <tr> <th data-bbox="159 1684 475 1818">Amount or Economic Value of Claim</th> <th data-bbox="475 1684 794 1818">Upper limit of Remuneration (not including consumption tax)</th> </tr> </thead> <tbody> <tr> <td data-bbox="159 1818 475 1890">Less than JPY 20,000,000</td> <td data-bbox="475 1818 794 1890">JPY2,000,000</td> </tr> <tr> <td data-bbox="159 1890 475 2024">JPY 20,000,000 or more but less than JPY 100,000,000</td> <td data-bbox="475 1890 794 2024">JPY 2,000,000 <i>plus</i> 2.5% of any amount in excess of JPY20,000,000</td> </tr> <tr> <td data-bbox="159 2024 475 2058">JPY 100,000,000 or more</td> <td data-bbox="475 2024 794 2058">JPY 4,000,000 <i>plus</i> 2.5% of any amount in excess of JPY100,000,000</td> </tr> </tbody> </table>	Amount or Economic Value of Claim	Upper limit of Remuneration (not including consumption tax)	Less than JPY 20,000,000	JPY2,000,000	JPY 20,000,000 or more but less than JPY 100,000,000	JPY 2,000,000 <i>plus</i> 2.5% of any amount in excess of JPY20,000,000	JPY 100,000,000 or more	JPY 4,000,000 <i>plus</i> 2.5% of any amount in excess of JPY100,000,000	<p>Delete</p>
Amount or Economic Value of Claim	Upper limit of Remuneration (not including consumption tax)								
Less than JPY 20,000,000	JPY2,000,000								
JPY 20,000,000 or more but less than JPY 100,000,000	JPY 2,000,000 <i>plus</i> 2.5% of any amount in excess of JPY20,000,000								
JPY 100,000,000 or more	JPY 4,000,000 <i>plus</i> 2.5% of any amount in excess of JPY100,000,000								

Arbitrator's Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)										
<table border="1"> <tr> <td data-bbox="159 302 470 398">more but less than JPY 500,000,000</td> <td data-bbox="478 302 782 398">1.5% of any amount in excess of JPY100,000,000</td> </tr> <tr> <td data-bbox="159 407 470 533">JPY 500,000,000 or more but less than JPY 1,000,000,000</td> <td data-bbox="478 407 782 533">JPY 10,000,000 <i>Plus</i> 0.4% of any amount in excess of JPY500,000,000</td> </tr> <tr> <td data-bbox="159 542 470 698">JPY 1,000,000,000 or more but less than JPY 5,000,000,000</td> <td data-bbox="478 542 782 698">JPY 12,000,000 <i>Plus</i> 0.1% of any Amount in excess of JPY1,000,000,000</td> </tr> <tr> <td data-bbox="159 707 470 878">JPY 5,000,000,000 or more but less than JPY 10,000,000,000</td> <td data-bbox="478 707 782 878">JPY 16,000,000 <i>plus</i> 0.08% of any amount in excess of JPY5,000,000,000</td> </tr> <tr> <td data-bbox="159 887 470 1120">JPY 10,000,000,000 or more</td> <td data-bbox="478 887 782 1120">JPY 20,000,000 <i>plus</i> 0.02% of any amount in excess of JPY10,000,000,000 (JPY 30,000,000 is maximum)</td> </tr> </table>	more but less than JPY 500,000,000	1.5% of any amount in excess of JPY100,000,000	JPY 500,000,000 or more but less than JPY 1,000,000,000	JPY 10,000,000 <i>Plus</i> 0.4% of any amount in excess of JPY500,000,000	JPY 1,000,000,000 or more but less than JPY 5,000,000,000	JPY 12,000,000 <i>Plus</i> 0.1% of any Amount in excess of JPY1,000,000,000	JPY 5,000,000,000 or more but less than JPY 10,000,000,000	JPY 16,000,000 <i>plus</i> 0.08% of any amount in excess of JPY5,000,000,000	JPY 10,000,000,000 or more	JPY 20,000,000 <i>plus</i> 0.02% of any amount in excess of JPY10,000,000,000 (JPY 30,000,000 is maximum)	
more but less than JPY 500,000,000	1.5% of any amount in excess of JPY100,000,000										
JPY 500,000,000 or more but less than JPY 1,000,000,000	JPY 10,000,000 <i>Plus</i> 0.4% of any amount in excess of JPY500,000,000										
JPY 1,000,000,000 or more but less than JPY 5,000,000,000	JPY 12,000,000 <i>Plus</i> 0.1% of any Amount in excess of JPY1,000,000,000										
JPY 5,000,000,000 or more but less than JPY 10,000,000,000	JPY 16,000,000 <i>plus</i> 0.08% of any amount in excess of JPY5,000,000,000										
JPY 10,000,000,000 or more	JPY 20,000,000 <i>plus</i> 0.02% of any amount in excess of JPY10,000,000,000 (JPY 30,000,000 is maximum)										
<p>2 If the economic value of a claim cannot be calculated or is extremely difficult to calculate, such economic value shall be deemed to be JPY70,000,000.</p> <p>3 Where the arbitral tribunal is composed of three arbitrators, the upper limit of each arbitrator's remuneration shall be calculated as follows:</p> <p>(1) co-arbitrator: 80% of the upper limit of a sole arbitrator's remuneration; and</p> <p>(2) presiding arbitrator: 120% of the upper limit of a sole arbitrator's remuneration.</p>											
<p>Article 95. Reduction of Hourly Rate</p> <p>1 When the Arbitration Hours exceed 150 hours, the hourly rate shall be reduced by 10% for every 50 hours in excess of the initial 150 hours; provided that the reduction shall not exceed 50% of the original hourly rate.</p> <p>2 At the time of calculating the number of hours under Article 95.1, the traveling time under Article 92.2 shall not be counted.</p>	Delete										
Article 96. Reduction or	Rule 21. Reduction of Arbitrator's										

<p>Arbitrator’s Remuneration and Administrative Fee under the amended Commercial Arbitration Rules</p>	<p>Administrative Rules for UNCITRAL Arbitration (amended)</p>
<p>Non-Payment of Arbitrator’s Remuneration</p> <p>1 The remuneration of the following arbitrator(s) shall not be paid:</p> <p>(1) if the arbitral proceedings have been terminated before constitution of the arbitral tribunal: each member of the tribunal;</p> <p>(2) if an arbitrator ceases to perform his or her duty because of death, challenge, removal (except for removal by the agreement between the Parties), or resignation: such arbitrator;</p> <p>2 Notwithstanding Article 97.1(2), where the arbitral tribunal is composed of more than one arbitrator, the JCAA shall determine the remuneration of the arbitrator who ceases to perform his or her duty because of death or illness, taking into account the Arbitration Hours spent, the arbitrator’s contribution to the resolution of the dispute and any other relevant circumstances.</p>	<p>Remuneration</p> <p>1. If an arbitrator ceases to perform his or her duties due to his or her resignation or other reasons during arbitral proceedings, the JCAA, in consideration of the circumstances that led to the ceasing of his or her duties, may decide to reduce the arbitrator’s remuneration calculated under Rule 20.</p> <p>2. When the JCAA decides to reduce the arbitrator’s remuneration under Rule 21.1, the JCAA shall consult with the Committee for Reviewing Arbitrator’s Remuneration and take into account the Committee’s proposal.</p> <p>3. The JCAA’s decision to reduce the arbitrator’s remuneration under Rule 21.1 shall be final.</p>
<p>Article 97. Parties’ Agreement on Change of Arbitrator’s Remuneration before Constitution of the Arbitral Tribunal</p> <p>1 Notwithstanding Article 93 through 96, the Parties may agree in writing, only before constitution of the arbitral tribunal under Article 31.2, to change the arbitrator’s hourly rate, the upper limit of the arbitrator’s remuneration, the reduction of hourly rate and reduction or non-payment of the arbitrator’s remuneration.</p> <p>2. The conditions with respect to the hourly rate, the upper limit of the remuneration, the reduction of hourly rate, or reduction or non-payment of remuneration which are applied to the arbitrator appointed by the JCAA under Article 28.6 or 29.6 shall be the same as or more favorable than the conditions agreed by the Parties under Article 97.1, whichever is favorable to the co</p>	<p>Delete</p>

Arbitrator’s Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
arbitrators.. 3 If the Parties make an agreement under Article 97.1, the Parties shall notify the JCAA thereof without delay.	
Article 98. No-Change of Arbitrator’s Remuneration after Constitution of the Arbitral Tribunal 1 No arbitrator shall consult or negotiate with the Parties or the JCAA to change the arbitrator’s hourly rate, the upper limit of the arbitrator’s remuneration, the reduction of hourly rate, or reduction or non-payment of remuneration under Part 3 of the Rules after the constitution of the arbitral tribunal under Article 31.2. 2 The arbitrator’s hourly rate, the upper limit of the arbitrator’s remuneration, and the reduction of hourly rate and reduction or non-payment of the arbitrator’s remuneration under Part 3 of the Rules shall not be changed after constitution of the arbitral tribunal under Article 31.2, even if all the Parties so agree.	Delete
Article 99. Change of the Upper-Limit for Arbitrators’ Remuneration by Agreement among Arbitrators 1 Notwithstanding Article 94.3, where the arbitral tribunal is composed of three arbitrators and a co-arbitrator performs the scope of the presiding arbitrator’s duties under Article 31.3, all three arbitrators may agree to lower the upper limit of the presiding arbitrator’s remuneration and change the upper limit of such co-arbitrator’s remuneration to up to 120% of that of the sole arbitrator’s remuneration; provided that the sum of the upper limit of each arbitrator’s remuneration shall not exceed 280% of that of the sole arbitrator’s remuneration. 2 If the arbitrators make an agreement under Article 99.1, the arbitrators shall notify the JCAA thereof without delay.	Delete
Article 100. Payment of Arbitrator’s Remuneration	Rule 22. Payment of Arbitrator’s Remuneration

Arbitrator's Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)
<ol style="list-style-type: none"> 1 The JCAA shall pay to the arbitrator his or her remuneration without delay after the time limit under Articles 68 through 70 has passed, upon the arbitrator's rendering an arbitral award or making a determination to terminate the arbitral proceedings, or upon termination of arbitral proceedings for any other reason. 2 If an arbitrator ceases to perform his or her duty due to his or her resignation or other reasons, the JCAA shall pay to the arbitrator his or her remuneration without delay after the time limit under Articles 68 through 70 has passed unless such arbitrator's remuneration is not to be paid under Article 96.1. 3 When the JCAA pays the arbitrator's remuneration, the applicable consumption tax shall be added to the amount of such remuneration. 	<ol style="list-style-type: none"> 1 The JCAA shall pay to the arbitrator his or her remuneration without delay after the time limit under Rules 37 through 39 of the UNCITRAL Arbitration Rules has passed, upon the arbitrator's rendering an arbitral award or making a determination to terminate the arbitral proceedings, or upon termination of arbitral proceedings for any other reason. 2 Notwithstanding Rule 22.1, with the consent of all the Parties, the JCAA may pay to the arbitrator his or her remuneration before the time limit under Rule 22.1, if the arbitral proceedings are expected to be prolonged. 3 When the JCAA pays the arbitrator's remuneration, the applicable consumption tax shall be added to the amount of such remuneration.
<p>Article 101. Arbitrator's Expenses</p> <ol style="list-style-type: none"> 1 The arbitrator shall be entitled to reimbursement by the JCAA of the following expenses incurred to the extent reasonable and required for the arbitral proceedings: <ol style="list-style-type: none"> (1) transportation expenses (business-class airfares and equivalent class fares for other modes of transportation); (2) cost of post, courier, telephone calls, copies or any other expenses that the JCAA finds reasonable taking into consideration the nature of the case; and (3) remuneration and expenses of the Tribunal Secretary 2 If an arbitrator is required to use overnight accommodation, he or she shall be paid JPY60,000 as the flat rate of <i>per diem</i> allowance which covers hotel charges, meals and other personal living expenses.. 3 Articles 97.1 through 97.3 shall apply <i>mutatis mutandis</i> to Article 101.1 and 101.2. 4 The Parties shall bear the expenses and <i>per diem</i> allowance under Articles 101.1 	<p>Rule 23. Arbitrator's Expenses</p> <ol style="list-style-type: none"> 1 The arbitrator shall be entitled to reimbursement by the JCAA of his or her reasonable hotel and other expenses. 2 The Parties shall bear the above expenses and entrust to the JCAA the necessary work for reimbursement of such expenses. The JCAA shall reimburse the arbitrator's expenses if the arbitrator submits to the JCAA the receipt or any equivalent documentary evidence thereof.

Arbitrator’s Remuneration and Administrative Fee under the amended Commercial Arbitration Rules	Administrative Rules for UNCITRAL Arbitration (amended)								
<p>and 101.3, and entrust to the JCAA the necessary work for reimbursement and payment of such expenses and allowance.</p> <p>5 The JCAA shall reimburse the arbitrator’s expenses and pay the <i>per diem</i> allowance under Articles 101.1 and 101.3 if the arbitrator submits to the JCAA the receipt or any equivalent documentary evidence thereof.</p>									
<p>Article 102. Special Rules concerning Emergency Arbitrator’s Remuneration</p> <p>1 Articles 93 through 95 and 99 shall not apply to the emergency arbitrator’s remuneration and related matters.</p> <p>2 The emergency arbitrator’s remuneration shall be JPY1,200,000 regardless of the Amount or Economic Value of Claim. Where the proceedings are terminated before the emergency arbitrator makes a determination on the application for Emergency Measures, the emergency arbitrator’s remuneration shall be JPY300,000.</p> <p>3 Articles 96 through 98, 100 and 101 shall apply <i>mutatis mutandis</i> to the payment of the emergency arbitrator’s remuneration and expenses, respectively.</p>	<p>Delete</p>								
<p>PART 4 ADMINISTRATIVE FEE</p>	<p>PART 3 ADMINISTRATIVE FEE</p>								
<p>Article 103. Administrative Fee</p> <p>1 The administrative fee that the claimant shall pay at the time of submitting a Request for Arbitration shall be the following amount <i>plus</i> applicable consumption tax:</p> <table border="1" data-bbox="169 1805 791 2002"> <thead> <tr> <th data-bbox="169 1805 483 1908">Amount or Economic Value of Claim</th> <th data-bbox="489 1805 791 1908">Amount of Administrative Fee</th> </tr> </thead> <tbody> <tr> <td data-bbox="169 1917 483 2002">Less than JPY20,000,000</td> <td data-bbox="489 1917 791 2002">JPY 500,000</td> </tr> </tbody> </table>	Amount or Economic Value of Claim	Amount of Administrative Fee	Less than JPY20,000,000	JPY 500,000	<p>Rule 24. Administrative Fee</p> <p>1 The administrative fee that the claimant shall pay at the time of submitting a Request for Arbitration shall be the following amount <i>plus</i> applicable consumption tax:</p> <table border="1" data-bbox="829 1792 1449 1993"> <thead> <tr> <th data-bbox="829 1792 1144 1895">Amount or Economic Value of Claim</th> <th data-bbox="1150 1792 1449 1895">Amount of Administrative Fee</th> </tr> </thead> <tbody> <tr> <td data-bbox="829 1904 1144 1993">Less than JPY20,000,000</td> <td data-bbox="1150 1904 1449 1993">JPY 500,000</td> </tr> </tbody> </table>	Amount or Economic Value of Claim	Amount of Administrative Fee	Less than JPY20,000,000	JPY 500,000
Amount or Economic Value of Claim	Amount of Administrative Fee								
Less than JPY20,000,000	JPY 500,000								
Amount or Economic Value of Claim	Amount of Administrative Fee								
Less than JPY20,000,000	JPY 500,000								

Arbitrator's Remuneration and Administrative Fee under the amended Commercial Arbitration Rules		Administrative Rules for UNCITRAL Arbitration (amended)	
JPY 20,000,000 or more but less than JPY100,000,000	JPY 500,000 <i>plus</i> 1% of any amount in excess of JPY20,000,000	JPY 20,000,000 or more but less than JPY100,000,000	JPY 500,000 <i>plus</i> 1% of any amount in excess of JPY20,000,000
JPY 100,000,000 or more but less than JPY 1,000,000,000	JPY 1,300,000 <i>plus</i> 0.3% of any amount in excess of JPY100,000,000	JPY 100,000,000 or more but less than JPY 1,000,000,000	JPY 1,300,000 <i>plus</i> 0.3% of any amount in excess of JPY100,000,000
JPY 1,000,000,000 or more but less than JPY 5,000,000,000	JPY 4,000,000 <i>plus</i> 0.25% of any amount in excess of JPY1,000,000,000	JPY 1,000,000,000 or more but less than JPY 5,000,000,000	JPY 4,000,000 <i>plus</i> 0.25% of any amount in excess of JPY1,000,000,000
JPY 5,000,000,000 or More but less than JPY 10,000,000,000	JPY 14,000,000 <i>plus</i> 0.1% of any amount in excess of JPY5,000,000,000	JPY 5,000,000,000 or more but less than JPY 10,000,000,000	JPY 14,000,000 <i>plus</i> 0.1% of any amount in excess of JPY5,000,000,000
JPY 10,000,000,000 or more	JPY 19,000,000 <i>plus</i> 0.05% of any Amount in excess of JPY10,000,000,000 (JPY 25,000,000 is maximum)	JPY 10,000,000,000 or more	JPY 19,000,000 <i>plus</i> 0.05% of any amount in excess of JPY10,000,000,000 (JPY 25,000,000 is maximum)
2 If the economic value of a claim cannot be calculated or is extremely difficult to calculate, such economic value shall be deemed to be JPY70,000,000.		2 If the economic value of a claim cannot be calculated or is extremely difficult to calculate, such economic value shall be deemed to be JPY70,000,000.	
3 Where the claim includes a claim for interest, damages, or other amounts accruing or being caused continuously, the administrative fee shall be calculated based upon the amount of the claim <i>plus</i> the amount of interest, damages, or other such amount for a period of one year from the date of submitting the Request for Arbitration.		3 Where the claim includes a claim for interest, damages, or other amounts accruing or being caused continuously, the administrative fee shall be calculated based upon the amount of the claim <i>plus</i> the amount of interest, damages, or other such amount for a period of one year from the date of submitting the Request for Arbitration.	
4 Where the amount of claim(s) is denominated in a currency other than Japanese Yen, the amount shall be converted into Japanese Yen at the TTM rate or any other reasonable exchange rate designated by JCAA as of the business day immediately preceding the date of submission of the Request for Arbitration.		4 Where the amount of claim(s) is denominated in a currency other than Japanese Yen, the amount shall be converted into Japanese Yen at the TTM rate or any other reasonable exchange rate designated by JCAA as of the business day immediately preceding the date of submission of the Request for Arbitration.	
Article 104. Administrative Fee in		Rule 25. Administrative Fee in the	

<p>Arbitrator’s Remuneration and Administrative Fee under the amended Commercial Arbitration Rules</p>	<p>Administrative Rules for UNCITRAL Arbitration (amended)</p>
<p>the Case of Modification of Amount of Claim</p> <p>1 If, after paying the administrative fee, the claimant increases the amount of the claim or adds another claim, the administrative fee shall be the amount obtained by applying Article 103 to the claim as modified; provided that “the date of submission of the Request for Arbitration” under Article 103.3 shall be read as “the date of increasing the amount of the claim or adding another claim.”</p> <p>2 Article 104.1 shall apply <i>mutatis mutandis</i> if the economic value of the claim which has been deemed to be JPY70,000,000 under Article 103.2 is found to exceed JPY70,000,000.</p>	<p>Case of Modification of Amount of Claim</p> <p>1 If, after paying the administrative fee, the claimant increases the amount of the claim or adds another claim, the administrative fee shall be the amount obtained by applying Rule 24 to the claim as modified; provided that “the date of submission of the Request for Arbitration” under Rule 24.3 shall be read as “the date of increasing the amount of the claim or adding another claim.”</p> <p>2 Rule 25.1 shall apply <i>mutatis mutandis</i> if the economic value of the claim which has been deemed to be JPY70,000,000 under Rule 25.2 is found to exceed JPY70,000,000.</p>
<p>Article 105. Administrative Fee in the Case of Withdrawal of All Claims</p> <p>If the claimant, within thirty days after the commencement of the arbitral proceedings and before the arbitral tribunal has been constituted, withdraws all its claims, the JCAA shall refund 90% of the total amount of the administrative fee.</p>	<p>Rule 26. Administrative Fee in the Case of Withdrawal of All Claims</p> <p>If the claimant, within thirty days after the commencement of the arbitral proceedings and before the arbitral tribunal has been constituted, withdraws all its claims, the JCAA shall refund 90% of the total amount of the administrative fee.</p>
<p>Article 106. Administrative Fee in the Case of Withdrawal of All Claims where Expedited Arbitration Procedures Apply</p> <p>In the case where the provisions of Part 2 of the Rules shall apply, if the claimant, within ten days after the commencement of the arbitral proceedings and before the arbitral tribunal has been constituted, withdraws all its claims, the JCAA shall refund 90% of the total amount of the administrative fee.</p>	
<p>Article 107. Application in the Case of Counterclaim and Third Party Joinder</p> <p>Articles 103 through 106 shall apply to (a) a counterclaim made by the respondent and (b) a claim made by or against the third party who has joined the arbitration proceedings under Article 56.</p>	<p>Rule 27. Application in the Case of Counterclaim and Third Party Joinder</p> <p>Rules 24 through 26 shall apply to (a) a counterclaim made by the respondent and (b) a claim made against the third party who has joined the arbitration proceedings.</p>
<p>Article 108. Special Rules</p>	

<p>Arbitrator's Remuneration and Administrative Fee under the amended Commercial Arbitration Rules</p>	<p>Administrative Rules for UNCITRAL Arbitration (amended)</p>
<p>concerning Application for Emergency Measures</p> <ol style="list-style-type: none"> 1 Articles 103 through 107 shall not apply to an application for Emergency Measures. 2 At the time of submitting an application for Emergency Measures, the applicant shall pay the following administrative fee and deposit to cover a part of the emergency arbitrator's expenses and other reasonable expenses incurred with respect to the proceedings: Administrative Fee: JPY200,000 <i>plus</i> applicable consumption tax Deposit: JPY100,000. 3 If the applicant, before the emergency arbitrator has been appointed, withdraws the application for Emergency Measures, the JCAA shall refund 90% of the amount of the administrative fee. 	
<p>Supplementary Provisions</p> <ol style="list-style-type: none"> 1 These Rules shall come into effect on January 1, 2019. 2 Any arbitral proceedings commenced before these Rules come into effect shall be governed by the former Rules; provided that subsequent proceedings may, upon agreement of the Parties, be conducted pursuant to these Rules. In the event of such an agreement between the Parties, the arbitral proceedings that already have been conducted pursuant to the former Rules shall remain valid. 	<p>Supplementary Provisions</p> <ol style="list-style-type: none"> 1 The Rules shall come into effect on January 1, 2019. 2 Any arbitral proceedings commenced before the Rules come into effect shall be governed by the former Rules; provided that subsequent proceedings may, upon agreement of the Parties, be conducted pursuant to the Rules. In the event of such an agreement between the Parties, the arbitral proceedings that already have been conducted pursuant to the former Rules shall remain valid.