



**Dispute Resolution Code**

**Adopted by the Board of Directors on July 23<sup>rd</sup> 2022**

## Introduction

In accordance with the sporting ideals and principles of the Sport of Kickboxing, WAKO expects its affiliated Members, there including WAKO Continental Divisions, and their respective members or affiliated entities (i.e. officials, referees, doctors, coaches, athletes, other) as well as the members of WAKO Committees or any WAKO bodies (collectively, the “**Members**”) and all persons who participate or assist in WAKO events, competitions and activities (collectively, the “**Related Parties**”) and, together with the Members, the “**Subjects**”) to respect the WAKO’s Statutes, By-laws, rules, regulations and any additional provisions, the WADA-Code and the principles of the WAKO Code of Ethics (collectively, the “**Rules**”).

In order to guarantee the above-mentioned provisions and principles, this Dispute Resolution Code (hereinafter, the “**Code**”) sets forth the provisions according to which the Arbitration Committee, as the competent body of WAKO to deal with any legal disputes, conducts the procedure relating to the disputes submitted to the same by any Subjects in connection with any breach of the said Rules.

This Code is adopted in accordance with and as a supplement to the provisions of WAKO’s Statutes and WAKO By-laws.

- (A) Unless otherwise provided herein, appeal under this Code is the sole mean for the resolution by any Subject (persons or legal entities) of any relevant WAKO-related disputes.
- (B) Unless otherwise provided herein, resolutions or actions under this Code are final.
- (C) Except as provided herein, appeal of decisions taken under this Code can be made only to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.

## Scope of application

This Code provides for resolution of WAKO-related disputes among Members and Related Parties or between Members or Related parties and WAKO.

WAKO-related disputes include but are not limited to disputes that arise related to WAKO membership, participation in WAKO events, promoted or sanctioned championships, and that involve the application and/or violation of the WAKO Rules.

## Competent bodies

### **Art. 1 Arbitration Committee**

1. The Arbitration Committee is competent to deal with any juridical and legal matter or dispute which is submitted to its attention and which may arise in connection with the application and/or violation of WAKO’s Statutes, By-laws or any regulation, policies, guidelines, directive, operations and decisions of WAKO’s bodies which cannot be resolved through the standard internal operational procedures of WAKO.
2. The Arbitration Committee also considers and renders decisions on the matters referred to it by each Member (as defined above) or Related Parties (as defined above).
3. The Arbitration Committee is also responsible to handle all negotiations, mediations and protests due to decisions taken by other WAKO Committees, situations that occur relating to WAKO activities in general. The Committee must assure fair, neutral and democratic treatment of every case presented to it. If conflicts of interest of any kind, a member cannot take part in discussion and he/she will not have a voting right.

4. The Arbitration Committee consists of 3 (three) up to maximum 5 (five) members, as appointed by the Board of Directors, who must all be qualified lawyers independent and external to WAKO.
5. The rules on the functioning of the Arbitration Committee are those provided under this Code and article 43 of WAKO's Statutes.
6. The Arbitration Committee is authorized to sanction the relevant Subject for a violation of the WAKO Rules, according to section 1.1.

## Procedure

### **Art. 2. Arbitration proceedings**

1. The procedure under this Code is initiated by the petitioner (the "**Claimant**") by written notification (or by e-mail) submitted to the Chairman of the Arbitration Committee. This request has to be filed within 30 days after the day of knowledge of the infringements of WAKO Rules but, in any event, no later than 1 year.
2. The claim of the Claimant must contain:
  - the name and full address of the Claimant and the Respondent;
  - a brief statement of the facts and legal argument, including a statement of the issue to be submitted to the Arbitration Committee for determination;
  - any relevant information or proof;(collectively, the "**Complaint**").
3. Following the receipt of the Complaint, the Chairman of the Arbitration Committee determines whether the case shall be handled by a sole member or by a panel of 3 (three) members of the Arbitration Committee.
4. Moreover, the Arbitration Committee may assess and communicate to the Claimant and WAKO Administration – within 30 days from receipt of the relevant Complaint – whether it deems to have competence to handle the case or, alternatively, if the case must be submitted to the attention of another WAKO Committee (i.e. Disciplinary and Ethical Committee, other). In the last case, the Arbitration Committee will inform the Claimant and send the Complaint to the relevant Committee for appropriate consideration.

### **Art. 3 Conduct of the arbitration proceedings**

1. As regards to the arbitration proceedings which are under the competence of the Arbitration Committee, the Arbitration Committee, once appointed for a case, appoints one of its members as secretary, studies the dossier and then fixes the deadlines for the procedural stages of the arbitration proceeding by communicating them in writing to the parties.
2. The Arbitration Committee, respectively its members acting as panel members or as a sole arbitrator shall fix, subject to later changes, the amount, the method and the time limits for the payment of the advance of costs. The filing of a counterclaim by the Respondent, or a new claim, may result in the calculation of additional advances. In order to determine the amount that shall be paid in advance, the Arbitration Committee shall fix an estimate of the costs of arbitration, which shall be borne by the parties as determined by the Arbitration Committee. The Arbitration Committee may demand to the Claimant who submitted the Complaint to make

an advance payment up to the amount of the total expected court costs, or request an equal participation from all parties. If a party fails to pay, another may substitute for it; in case of non-payment of the entire advance of costs within the time limit fixed by the Arbitration Committee, respectively its members acting as a panel or as a sole arbitrator, the Complaint shall be deemed withdrawn and the Arbitration Committee shall terminate the arbitration; this provision applies *mutatis mutandis* to any counterclaim.

3. At the end of the proceedings, the Arbitration Committee shall determine the final amount of the cost of arbitration, which shall include:
  - the costs and fees of the arbitrators;
  - the final account of the arbitration costs may either be included in the award or communicated separately to the parties.
  - the advance of costs already paid by the parties are not reimbursed by the Arbitration Committee with the exception of the portion which exceeds the total amount of the arbitration costs.
4. The scale of fees of the arbitrators is based on an hourly rate of CHF 250. Depending on the complexity of the matter, this may be increased to CHF 300 per arbitrator. Each party shall advance the cost of its own witnesses, interpreters and experts.
5. In the arbitral award, the Arbitration Committee shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Arbitration Committee has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Arbitration Committee shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.
6. Any person implicated in a case submitted to the Arbitration Committee shall be immediately informed in writing by the Arbitration Committee on the start of the arbitration proceedings.
7. The merits of the case will be decided on the basis of the written briefs submitted by the relevant parties within the deadlines indicated by the Arbitration Committee in its communications and of the hearings of the parties and the witnesses which may be requested by the Arbitration Committee.
8. The case language will be English.
9. The applicable legislation will be that of the country where WAKO's domicile is registered unless the Arbitration Committee determines otherwise.
10. The Arbitration Committee will decide by majority vote of its members.
11. Notification of the arbitration award will be sent to the parties concerned in such a manner that receipt can be proven pursuant to the applicable laws.

#### **Art. 4 Appeal**

1. Decisions passed by the Arbitration Committee may be appealed only before CAS within 30 days from the date of issuance of the relevant arbitration award.

2. Time limits to which the party shall adhere commence the 1st day after the party has received the relevant document.
3. The appeal has not a suspensive effect. While performing their duties, the parties shall remain loyal to WAKO and the decisions of its competent bodies and the various Committees.