**Model Request for ICT Mediation**

If you wish to start ICT mediation proceedings through SGOA *(Stichting Geschillenoplossing Automatisering,* or ‘foundation for the resolution of ICT disputes’), you need to observe the rules set out in the ICT Mediation Rules. The mediation procedure always starts with an ‘Application’. The request can be submitted by just one of the parties, but it is also possible for the parties involved in the dispute to submit a joint request. The request can be recorded in a basic letter. Article 3 of the ICT Mediation Rules specifies exactly what information should be included in the application. You will find a basic model below to help you in compiling an application. This model is for an application for ICT mediation submitted by one of the parties to the dispute.

You should complete the model application using the information and data relevant to your case.

The model application assumes that both you and the opposing party have engaged an authorized representative, for example a lawyer. However this is not mandatory; you may take part in the ICT mediation entirely unaided, i.e. without the support of an authorized representative. In that case, you should delete the passage(s) referring to the authorized representative.

The supporting evidence for the application does not have to satisfy specific requirements. You are therefore free to describe the dispute, your views on the matter and your claim(s) as you see fit.

Stichting Geschillenoplossing Automatisering

Herenweg 115

2105 MG HEEMSTEDE

The Netherlands

**By email (****info@sgoa.eu****)**

 <..place..>, <..date..>

**Subject:** ICT MEDIATION BETWEEN .............BV AND ..................BV

Dear ……,

With reference to Article 3.1 of the ICT Mediation Rules of the Stichting Geschillenoplossing Automatisering ('foundation for the resolution of ICT disputes', hereinafter referred to as SGOA), I hereby submit the following dispute for ICT mediation by SGOA as the authorized representative acting on behalf of ........... BV (hereinafter referred to as ....), based in ....... and with its registered office in .... This letter should be considered as an application in the sense of the aforementioned article. The claimant has taken note of the costs associated with instituting and conducting mediation as documented in the applicable rules and associated appendix.

I will clarify this application for ICT mediation point by point as follows:

**1.**  **The claimant**

1.1 The claimant in this ICT mediation case is .................BV.

1.2 The details of ............... BV are as follows:

 Name given in the articles of association:

 Registered office:

Director under the articles of association:

Office address:

Postal address:

 Phone number:

 Fax number:

 Email address:

A copy of the certificate of registration in the Commercial Register is attached.

**2.**  **Details of the opposing party**

2.1 The opposing party in these mediation proceedings is .......................BV (hereinafter referred to as .........) with its registered office in .............. The details of this company are as follows:

Name in the articles of association:

Registered office:

Director under the articles of association:

Office address:

Postal address:

Phone number:

Fax number:

Email address:

A copy of the certificate of registration in the Commercial Register is attached.

**3.**  **Brief description of the dispute**

3.1 ..............*GIVE A BRIEF DESCRIPTION OF THE DISPUTE HERE (FROM YOUR VIEWPOINT).*

3.2 The following documents are included with this application:

Appendix 1: .........

Appendix 2: ......... etc.

**4.**  **Dispute settlement rules**

4.1 The agreement between ......... and .......... is governed by the general terms and conditions of ...............BV. ........... BV was provided with these general terms and conditions before the agreement was concluded and ......... BV is familiar with their contents. ICT mediation by SGOA was/was not *(make a choice)* agreed in the dispute settlement rules included in these terms and conditions. These general terms and conditions have been added as an appendix to this application.

*(OPTIONAL) ICT mediation by SGOA was agreed in the agreement between ……… and ………... The agreement that includes the provision concerning ICT mediation by SGOA has been added as an appendix to this application.*

**5.**  **The views of .........BV on how the project has progressed**

5.1 At a later stage in these ICT mediation proceedings, .....BV will elaborate on its views on the content and performance of the agreement and the involvement of both parties, thereby submitting all the necessary documents.

5.2 ……. BV feels it is important to avoid having the dispute escalate unnecessarily and has consequently expressed its intention to play a constructive role in these ICT mediation proceedings.

**6.**  **Claim by .....BV**

6.1 In view of Article 3.1 in the ICT Mediation Rules, .......BV is required to specify a claim in this introductory document.

*……DESCRIPTION OF DEMANDS AND CLAIMS; THIS CAN BE IN GENERAL TERMS IF WISHED….*

...... BV will specify its claim and contribution to these ICT mediation proceedings in more detail at a later stage. .........BV expressly reserves the right to amend its claim.

**7.**  **In conclusion**

I sent a copy today of this letter and the attached exhibits directly to Mr/Ms ………… of the opposing party, ..................BV.

I look forward to hearing from you,

Yours faithfully,

…..

<name> If appropriate, the name of the authorized representative