



ictQATAR Dispute Resolution Rules

1. Purpose and Authority

- 1.1 These dispute resolution Rules are hereby issued by ictQATAR pursuant to the authority vested in the General Secretariat by Articles 2, 4, 5, and 61-63 of the Telecommunications Law and Articles 4, 6, 121, 122, 123, 124-126, and 127-132 of the Executive By-Law.
- 1.2 The purpose of these Rules is to assist the General Secretariat in the fair and efficient resolution of disputes arising between service providers.

2. Definitions

- 2.1 **Supreme Council:** The Supreme Council of Information and Communication Technology “ictQATAR.”
- 2.2 **General Secretariat:** the General Secretariat of the Supreme Council.
- 2.3 **Law:** The Telecommunications Law issued by Decree Law No. (34) of 2006.
- 2.4 **By-Law:** The Executive By-Law of the Telecommunications Law.
- 2.5 **Person:** a natural or juridical person of any type or form.
- 2.6 **Information Request:** an order issued by the General Secretariat requiring the provision of specified information, including original documents or copies of the same, pursuant to the Law or Executive By-Law.

3. Dispute Resolution Procedures

3.1 Condition Precedent

- 3.1.1 Consistent with the requirements of Article 61 of the Telecommunications Law, a suit between service providers arising under the Telecommunications Law or Executive By-Law must first be submitted for resolution by ictQATAR through the filing of a complaint pursuant to section 3.4 of these Rules.

3.2 Filing and Service

- 3.2.1 Unless otherwise provided, pleadings and other documents are considered to be filed with ictQATAR upon their receipt at the location designated by ictQATAR.
- 3.2.2 Where any person is required to serve any document filed with ictQATAR on or before a particular date and time, service shall be made by that person or by his representative on or before the date and time on which the document is filed. Documents may be served upon a party, his legal representative, or other duly constituted agent.

3.3 General Pleading Requirements

- 3.3.1 Complaint proceedings will be resolved on a written record consisting of a complaint, answer, and reply, and such other pleadings that ictQATAR, in its discretion, may allow. The pleadings shall be accompanied by associated affidavits, exhibits and other attachments. ictQATAR complaint proceedings may also require or permit other written submissions such as briefs, written responses to information requests, and other supplementary documents or pleadings.
- 3.3.2 Pleadings must be clear, concise, and explicit. All matters concerning a claim, defense or requested remedy, including damages, should be pleaded fully and with specificity.
- 3.3.3 Pleadings relating to alleged violations of the Telecommunications Law and Executive By-Law and/or the Licenses, rules, decisions, instructions or regulations issued by ictQATAR must contain facts which, if true, are sufficient to constitute a violation of the law, or a defense to such alleged violation.
- 3.3.4 Facts must be supported by relevant documentation or affidavit.
- 3.3.5 Legal arguments must be supported by appropriate legal reasoning.
- 3.3.6 Copies must be provided of all legal reasoning relied upon which is not routinely available in national reporting systems, such as unpublished decisions of courts or administrative agencies.
- 3.3.7 Parties are responsible for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding. Information submitted, as well as relevant legal reasoning, must be current and updated as necessary and in a timely manner at any time before a decision is rendered on the merits of the complaint.
- 3.3.8 Pleadings shall identify the name, address, telephone number, and facsimile transmission number for either the filing party's legal representative or, where a party is not represented by a legal representative, the filing party or the filing party's nominated representative.

- 3.3.9 All Pleadings must include a certification that they have been served on the opposing party and filed with ictQATAR.

3.4 Complaint

- 3.4.1 Any service provider aggrieved by the conduct of another service provider that it believes constitutes a violation of the Telecommunications Law, Executive By-Law and/or the Licenses, rules, decisions, instructions or regulations issued by ictQATAR may commence a dispute resolution proceeding to obtain enforcement of the law through the submission of a written complaint to ictQATAR.

- 3.4.2 A complaint filed with ictQATAR shall contain:

3.4.2.1 The name, address, telephone number, and email address of the complainant;

3.4.2.2 The name, address, telephone number, and email address of the defendant against whom the complaint is made;

3.4.2.3 A complete statement of facts which, if true, is sufficient to constitute a violation of the law, and which is supported by relevant documentation and/or other evidence;

3.4.2.4 A legal argument setting forth the reasons why the defendant's conduct violates the law, including citation to the law, License or regulation alleged to have been violated;

3.4.2.5 The specific relief requested by the complainant from ictQATAR, including a clear and unequivocal request for damages, if such relief is desired;

3.4.2.6 Certification that the complainant has attempted in good faith to resolve the dispute prior to filing the complaint or a statement of reasons why such requirement should be waived;

3.4.2.7 Certification that the required pre-filing notice in section 3.4.2.6 has been made to the defendant or a statement of reasons why such requirement should be waived;

3.4.2.8 A description of all documents, data compilations and tangible things in the complainant's possession, custody, or control, that are relevant to the facts alleged with particularity in the complaint;

3.4.2.9 Copies of all affidavits, documents, data compilations and tangible things in the complainant's possession, custody, or control, upon which the complainant relies or intends to rely to support the facts alleged and legal arguments made in the complaint; and

3.4.2.10 Certification that the complaint has been served on the defendant.

- 3.4.3 A complaint must be filed with ictQATAR no later than one (1) year of the date on which the harm is alleged to have occurred.

3.5 Answer

- 3.5.1 Except as otherwise directed by ictQATAR, any party upon which a complaint is served shall answer within a period to be determined by ictQATAR which shall not be less than seven (7) calendar days of service of the complaint.
- 3.5.2 The answer shall advise the complainant and ictQATAR fully and completely of the nature of any defense, and shall respond specifically to all material allegations of the complaint. The defendant shall admit or deny the averments on which the complainant relies, and state in detail the basis for admitting or denying such averment.
- 3.5.3 The answer shall contain a counter-statement of facts and legal analysis relevant to the claims and arguments set forth in the complaint.
- 3.5.4 Averments in a complaint are deemed to be admitted when not denied in the answer.
- 3.5.5 Affirmative defenses to allegations contained in the complaint shall be specifically captioned as such and presented separately from any denials.
- 3.5.6 The answer shall include an information designation containing a description of all documents, data compilations and tangible things in the defendant's possession, custody, or control, that are relevant to the facts alleged with particularity in the answer.
- 3.5.7 The answer shall attach copies of all affidavits, documents, data compilations and tangible things in the defendant's possession, custody, or control, upon which the defendant relies or intends to rely to support the facts alleged and legal arguments made in the answer.
- 3.5.8 The answer shall contain certification that the defendant has, in good faith, discussed or attempted to discuss, the possibility of settlement with the complainant prior to the filing of the formal complaint. Such certification shall include a brief summary of all steps taken to resolve the dispute prior to the filing of the formal complaint. If no such steps were taken, such certificate shall state the reason(s) why the defendant believed such steps would be fruitless.

3.6 Reply

- 3.6.1 Within ten (10) calendar days after service of an answer, unless otherwise directed by ictQATAR, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.
- 3.6.2 Failure to reply to an affirmative defense shall be deemed an admission of such affirmative defense and of any facts supporting such affirmative defense that are not specifically contradicted in the complaint.

- 3.6.3 The reply shall attach copies of all affidavits, documents, data compilations and tangible things in the complainant's possession, custody, or control upon which the complainant relies or intends to rely to support the facts alleged and legal arguments made in the reply.
- 3.6.4 The dispute shall be submitted to ictQATAR for decision upon the filing of the reply. Further pleadings may be filed by either party if ictQATAR, in its discretion, rules that such pleadings are necessary for a fair and equitable resolution to the dispute.

3.7 Additional Procedures and Written Submissions

- 3.7.1 ictQATAR may specify other procedures, such as oral argument or evidentiary hearing directed to particular aspects, as it deems appropriate.
- 3.7.2 ictQATAR may require the parties to submit any additional information it deems appropriate for a full, fair, and expeditious resolution of the proceeding.

3.8 Discovery

- 3.8.1 ictQATAR may, in its discretion, authorize the parties to a dispute to serve requests for discovery directly on opposing parties, and file a copy of the request with ictQATAR.
- 3.8.2 ictQATAR will review all relevant information provided by the complainant and the defendant and may request additional information from either or both parties through an information request when needed for a full resolution of the complaint.

3.9 Fast-Track Procedures

- 3.9.1 Notwithstanding any other requirement in these Rules, any party may request that ictQATAR implement fast-track procedures to resolve a dispute.
- 3.9.2 ictQATAR may consider a case qualifying for fast-track procedures where there is an immediate risk of (a) a serious threat to the safety of the public, to public health or to national security; (b) serious economic or operational problems for service providers or providers of associated facilities; (c) serious economic or operational problems for users of electronic communications networks, electronic communications services or associated facilities or (d) the public interest so requires.
- 3.9.3 If ictQATAR determines that a fast-track procedure should be applied, it shall stipulate an accelerated timetable for the filing of pleadings and other documents. ictQATAR may waive any other requirement in these Rules to facilitate the speedy resolution of a dispute.

3.10 Communications with ictQATAR and the Public

- 3.10.1 No communications will be permitted by any of the parties and/or their representatives with any employee of ictQATAR regarding the subject matter of the dispute while a complaint remains pending, unless the

time/date/duration/substance of such communications is noticed to all parties in writing.

- 3.10.2 Once a complaint is filed with ictQATAR, no party to the proceeding or any of its representatives may comment publicly about the dispute until after the final determination or decision is published by ictQATAR.

3.11 Confidentiality

3.11.1 Any materials filed in the course of a proceeding may be designated as confidential by that party if the party believes in good faith that the materials contain proprietary information. Any party asserting confidentiality for such materials shall so indicate by clearly marking each page, or portion thereof, for which a proprietary designation is claimed. If a proprietary designation is challenged, the party claiming confidentiality will have the burden of demonstrating to ictQATAR, by a preponderance of the evidence, that the material designated as proprietary should retain that designation for the remainder of the dispute resolution proceeding.

3.11.2 ictQATAR may issue an order allowing an opposing party to review proprietary information subject to appropriate procedures to limit the use of such confidential information to the formal complaint proceeding and otherwise protect proprietary information.

3.12 ictQATAR Ruling

3.12.1 ictQATAR will endeavor to issue a public decision on the complaint along with a statement of reasons within 60 days after the dispute is submitted to ictQATAR for decision.

3.12.2 ictQATAR may extend the time for resolving disputes for good cause where the interests of justice so requires.

3.13 Remedies

3.13.1 ictQATAR has discretion to impose interim measures, before it completes its full review of the pleadings, where it has reasonable suspicion that the provisions of the law are being infringed. ictQATAR may impose interim measures in order to prevent serious, irreparable damage to a particular person or category of person; or protect the public interest. In these circumstances, ictQATAR may give such directions as it considers appropriate for that purpose in order to prevent serious, irreparable damage or protecting the public interest.

3.13.2 Upon completion of the adjudicatory proceeding and issuance of the order, ictQATAR may in its discretion award remedies not inconsistent with the Telecommunications Law and Executive By-Law.

3.14 Amendment

These Rules may be amended by ictQATAR from time to time.