

# Referral Clauses for Expedited Arbitration in Intellectual Property Disputes in South Africa

## 1. Automatic Referral (no mediation)

- 1.1. 'Any dispute, controversy or claim arising under, out of, or relating to this contract and any amendments thereto or to the interpretation, validity, breach or termination thereof, shall be referred to and finally determined by arbitration by a single arbitrator in accordance with the Arbitration Rules as prescribed by the South African Institute of Intellectual Property Law and in force at the date of referral to arbitration.'
- 1.2. The place of the arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute shall be determined in accordance with the law of [specify jurisdiction]. Judgement upon the award rendered by the arbitrator may be enforced by any court having jurisdiction thereof.'

## 2. Ad Hoc Referral

- 2.1. 'We, the undersigned parties, hereby agree that the dispute set out hereunder shall be referred to and finally determined by arbitration by a single arbitrator in accordance with the Arbitration Rules as prescribed by the South African Institute of Intellectual Property Law and in force at the date of referral to arbitration of this dispute.'
- 2.2. [Description of the dispute]
- 2.3. The place of the arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute shall be determined in accordance with the law of [specify jurisdiction]. Judgement upon the award rendered by the arbitrator may be enforced by any court having jurisdiction thereof.'