



Courts of the Future Division: Part 40,000¹

¹ 40,000 km/h is the speed at which an object must travel in order to break free of a planet's gravitational pull.

General

1. This Part applies to Courts of the Future claims ("COF Claims").
2. In this Part –
 - (1) A "COF Claim" means a claim which—
 - (a) satisfies the requirements of Rule 3; and
 - (b) has been issued in or transferred into the specialist Division for such claims;
 - (2) "Courts of the Future Division" has the meaning provided for by Rule 5.
3. A claim may be issued as a COF Claim if it: (a) involves issues or questions of technical complexity, or (b) has no or no single physical geographical nexus, or (c) the proceedings are likely to involve multiple parties from different jurisdictions. The following are examples of the types of claim which may be appropriate to bring as COF Claims, but are not exhaustive and other types of claim may be appropriate to this specialist division:
 - (1) claims involving international commercial chain transactions;
 - (2) claims relating to liability for the acts or omissions of artificial intelligence software or any devices or components of devices whether integrated or not that are dependent on or controlled by such software including, but not limited to autonomous or semi-autonomous vehicles, medical devices and types of industrial and domestic equipment;
 - (3) claims involving issues of cyber security in respect of data and/or assets stored online;
 - (4) claims relating to competition and/or anti-trust issues in respect of online assets or currency;
 - (5) claims involving online intermediaries and/or online platforms or marketplaces;

- (6) claims relating to online peer to peer transactions;
 - (7) claims relating to online blockchain transactions;
 - (8) claims relating to 3D printing;
 - (9) claims relating to or arising out of extraterrestrial activity or territories;
 - (10) intellectual property claims arising out of or in relation to any of the above claims;
 - (11) any combination of the above claims;
 - (12) insurance claims in relation to any of the above claims; and
 - (13) challenges to decisions of arbitrators in COF disputes.
4. COF Claims may be issued in or transferred to the Courts of the Future Division, unless a Judge directs otherwise.

Specialist division

- 5. The Courts of the Future Division is a specialist division of the Global Commercial Court of the Future.
- 6. A Judge will be appointed to be the Judge in charge of the Courts of the Future Division.

Definitions

- 7. In this Part:
 - a. COF proceedings means:
 - i. any claims commenced in or transferred to the COF Division;
 - ii. any additional claims raised in such proceedings;

- iii. any other proceedings consolidated with such proceedings from the date of such consolidation, and;
- iv. any applications to join parties to or to raise additional claims in such proceedings.

b. A commercially connected party means:

- i. a party or proposed party to COF proceedings against whom a party or proposed party to COF proceedings makes or proposes to make a claim in respect of:
 - 1. a commercial transaction or other commercial activity;
 - 2. a digital service; or
 - 3. data security

that is linked to any damage allegedly suffered by any party or proposed party to COF proceedings.

- c. A money judgment includes a judgment for payment of an amount or value of digital or crypto currency or assets.
- d. An AI Party means artificial intelligence software, or any device or component of a device or system whether integrated or not that is dependent on or controlled by such software, including but not limited to autonomous or semi-autonomous technology.

8. An AI Party may be joined as a party to COF proceedings for the purpose of claiming negative declaratory relief in respect of any liability a non-AI Party may have for the actions or decisions of the AI Party.

Rules

9. Service may be effected by any electronic means which create written evidence of transmission, including but not limited to any social media or e-messaging platform.

10. The date of service for any document is the date on which the party serving the relevant document sent it or posted it online.

Joinder

11. Parties may be removed, added or substituted in existing COF proceedings either on the Court's own initiative or on the application of either an existing party or a person who wishes to become a party.

12. A party may be joined to COF proceedings on the application of a Claimant or Defendant who has no direct claim against the party who is sought to be joined.

13. The Court may order a person to be added as a new party if it is desirable to add the new party so that the Court can resolve all the matters in dispute.

14. The application to add a new party should be supported by evidence setting out the proposed new party's interest in or connection with the COF proceedings.

15. Any application disputing the jurisdiction of the Court should be raised within 14 days of:

- a. Service of the claim form; or
- b. Service of any order joining the party as a party to the COF proceedings.

16. Any party who fails to apply to dispute the jurisdiction of the Court within the time set out in Rule 15 above shall be taken to have submitted to the jurisdiction of the DIFC Courts.

17. A party who is a commercially connected party:

- a. May object to the Court exercising jurisdiction on the ground that the dispute is governed by a jurisdiction or arbitration agreement; but
- b. May not dispute the jurisdiction on any other ground.

Interim Payment

18. The Court may make an order for an interim payment or payment into escrow that will bind all parties to the COF proceedings where the Court is satisfied that, if the claim went to trial, the original claimant would obtain judgment for a substantial amount of money (other than costs) against at least one of the defendants.
19. However, the Court may not order a party to make an interim payment or payment into escrow in an amount exceeding a reasonable proportion of the likely amount of the final judgment against that party in the COF proceedings.

Enforcement

20. Where the Court has granted judgment in favour of the Claimant against one or more Defendants to the proceedings, that judgment may be enforced directly against any other party to the proceedings to the extent of its likely liability within the COF proceedings.
21. The COF Division will own and operate a Decentralised Autonomous Organisation on the Ethereum platform, known as The Universal Vault.
22. A successful COF litigant may elect to have any judgment or interim payment or award in its favour made in fiat money or digital or crypto currency or digital or online assets.
23. Any party to COF proceedings shall provide details of its blockchain account at the point of joining or commencing COF proceedings.
24. The Universal Vault will execute judgments instantaneously online via smart contracts utilizing the blockchain account details provided at the point of a party joining or commencing the COF proceedings.
25. Any repayment of an interim payment or award may be made in digital or crypto currency or digital or online assets whether or not the relevant interim payment or award was originally made in those terms.

Record Keeping

26. The Courts of the Future Division shall establish and maintain an electronic database in which it shall store the information and documents processed in accordance with these Rules.

Processing of personal data

27. Access to information, including personal data, related to a COF Claim and stored in the database referred to in paragraph 25 shall be granted, only in accordance with DIFC Data Protection Law & Regulations, as amended from time to time.

28. The Courts of the Future Division shall process personal data and have access to information processed in accordance with these Rules for the purposes of processing claims, resolving disputes and maintaining and monitoring the use and functioning of its on-line platforms and in drawing up Courts of the Future Division activity and performance reports.

29. Personal data related to a complaint or dispute shall be kept in the Courts of the Future Division database only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights, and shall be automatically deleted, at the latest, one (1) year after the date of conclusion of the dispute which has been transmitted to the on-line platform in accordance with these Rules, except if the procedural rules applied by the DIFC Courts or any specific provisions of UAE national law provide for a longer retention period.

30. The Courts of the Future Division shall be regarded as a controller with respect to its data processing activities under this Regulation.

Data confidentiality and security

31. Courts of the Future Division contact points shall be subject to duties of secrecy and confidentiality laid down by DIFC Rules and Regulations.

32. The Courts of the Future Division shall take the appropriate technical and organisational measures to ensure the security of information processed under this Regulation, including appropriate data access control, a security plan and a security incident management procedure.

COF Practice Direction

1. Each claim or application to join a party or parties to COF proceedings will be issued online and subject to an online triage, in which AI decision-tree software will ask questions of the litigant via a dynamic questionnaire to identify any unmeritorious disputes and ascertain the extent of the contractual commercial chain and commercially connected parties (“the online triage stage”).
2. The online triage stage is designed to identify key issues and subject matter at the point of issue so that the case can be managed properly from the outset, rather than from the date of the first CMC.
3. Through analysis of the data captured in the dynamic questionnaires, the Court will be able to refine its processes to meet the needs of court users and develop modular court procedures.
4. The online triage stage will permit the identification of court procedure modules which are appropriate to the particular case in question.
5. The availability of modular court procedures will streamline the process of making claims and applications and permit parties who are not familiar with court procedures to make claims and applications.
6. Where a party considers that a particular procedure module is appropriate for its case, the party may request that that module be incorporated into the case management plan for its case. Any such request will be reviewed by artificial intelligence and / or by a judicial officer and a decision issued within 3 business days of the request being made.
7. All COF proceedings will be conducted in English. Universal Translation technology will be available for COF proceedings where a party does not speak English.

8. Judges will be made available from all jurisdictions required for determination of all aspects of the COF proceedings.
9. Telepresence and/or hologram facilities will be provided in order to permit court business to be conducted over multiple geographical locations simultaneously.

Micro Disputes Practice Direction

1. This Practice Direction will be known as the MDPD.
2. The MDPD applies to all claims:
 - a. with a value of 50,000USD or less; and
 - b. that do not involve a substantial dispute of fact; and
 - c. which arise out of peer to peer consumer transactions; and
 - d. where neither party is a corporation.
3. Where the claim meets the criteria in paragraph 2:
 - a. A claimant should issue the claim in the MDPD; and in any event
 - b. It will automatically be allocated to the MDPD list.
4. The Court may transfer a claim in the MDPD list to another appropriate division at any time.
5. All MDPD claims will be commenced using the online dynamic claim form ("**the ODC**") and allocated a unique case reference number.
6. Service of the ODC may be effected by any electronic means, including but not limited to any social media or e-messaging platform.
7. A defendant to a MDPD claim has 2 business days in which to respond by completing the online dynamic defence form ("**the ODD**").
8. The ODC and ODD are AI forms based on decision-tree software that procure all necessary information for the conduct and disposal of the claim from the outset through a series of questions and answers.

9. Accordingly, MDPD litigants will not need to refer to the rules of the Court in commencing or defending MDPD claims: the ODC decision-tree software will compile the relevant information and automatically apply the relevant Court rules.
10. If or to the extent that the online dynamic process determines that a claim is not suitable for the MDPD it will automatically be transferred out of the MDPD list into another more appropriate list.
11. As part of the online dynamic process, whether by installing an application on their smart phone or other electronic device or otherwise, litigants will be required to provide the Court with:
 - a. permission to access their smart phone or electronic diary for the purpose of notifying the parties of steps in the litigation, and;
 - b. details of any blockchain or other digital or crypto currency or digital or online assets account and permission to effect transactions on such account.
12. Where a step is required to be taken in the litigation, notification of that step and any subsequent reminders will be given via smart phone or electronic diary notification.
13. In addition, provision will be made for an online MDPD Portal, through which litigants will be able to track the progress of their case using the MDPD Portal and their unique case reference number.
14. Subject to paragraph 14 below, all claims will be resolved online by written submissions.
15. Where the online dynamic process determines that it is necessary in the interests of justice for there to be a hearing, this will be conducted online through the MDPD Portal video-conference facility.
16. Any such hearing will be conducted online using the COF Division's augmented reality facilities, including telepresence and/or hologram facilities accessed through the MDPD Portal.
17. First instance MDPD decisions will be reached within 3 business days of the date of the ODD.

18. The procedure for an appeal from a first instance decision in a MDPD claim is as follows:
- a. The parties to the MDPD claim will be notified of the first instance decision via the MDPD portal ("**the notification**");
 - b. Accompanying the notification will be a set of questions to be answered via further AI forms based on decision-tree software, with the purpose of ascertaining whether the parties wish to appeal the decision and, if so, on what basis ("**the appeal questionnaire**");
 - c. The appeal questionnaire must be completed within 2 business days of the date of the decision.
19. No appeal from a first instance decision in a MDPD claim is permitted without the permission of the Court.
20. The permission of the Court to appeal a first instance decision made in a MDPD claim will only be granted, where:
- a. it is made within 2 days of the date of the first instance decision; and, either
 - b. the appeal is more likely than not to be successful; or
 - c. there is some other compelling reason why the appeal should be heard.
21. The parties may not agree to extend time for an appeal.
22. Where the Court grants permission to appeal:
- a. the respondent will be notified via the MDPD portal; and
 - b. the respondent will be required to complete a further AI form based on decision-tree software, with the purpose of determining the respondent's response to the appeal ("**the respondent's questionnaire**").
23. The respondent's questionnaire must be completed within 2 business days of the date of notification of the grant of permission to appeal.
24. Any appeal will be determined within 3 business days of the date of the respondent's questionnaire being completed.

25. There is no right of appeal from a decision made on appeal in the MDPD process.
26. The parties to MDPD proceedings will bear their own costs.
27. A successful MDPD litigant may elect to have any judgment in its favour made in fiat money or digital or crypto currency or digital or online assets.
28. The Universal Vault will execute judgments instantaneously online via smart contracts utilizing the blockchain account details provided at the point of the party joining or commencing the MDPD proceedings.