

**\* The authentic text of the following rules is in Japanese.**

## **Arbitration Rules for Doping Disputes of the Ladies Professional Golfers Association of Japan**

### **Chapter I      General Provisions**

#### Article 1      Purpose

The purposes of these rules is prescribing the proceedings to resolve disputes occurring from the doping test of Ladies Professional Golfers Association of Japan (hereinafter, the "LPGA") reasonably and rapidly by a sports arbitration panel made up of fair and impartial arbitrators of independent standing.

#### Article 2      Application

- (1) These rules shall apply request for arbitration asking for cancel of decision made by anti-doping disciplinary panel, established by LPGA based on doping test carried out by LPGA (hereinafter the "LPGA Disciplinary Panel"), under rule for anti-doping of LPGA.
- (2) Where an arbitration required under the provisions of preceding paragraph, LPGA or Athlete, who will be a respondent, must accept the requirement of arbitration.

#### Article 3      Definitions

- (1) Under these rules, "Party" and "Parties" shall mean either of, and both, the claimant and the respondent, respectively. Multiple claimants and respondents with common interests shall respectively be deemed to be single Parties for the selection of arbitrators.
- (2) Under these rules, the "Japan Sports Arbitration Agency" means the body established on April 1, 2009 under the articles of association constituting the Japan Sports Arbitration Agency general incorporated foundation.
- (3) Under these rules, "Requests", "Defenses" and other "Documents" are not limited to paper form, and shall also include communication methods that preserve data, which can be used for later reference. The same also applies to "Powers of Attorney".

#### Article 4      Interpretation

If doubt arises regarding the interpretation of these rules, the interpretation shall comply with that given by the Japan Sports Arbitration Agency. However, an interpretation given by the Doping Arbitration Panel shall subsequently take precedence over Japan Sports Arbitration Agency interpretations in that arbitration case.

#### Article 5      Partial Changes to Rules

- (1) Sports arbitration panels (before a panel is formed, the Japan Sports Arbitration Agency. (hereinafter the same in this article.)) may, giving consideration to the circumstances of a case, when it is regarded as necessary, lengthen or shorten periods provided for in these

rules (including periods prescribed by the doping arbitration panel). In this event, the Japan Sports Arbitration Agency or sports arbitration panel must notify the Parties to that effect, without delay.

(2) Parties may not, in the absence of special circumstances, agree to change the details of these rules. If the Parties seek a change in the details of the rules, the Parties may request that the doping arbitration panel make the change.

#### Article 6 Place of Arbitration and Arbitration Law applicable to Proceedings

Tokyo shall be the place of arbitration in arbitrations under these rules and the proceedings will be carried out in compliance with Japanese law.

#### Article 7 Languages and Terminology

(1) The language of arbitral proceedings shall be Japanese. However, the Parties may agree that the language will be Japanese or English, or both. If there is a dispute between the Parties regarding language, the doping arbitration panel must decide on the language to be used without delay. In deciding on the language to be used sports arbitration panels must give weight to the perspective of fairness and consider the burden of interpreting and translation.

(2) Arbitral proceedings that are carried out before a decision is given on language under the preceding paragraph do not lose their validity.

(3) Where both Japanese and English have been prescribed as the languages of arbitral proceedings, either Japanese or English may be used at the Parties' discretion. However, a Japanese original and an English original of the text of the arbitral award will be prepared, and if differences of interpretation arise, the interpretation given will use the Japanese original.

#### Article 8 Representatives and Advisors

Parties may have persons of their choice represent or advise them at proceedings under these rules. Sports arbitration panels may, when there are reasonable grounds, reject the representation or advice of inappropriate representatives or advisors.

#### Article 9 Administration

The administration of arbitrations under these rules will be carried out by the Japan Sports Arbitration Agency under the separately prescribed *Japan Sports Arbitration Agency Office Rules for Doping Disputes of the Ladies Professional Golfers Association of Japan*.

#### Article 10 Final Day of Time Limits

Where the final day of a period provided for in these rules (including periods prescribed by sports arbitration panels) is a Saturday or Sunday, or a holiday in Japan, the final day of the period shall be the first weekday following that day.

#### Article 11 Number of Copies to be Submitted and Recipients

Where the Documents submitted by the Parties to the Japan Sports Arbitration Agency and the doping arbitration panel are in paper form, the number of copies submitted shall be 1 copy in addition to the number of arbitrators (3 persons, limited to if there has been no decision to have a single arbitrator) and the number of respondents. However, where it is otherwise prescribed in these rules, those provisions shall apply.

#### Article 12 Exemption from Liability

Neither the Japan Sports Arbitration Agency nor any arbitrator, director or administrative employee of the Japan Sports Arbitration Agency, shall be liable for their acts or omissions regarding arbitral proceedings, except where willful or due to gross negligence.

## **Chapter II Arbitral Proceedings**

### **Section 1 Requests and Defenses**

#### Article 13 Time Limit for Requests for Arbitration

Requests for arbitration must reach the Japan Sports Arbitration Agency within 14 days after the date of the decision that is the subject of the Request. However, this shall not apply where there are special circumstances not attributable to the claimant such that a Request cannot be made within this period.

#### Article 14 Requests for Arbitration

- (1) Athletes who wish to make a Request for arbitration under these rules must submit a Request for arbitration stating the following matters to the Japan Sports Arbitration Agency:
  - (i) That the dispute is submitted to arbitration under these rules;
  - (ii) The names and addresses of both Parties;
  - (iii) Where a representative has been determined, their name and address;
  - (iv) The nomination of a person who is to receive notices etc. relating to the arbitral proceedings and that person's contact details (place for sending Documents, telephone number, cellular phone number, facsimile number and email address);
  - (v) The particulars of the decision that is the subject of the Request;
  - (vi) The objectives of the Request (the details of the relief sought);
  - (vii) Where necessary, a demand for a stay of execution the decision that is the subject of the Request or other provisional measures, and the concrete reasons for the demand;
  - (viii) An outline of the dispute;
  - (ix) The concrete grounds and method of proof on which the claim is based.
- (2) Where arbitral proceedings will be conducted by a representative, the representative must submit a letter of attorney to the Japan Sports Arbitration Agency together with the Request for arbitration.
- (3) Claimants must, when making a Request for arbitration, pay the request fees prescribed in the *Rules on Arbitration Fees for Doping Disputes of the Ladies Professional*

*Golfers Association of Japan* to the Japan Sports Arbitration Agency. If the claimant does not pay these fees, the Request for arbitration shall be deemed to have not been made.

(4) Where the Request for arbitration is lacking requirements prescribed in this article, the Japan Sports Arbitration Agency will prescribe a reasonable period and notify the claimant that they are to correct the defective part within that period, and where the claimant does not comply with this notice the Request shall be deemed to have not been made.

#### Article 15 Acceptance and Notice of Requests for Arbitration

(1) The Japan Sports Arbitration Agency will, after the submission of a Request for arbitration that conforms to the provisions of Paragraphs 1 and 2 of the preceding article and confirmation of the payment of the request fees prescribed in the *Rules on Arbitration Fees for Doping Disputes of the Ladies Professional Golfers Association of Japan*, accept the Request and notify the claimant and respondent without delay.

(2) The Japan Sports Arbitration Agency must, in the notices in the preceding paragraph, explain the matters prescribed in Article 16 in relation to the submission of Defenses, as well as the matters prescribed in Articles 21 through 23 in relation to the selection of arbitrators, and give appropriate directions.

#### Article 16 Defenses

(1) The respondent must, as soon as possible after the date on which the notice of acceptance of a Request for arbitration prescribed by Article 15(1) is issued, and within 20 days at the latest, submit a Defense stating the following matters to the Japan Sports Arbitration Agency:

(i) The names or titles and addresses of both Parties;

(ii) Where a representative has been determined, their name and address;

(iii) The nomination of a person who is to receive notices etc. relating to the arbitral proceedings and that person's contact details (place for sending Documents, telephone number, cellular phone number, facsimile number and email address);

(iv) The objectives of the Defense;

(v) An outline of the dispute;

(vi) The concrete grounds and method of proof for the Defense.

(2) Where the respondent carry out arbitral proceedings by a representative, the representative must submit the respondent's letter of attorney to the Japan Sports Arbitration Agency together with the Defense.

(3) Where a Defense has been submitted, the Japan Sports Arbitration Agency will send a copy without delay to the Parties, and if arbitrators have been selected, to the arbitrators.

#### Article 17 Amendments to Requests for Arbitration

(1) Claimants may submit requests for amendment to the Japan Sports Arbitration Agency and amend their Requests for arbitration, limited to amendments included under the same doping test. However, after the doping arbitration panel is formed claimants must

submit an application for approval of the amendment of their Request for arbitration to the doping arbitration panel and obtain the approval of the doping arbitration panel.

(2) Sports arbitration panels must, before granting the approval in the preceding paragraph, provide an opportunity to hear the opinion of the respondent.

(3) Sports arbitration panels will not grant the approval in Paragraph 1 where the amendment of the Request for arbitration would significantly delay the arbitral proceedings, where it would be detrimental to the interest of the respondent, or where other circumstances are found such that the panel considers it inappropriate to approve the amendment of the Request for arbitration.

(4) The provisions of Article 16 will apply, with the necessary changes, to Defenses to amended Requests for arbitration. However, the period will be calculated from the date on which the Japan Sports Arbitration Agency issues the notice of amendment of the Request for arbitration to the respondent.

#### Article 18 Withdrawal of Requests for Arbitration

(1) Claimants may independently withdraw their Requests for arbitration, limited to within 1 week after the date on which the notice of acceptance of the Request for arbitration prescribed in Article 15(1) was issued.

(2) In cases other than those in the preceding paragraph, claimants may withdraw their Requests for arbitration, limited to if they have obtained the consent of the respondent.

(3) Withdrawals of Requests for arbitration will become effective when the notice of withdrawal of the Request for arbitration, or where the preceding paragraph applies, the notice of the respondent's consent to the withdrawal, reaches the Japan Sports Arbitration Association.

#### Article 19 Prohibitions on Filing of Legal Actions and Duplicate Requests for Arbitration

(1) In disputes to which these rules apply, appeals may be made solely under these rules, and no petition may be made to a court or other institution.

(2) Persons who have already made a Request for arbitration or appeal to the court may not make a Request for arbitration in relation to the same case. However, in order to protect the rights of these persons, this shall not apply where there are special circumstances in favor of making a duplicate Request for arbitration.

#### Article 20 Pursuit of Arbitral Proceedings before Sports Arbitration Panel is Formed

The Japan Sports Arbitration Agency may, before a sports arbitration panel is formed, progress proceedings to constitute the doping arbitration panel, even where the respondent has objected to the establishment or validity of the arbitration agreement. In this event, the doping arbitration panel will determine the appropriateness of the objection to the establishment or validity of the arbitration agreement in compliance with Article 29 after the doping arbitration panel is formed.

## **Section 2 Arbitrators and Constitution of Sports Arbitration Panels**

### **Article 21 Arbitrators**

- (1) Arbitrators must handle cases independently, fairly and speedily. An arbitrator may not directly obtain remuneration or other benefits from the Parties, even if the arbitrator was selected by the Parties.
- (2) Persons who have considered an application from an athlete Party regarding a Therapeutic Use Exemption (TUE) for Prohibited Substances or an appeal from a decision on an application from an athlete Party regarding a Therapeutic Use Exemption (TUE) for Prohibited Substances, persons who have had some other kind of involvement in an arbitration case, and persons who have an interest in an arbitration case, may not be arbitrators.
- (3) Where it is possible that an arbitrator's circumstances may affect the impartiality an arbitrator properly holds towards the Parties to an arbitration case, the arbitrator must promptly disclose the circumstances to the Japan Sports Arbitration Agency, the president of the arbitration panel and the Parties.
- (4) The Japan Sports Arbitration Agency shall prepare a sports arbitrator candidate list, listing candidate sports arbitrators, and shall review the list as necessary.
- (5) Arbitrators must be selected from the sports arbitrator candidate list prescribed in the preceding paragraph. However, this shall not apply where the Japan Sports Arbitration Agency finds that the Parties' selections of arbitrators are particularly reasonable.
- (6) Arbitrators and Parties may not, after the arbitrators are selected, have direct contact with each other in relation to the case. However, this shall not apply where there are special circumstances if the method is such that impartiality is not prejudiced.

### **Article 22 Number of Arbitrators and Sports Arbitration Panel**

- (1) Sports arbitration panels will, in principle, be constituted by 3 arbitrators. However, if the Japan Sports Arbitration Agency finds it appropriate, a sports arbitration panel will be constituted by a single arbitrator.
- (2) A sports arbitration panel will be formed when all arbitrators have been selected.
- (3) Where a sports arbitration panel is constituted by multiple arbitrators, the decisions of the panel, including arbitral awards, will be made by a majority of the arbitrators.

### **Article 23 Arbitrator Selection Procedures**

- (1) Where 3 arbitrators are to be selected under the provisions of Article 22, the Parties will each select one arbitrator, within one week from the date on which the notice of acceptance of the Request for arbitration prescribed by Article 15(1) is issued. If the Parties do not select arbitrators within that period, the Japan Sports Arbitration Agency will select arbitrators. The 2 selected arbitrators will select a further arbitrator by agreement within the period designated by the Japan Sports Arbitration Agency. If the 2 selected arbitrators do not select a further arbitrator within that period, the Japan Sports Arbitration Agency will select

that arbitrator. The final arbitrator selected in this manner shall be the president of the panel.

(2) Where it is proper for the Japan Sports Arbitration Agency to select one arbitrator, the Japan Sports Arbitration Agency will select that arbitrator.

(3) The Japan Sports Arbitration Agency must liaise with persons selected as arbitrators and obtain their acceptance of their appointment as arbitrators. Where an arbitrator declines an appointment, an alternative arbitrator will be selected in compliance with this article.

#### Article 24 Notice of Selection of Arbitrators

(1) When Parties or Arbitrators have selected a person listed on the sports arbitrator candidate list as an arbitrator, they must submit a notice of arbitrator selection stating the name of that person to the Japan Sports Arbitration Agency without delay. The Japan Sports Arbitration Agency will send copies of the notice to the counterparty and the arbitrators already selected, without delay.

(2) When Parties or arbitrators have selected a person who is not listed on the sports arbitrator candidate list as an arbitrator, they must submit a notice of arbitrator selection stating that person's name, address and occupation, as well as valid contact details, including their telephone number and email address, attaching the person's written acceptance of their appointment, to the Japan Sports Arbitration Agency, without delay.

(3) In cases under the preceding paragraph, where the Japan Sports Arbitration Agency has approved the selection of the arbitrator after determining the reasonableness of the selection in compliance with Article 21(5), the Japan Sports Arbitration Agency will notify the parties and the arbitrators already selected of that person's name and occupation, without delay. Where the selection of the arbitrator is not approved, the Japan Sports Arbitration Agency will send a Document giving notice to that effect to the Party who submitted the notice of arbitrator selection.

(4) When the Japan Sports Arbitration Agency has selected an arbitrator, the Japan Sports Arbitration Agency will notify the Parties and the arbitrators already selected of that person's name, without delay.

#### Article 25 Burden of Non-resident Arbitrators' Costs

(1) Where a person who does not reside in Japan is selected as an arbitrator, the Party who selected the arbitrator will bear the costs made necessary by the fact that the arbitrator does not reside in Japan. However, the doping arbitration panel may prescribe a different apportionment of the burden of costs in the arbitral award.

(2) Where the Japan Sports Arbitration Agency or arbitrators have selected a person who does not reside in Japan as an arbitrator, the doping arbitration panel will decide the apportionment of the burden of costs in the arbitral award.

#### Article 26 Challenges to Arbitrators

(1) The Parties may, by agreement, challenge an arbitrator they regard as inappropriate.

(2) Requests by one Party to challenge an arbitrator will be determined by the Japan

Sports Arbitration Agency after giving the Party and the arbitrator in question an opportunity to state their opinions.

#### Article 27 Resignation and Dismissal of Arbitrators

- (1) Arbitrators may not resign without reasonable grounds.
- (2) Where an arbitrator does not perform their duties or is unduly delayed in the performance of their duties, or where the arbitrator cannot legally or practically perform their duties, the Japan Sports Arbitration Agency may dismiss that arbitrator.

#### Article 28 Replacement Arbitrators

Where it has become necessary to replace an arbitrator due to death, challenge, resignation or dismissal, a replacement arbitrator shall be selected in compliance with the procedures for selecting that arbitrator.

### **Section 3 Hearing Procedures**

#### Article 29 Competence of Sports Arbitration Panel as to Jurisdiction

Sports arbitration panels may decide whether or not they are competent to make arbitral awards in cases submitted to the panel.

#### Article 30 General Principles

- (1) Sports arbitration panels must treat the Parties fairly, and allow the Parties ample opportunity to make claims, adduce evidence and mount Defenses.
- (2) Hearings and other deliberative proceedings will be carried out under the direction of the doping arbitration panel (where there are 3 arbitrators, the president of the panel).

#### Article 31 Hearing Dates

- (1) The Japan Sports Arbitration Agency will decide the dates and places of hearings after providing an opportunity to hear the Parties' opinions. Where the Hearing Dates extend across 2 or more days, the hearings must be held on consecutive days, so far as is possible.
- (2) The Japan Sports Arbitration Agency must, when the Hearing Dates and places have been decided, notify the Parties of the Hearing Dates, without delay.
- (3) On the Hearing Dates, the law and facts will be discussed, and evidence will be presented and examined.
- (4) If there is a request from both Parties for a change in the Hearing Dates, the Hearing Dates must be changed. If there is a request from one Party for a change in the Hearing Dates, the doping arbitration panel may change the dates, limited to where the Panel finds that the circumstances are unavoidable.
- (5) The requests in the preceding paragraph must be by Document, except where they are made on a Hearing Date.

#### Article 32 Submission of Written Claims

- (1) Parties may submit claim Documents to the doping arbitration panel on Hearing Dates or on days other than Hearing Dates. The doping arbitration panel may encourage the submission of claims Documents.
- (2) The Japan Sports Arbitration Agency shall, under the direction of the doping arbitration panel, promptly deliver or send the claim Documents to the counterparty.

#### Article 33 Clarification of Facts

Sports arbitration panels may, in order to facilitate understanding of a case, seek explanations of the Parties' claims or attend on site to conduct inspections or investigations, having given the Parties the opportunity to be present.

#### Article 34 Presenting of Evidence

- (1) Parties may submit the following items to the doping arbitration panel in order to present evidence:
  - (i) To present documentary evidence, an explanation of the evidence with the Documents in evidence attached;
  - (ii) To present the questioning of witnesses, an application to question a witness specifically listing the witnesses and questions;
  - (iii) To present expert opinion or tests, an application to present expert opinion or testing stating the expert opinions or tests and methods.
- (2) Evidence may be presented even on days other than Hearing Dates.
- (3) The Japan Sports Arbitration Agency shall, under the direction of the doping arbitration panel, promptly delivery or send evidence presented on days other than Hearing Dates to the Parties (excluding the Party who submitted the evidence).
- (4) Parties other than the Party who presented the evidence may submit a written opinion on the evidence presented to the doping arbitration panel, limited to within 1 week after the date on which the Parties received the evidence delivered or sent. The provisions of the preceding 2 paragraphs will apply where this paragraph applies, with the necessary changes.
- (5) Sports arbitration panels will decide whether to accept or reject the presentation of evidence promptly after the period in the preceding paragraph has expired. In this event, the Japan Sports Arbitration Agency will notify the Parties of the result without delay.

#### Article 35 Examination of Evidence

- (1) Parties are responsible for adducing evidence of the facts on which their claim or Defense is based.
- (2) Sports arbitration panels may, when the panel finds it is necessary, request that Parties submit evidence, or examine evidence not submitted by the Parties.
- (3) The examination of evidence may be carried out even on days other than Hearing Dates. In this event, the Parties must be given the opportunity to be present.
- (4) Sports arbitration panels may, when the panel finds that it is necessary, or when a

Party has made an application, make inquiries of and request answers from public and private institutions. The panel must disclose the answers obtained to the Parties.

#### Article 36 Burden of Costs, including of Investigations

The costs of the examination of evidence, inquiries and inspections or investigations under the provisions of Article 33, when due to the directions of the doping arbitration panel, will be borne by the Parties in equal amounts, and when due to the request of one Party, will be borne by the Party who made that request. However, the doping arbitration panel may change the apportionment of the burden of costs according to the circumstances.

#### Article 37 General Principle of Appearance of Parties

(1) Where one or both Parties fails to appear without reasonable grounds, the hearing may be held in their absence. However, where both Parties have failed to appear, the hearing may not be concluded on that date.

(2) Where one Party has failed to appear without reasonable grounds, the hearing may proceed based on that Party's claims and adduced evidence.

#### Article 38 Inquiries by Sub-Panels

Sports arbitration panels may, when the panel finds that it is necessary, have one or more arbitrators who are part of the doping arbitration panel question witnesses, carry out verification, or conduct the inspections or investigations prescribed in Article 35.

#### Article 39 Participation in Proceedings

Where doping arbitration panel accept, persons who are not arbitrators may join arbitral proceedings as an observer. Observers are not entitled to make their own demands or claims etc., and may only make statements and submit materials, etc., with the permission or at the request of the doping arbitration panel.

#### Article 40 Joint Proceedings for Multiple Requests for Arbitration

(1) The Japan Sports Arbitration Agency may, when the Agency finds it necessary, join multiple Requests for arbitration in the same proceedings where the objectives of the claims are mutually related.

(2) Where multiple Requests for arbitration have been joined in the same proceedings and this join is before a doping arbitration panel formed for all proceedings, arbitrators shall be selected by all Parties. Where the selection of arbitrators by agreement has not been carried out by the date on which 1 week has passed from the date on which requests for arbitration are joined in the same proceedings, the Japan Sports Arbitration Agency select 3 arbitrators. Where doping arbitration panel has been already formed, there is no influence on formation of the panel.

#### Article 41 Closed Proceedings, Release of Arbitral Awards, Duty of Confidentiality

- (1) Arbitral proceedings and records of proceedings shall be closed.
- (2) Notwithstanding the preceding paragraph, hearings will be open where all Parties agree to the proceedings being open.
- (3) The Japan Sports Arbitration Agency will release arbitral awards by an appropriate method. However, where there are special circumstances, the Agency will withhold some or all of an arbitral award from publication.
- (4) Except for the scope provided for in the preceding paragraph, arbitrators, Parties, Parties' representatives and advisors, and observers and the Japan Anti-Doping Agency, as well as persons connected with the Japan Sports Arbitration Agency, may not divulge secrets, knowledge of which was acquired through arbitration cases, to others.

#### Article 42 Audiovisual Recording of Hearings, Written Records of Hearings, Preparation of Stenographic Transcripts, and Burden of Costs

- (1) The Japan Sports Arbitration Agency may make audio or audiovisual recordings of hearings.
- (2) The Japan Sports Arbitration Agency will prepare written records of hearings if the doping arbitration panel directs. Written records of hearings will state the dates, place, names of attendees and an outline of the hearing.
- (3) All records and other information regarding hearings will be held in the possession and safekeeping of the Japan Sports Arbitration Agency.

#### Article 43 Interpreting and Translation

- (1) The Japan Sports Arbitration Agency will arrange for interpreting and translation if the doping arbitration panel directs or a Party makes a request. Directions or requests for interpreting must, in principle, be made by 3 days before the Hearing Date.
- (2) The Japan Sports Arbitration Agency will verify the identity of interpreters and translators.
- (3) The costs of interpreting and translation, when due to the directions of the doping arbitration panel, will be borne by each Party in equal amounts, and when due to a request by a Party, will be borne by the Party who made that request. However, the doping arbitration panel may change the apportionment of the burden of costs according to the circumstances.

#### Article 44 Conclusion and Resumption of Hearings

- (1) Sports arbitration panels may decide to conclude hearings when the panel finds that the proceedings are ready for an arbitral award, or that it is not possible to continue the proceedings and they should be discontinued. When this decision is made on a day other than a Hearing Date, an appropriate period of notice must be given.
- (2) When sports arbitration panels have concluded hearings that the panel has found should be discontinued, the panel must announce the close of the proceedings. The provisions on arbitral awards will apply in this event, with the necessary changes.
- (3) Sports arbitration panels may, when the panel finds that it is necessary, resume

hearings. Sports arbitration panels that have decided to resume a hearing must promptly notify the Parties in writing to that effect, together with the reasons for the resumption.

(4) The resumption of hearings shall not, in principle, take place later than the date on which 1 week has passed after the decision to conclude the hearing.

#### Article 45 Forfeiting of Right to Object

Where a Party knew or could have known of a violation of the arbitral proceedings, and has failed to object without delay, the Party will lose the right to object. However, this will not apply to rights that cannot be forfeited.

### **Section 4 Arbitral Awards**

#### Article 46 Timing of Arbitral Awards

(1) Sports arbitration panels must, if the panel has found that the proceedings are ready for an arbitral award and has concluded hearings, in principle, hand down the arbitral award within 2 weeks after that date. Arbitral awards shall, in principle, be handed down within 3 months after the date of the decision by the LPGA Disciplinary Panel.

(2) The doping arbitration panel must notify the Parties, when concluding hearings under the preceding paragraph, of the timing of the handing down of the arbitral award.

#### Article 47 Standards for Arbitral Awards

(1) Doping arbitration panels shall make arbitral awards in compliance with general rules from the realm of sport and general legal principles, in addition to the applicable law and rules.

(2) Factual findings concerning violations of the Japan Anti-Doping Code must be based on evidence obtained by reliable means, including confessions. Sports arbitration panels may accept evidence the panel regards as fitting, including hearsay evidence (including deciding, at the panel's discretion, whether or not to accept telephone testimony, or written statements or expressions of opinion sent by facsimile, email or other means) and use this evidence as the basis of findings of fact.

#### Article 48 Arbitral Awards

(1) Sports arbitration panels must state the following matters in arbitral awards, which must be signed by the arbitrators:

- (i) The names or titles and addresses of the Parties;
- (ii) Where there are representatives, their names and addresses;
- (iii) The text of the award;
- (iv) The course of the proceedings;
- (v) The reasons for the award;
- (vi) The place of arbitration;
- (vii) The date of the award.

- (2) Sports arbitration panels must, where there are minority or dissenting opinions, state these in the arbitral award.
- (3) If doping arbitration panels determine that the respondent must bear all or a part of costs borne by the Japan Sports Arbitration Agency and arbitrators' remuneration need to be borne by the Japan Sports Arbitration Agency, they must state in the text of arbitral awards an order to the effect that the respondent is to pay the following costs and remuneration.
- (4) Sports arbitration panels may, giving consideration to the circumstances of the case and the result of the arbitral award, order that the respondent is to pay some or all of the costs borne by the claimant.
- (5) Where there are 3 arbitrators, if an arbitrator does not sign the arbitral award, the reasons must be appended to the arbitral award.
- (6) Sports arbitration panels must lodge the original arbitral award with the Japan Sports Arbitration Agency. The Japan Sports Arbitration Agency shall keep the original arbitral award from the date of its preparation until the day on which 10 years has passed.
- (7) The Japan Sports Arbitration Agency may correct arbitral awards if the Japan Sports Arbitration Agency judges that there is a clear omission or error in the arbitral award.

#### Article 49 Sending of Arbitral Awards and Payment of Arbitrators' Remuneration

- (1) The Japan Sports Arbitration Agency must promptly hand deliver or send original arbitral awards to the Parties by means permitting proof of receipt.
- (2) The sending of the arbitral award in the preceding paragraph will be carried out after the full amount of the necessary costs of the proceedings, etc., is paid to the Japan Sports Arbitration Agency.
- (3) The Japan Sports Arbitration Agency shall pay the arbitrators' remuneration under the *Rules on Sports Arbitrators Remuneration* to the arbitrators promptly after the completion of the hand delivery or sending of the arbitral award.

#### Article 50 Interim Awards

Sports arbitration panels may hand down interim awards if a sports arbitration panel finds it appropriate to rule on a dispute that has arisen during arbitral proceedings. In this event, the provisions of Articles 48(1) and 49(1) will apply, with the necessary changes.

#### Article 51 Effectiveness of Arbitral Awards

Arbitral awards are final in nature and bind the Parties.

### **Chapter III Temporary Measures**

#### Article 52 Temporary Measures

- (1) Sports arbitration panels may, at the request of the claimant, order temporary measures when the panel finds it is particularly necessary for the purpose of arbitration.
- (2) Sports arbitration panels must provide an opportunity to hear the opinion of the

respondent before ordering temporary measures. However, panels may order temporary measures without hearing the opinion of the respondent, in urgent cases. In this event, the panel may provide an opportunity to hear the opinion of the respondent at a later date and retract or amend the order for temporary measures already made.

(3) Sports arbitration panels may, where the order in the preceding paragraph is issued, when the panel finds it necessary, order the claimant to provide appropriate security or take other suitable measures.

## **Chapter IV      Emergency Arbitral Proceedings**

### **Article 53    Emergency Arbitral Proceedings**

(1) Arbitration proceedings for doping test done in sports competitions will be by means of emergency arbitral proceedings.

(2) In addition to what is provided in the preceding paragraph, emergency arbitral proceedings will be used when the Japan Sports Arbitration Agency judges, in light of the urgency of the situation or the nature of the case, that it is necessary to resolve the dispute with extreme speed.

(3) The Japan Sports Arbitration Agency and the doping arbitration panel must, in particular in emergency arbitral proceedings, endeavor to progress the proceedings speedily. However, there may be no loss of procedural fairness.

(4) There will be a single arbitrator in emergency arbitral proceedings, and the Japan Sports Arbitration Agency will select that arbitrator, irrespective of the provisions of Article 22. However, the Japan Sports Arbitration Agency may, if the Agency finds that there are special circumstances, decide to have 3 arbitrators and select those 3 arbitrators, while referring to the opinions of the Parties as necessary.

(5) The respondent must, in emergency arbitral proceedings, submit a Defense as soon as possible in compliance with the directions of the doping arbitration panel, irrespective of the provisions of Article 19(1). Sports arbitration panels shall decide the submission deadline considering fairness as between the Parties and the propriety and speed of the proceedings.

(6) Sports arbitration panels must, in emergency arbitral proceedings, hand down arbitral awards promptly, at the earliest possible opportunity, irrespective of the provisions of Article 48.

(7) Sports arbitration panels may, in emergency arbitral proceedings, hand down oral arbitral award and prepare an arbitral award signed by the arbitrators subsequently, within a reasonable period, irrespective of the provisions of Article 50

(8) Each of the provisions of these rules applies to emergency arbitral proceedings, with the addition of the modifications in this article.

## **Chapter V      Costs and Arbitrators' Remuneration**

### **Article 54    Request fees etc.**

(1) Claimants (including persons who join the proceedings of their own motion) will not be required to bear any of the costs of proceedings or arbitrators' remuneration whatsoever, except for the request fee and amounts it is specially prescribed for claimants to bear.

(2) The request fees shall be governed by the separately prescribed the *Rules on Arbitration Fees for Doping Disputes of the Ladies Professional Golfers Association of Japan*.

(3) Parties will be jointly and severally liable for the payment of fees, except for the request fees to the Japan Sports Arbitration Agency, including the fees prescribed by the *Rules on Arbitration Fees for Doping Disputes of the Ladies Professional Golfers Association of Japan* and the necessary costs of the proceedings.

(4) Disputes between the Japan Sports Arbitration Agency and the Parties concerning the payment in the preceding paragraph shall abide by the judgment of the doping arbitration panel for the dispute between the Parties.

#### Article 55 Burden of Fees and Costs

Parties will bear the necessary costs of the proceedings under the provisions of Article 25, Article 36 and Article 43(3), and in addition, will bear the costs in compliance with the proportions prescribed by the doping arbitration panel.

#### Article 56 Arbitrators' Remuneration

Arbitrators' remuneration will be governed by the separately prescribed the *Rules on Arbitration Fees for Doping Disputes of the Ladies Professional Golfers Association of Japan*.

#### Article 57 Payments to Japan Sports Arbitration Agency

(1) Parties must, in order for payments to be appropriated to the necessary costs of proceedings etc., pay the Japan Sports Arbitration Agency the amount prescribed by the doping arbitration panel, by the method prescribed by the doping arbitration panel, within the period prescribed by the doping arbitration panel.

(2) Sports arbitration panels may, if a Party does not make the payment in the preceding paragraph, suspend or close arbitral proceedings. However, this shall not apply when another Party has also paid that portion.

(3) Where arbitral proceedings have closed, if the total amount paid under the provisions of Paragraph 1 exceeds the total amount of fees etc. the doping arbitration panel has prescribed under the provisions of Article 48(2), the Japan Sports Arbitration Agency must refund the difference to the Parties.

#### Article 58 Advance Payments to Japan Sports Arbitration Agency and Payment Adjustments

(1) The Japan Sports Arbitration Agency may, in preparation for where necessary costs of proceedings will be collected from the respondent under an arbitral award prescribed in Article 48(3), have the respondent pay the appropriate amount in advance, having obtained

the consent of the doping arbitration panel.

(2) The Japan Sports Arbitration Agency must, where the amount a respondent is ordered to pay the Japan Sports Arbitration Agency under an arbitral award prescribed in Article 48(3) exceeds the advance payment in the preceding paragraph, invoice the respondent for the difference, and where the amount is less than the advance payment, must refund the difference to the respondent.

### **Supplementary Provisions 1**

(1) These rules will come into force retrospectively from March 1, 2010.

(2) Where Parties submit a case to arbitration under these rules, proceedings will be carried out under these rules, even if the dispute arose before these rules came into force.

(3) The official text of these rules shall be in Japanese.

## **Rules on Arbitration Fees for Doping Disputes of the Ladies Professional Golfers Association of Japan**

### Article 1 Purpose

The purpose of these rules is to prescribe the request fees to be paid by claimants when making a Request for arbitration under the Japan Sports Arbitration Agency's *Sports Arbitration Rules for Doping Disputes*.

### Article 2 Definitions

"Request Fees" means the fees paid by claimants to the Japan Sports Arbitration Agency when making a Request for arbitration.

### Article 3 Request Fees

The Request Fees shall be 50,000 yen.

### Article 4 Withdrawal of Requests for Arbitration and Request Fees

The Japan Sports Arbitration Agency will refund the entire amount of the Request Fees where a claimant has withdrawn a Request for arbitration within 10 days of the commencement of arbitration proceedings, and when no arbitrators have been selected.

### Article 5 Payment Method

Payments of monies to the Japan Sports Arbitration Agency shall be made solely by bank transfer to the bank account designated by the Agency.

### **Supplementary Provision**

These rules will come into effect retrospectively from March 1, 2010.

**Rules on Arbitrators' Remuneration for  
Doping Disputes of the Ladies Professional Golfers Association of Japan**

Article 1 Application

The purpose of these rules is prescribing essential matters regarding arbitrators' remuneration of doping arbitration panel.

Article 2 Arbitrator' Remuneration

In principle, arbitrator's remuneration shall be 50,000 yen. The Japan Sports Arbitration Agency may increase the remuneration 100,000 yen cap considering arbitrators' experience, the difficulty of dispute and other factors.

Article 3 Necessary expenses

Japan Sports Arbitration Agency shall pay the costs he recognizes Necessary expenses.

Article 4 Payment Method

Payments of monies by the Japan Sports Arbitration Agency prescribed in Article 2 and Article3 shall be made promptly after the close of arbitral proceedings by bank transfer to the bank account designated by the arbitrator.

**Supplementary Provision**

These rules will come into effect retrospectively from March 1, 2010.

## **Japan Sports Arbitration Agency Office Rules for Doping Disputes of the Ladies Professional Golfers Association of Japan**

### Article 1 Purpose

The purpose of these rules is to prescribe the necessary matters concerning sports arbitration of doping disputes carried out by the Japan Sports Arbitration Agency prescribed by Article 11 of the Japan Sports Arbitration Agency's *Arbitration Rules for Doping Disputes of The Ladies Professional Golfers Association of Japan*.

### Article 2 Office Hours

(1) The office hours of the Japan Sports Arbitration Agency for arbitration for doping disputes of the Ladies Professional Golfers Association of Japan shall, in principle, be from 10:00 to 17:00 on weekdays (Monday to Friday) and the office will be closed on Saturday, Sunday and public holidays. However, the following will be special holiday periods:

- (i) Summer holidays (13 August through 17 August);
- (ii) Winter holidays (28 December through 4 January).

(2) Notwithstanding the provisions of the preceding paragraph, where it is particularly necessary for the administration of sports arbitration for doping disputes, the office will open even on the days on which the office is closed and holidays prescribed in the preceding paragraph, according to the judgment of the secretary-general.

### Article 3 Office Location

(1) The business of the Japan Sports Arbitration Agency will be carried out at the location of the Japan Sports Arbitration Agency office in the National Yoyogi Stadium Building, 2-1-2 Jinnan, Shibuya-ku Tokyo, Tel: +81-3-5465-1415 Fax: +81-3-3466-0741 Email: [info@jsaa.jp](mailto:info@jsaa.jp).

(2) Notwithstanding the provisions of the preceding paragraph, where it is particularly necessary for the administration of sports arbitration for doping disputes, business will be carried out at locations other than the office location prescribed in the preceding paragraph, according to the judgment of the secretary-general.

### Supplementary Provision

These rules will come into effect retrospectively from March 1, 2010.

### Supplementary Provision 2

These rules will come into force retrospectively from June 28, 2011.