

## Court of First Instance

### The Court of First Instance is comprised of a single Judge and has exclusive jurisdiction over

1. Civil or commercial cases and disputes involving the DIFC, any of the DIFC's bodies or any of the DIFC's establishments.
2. Civil or commercial cases and disputes arising from or related to a contract that has been fulfilled or a transaction that has been carried out, in whole or in part, in the DIFC or an incident that has occurred in the DIFC.
3. Objections filed against a decision made by the DIFC's bodies, which are subject to objection in accordance with the DIFC's laws and regulations.
4. Any application over which the Courts have jurisdiction in accordance with the DIFC's laws and regulations.
5. Any civil or commercial claims or actions where the parties agree in writing to file such claim or action with it whether before or after the dispute arises, provided that such agreement is made pursuant to specific, clear and express provisions.

### COURT OF FIRST INSTANCE (CFI)

#### (A) PART 7 CLAIMS:

(1) Fees applicable to claims filed under Part 7 of the Rules of the DIFC Courts ("RDC") shall be on the following scale:

CLAIM VALUE	FEE
Up to and including USD 500,000	5% of the value of the claim and/or the property with a minimum of USD 1,500
USD 500,000 – USD 1 million	USD 25,000 + 1% over USD 500,000
USD 1 million – USD 5 million	USD 30,000 + 0.5% over USD 1 million
USD 5 million – USD 10 million	USD 55,000 + 0.4% over USD 5 million
USD 5 million – USD 10 million	USD 50,000 + 0.4% over USD 5 million
USD 10 million – USD 50 million	USD 70,000 + 0.15% over USD 10 million
Over 50 million	USD 130,000

(2) This amount will include the hearing fees for any in-chambers meetings, one Case Management Conference, one Pre-Trial Review and up to 3 days of trial. Any additional filings or hearings will be charged as per the Articles below.

#### (B) ALL OTHER CLAIMS:

(1) The fee applicable to all other claims shall be USD 5,000.

(2) All other claims include, but are not limited to:

- (a) Part 8 claims.
- (b) Winding-up petitions
- (c) Arbitration claims (as defined in Rule 43(2)(3) of the RDC) other than those subject to Article A(2)(a)

above;

(d) Unquantified damages claims; and

(e) Proceedings for judicial review

### (C) FILING PROCEEDINGS AGAINST A PARTY OR PARTIES NOT NAMED IN ORIGINATING PROCEEDINGS:

(1) The fee applicable shall be USD 500.

### (D) REIMBURSEMENT:

(1) The below reimbursements shall only applicable to Part 7 Claims.

(a) Where the parties successfully settle the claim filed in the DIFC Courts in full, the following reimbursements shall apply:

(i) For claims settled before the Case Management Conference takes place, 65% of the filing fee shall be reimbursed.(ii) For claims settled between the Case Management Conference and the Pre-Trial Review, 35% of the filing fee shall be reimbursed.

(iii) For claims settled after the Pre-Trial Review has taken place, no reimbursement shall be applicable. USD 5,000 for non-monetary claims. The fees for a Part 7 claim will apply to claims relating to a specified monetary amount.

(b) For claims which are referred to the Joint Judicial Committee established pursuant to Dubai Decree No. 19 of 2016 (the 'JJC'), the following reimbursements shall apply following the expiry of a period of 1 month after either party evidences to the Court that the Joint Judicial Committee has found that Dubai Courts has primary jurisdiction to determine the claim:

(i) For claims referred to the JJC before the Case Management Conference takes place, 65% of the filing fee shall be reimbursed.(ii) For claims referred to the JJC between the Case Management Conference and the Pre-Trial Review, 35% of the filing fee shall be reimbursed; and

(iii) For claims referred to the JJC after the Pre-Trial Review has taken place, no reimbursement shall be applicable.

(c) For claims in which judgment is given in default of the filing of an acknowledgement of service or defence, 65% of the filing fee will be reimbursed upon application following the expiry of a period of 1 month after the judgment creditor has advised the Court that the judgment debtor has been made aware of the default judgment. The fee will be payable again should the judgment debtor apply successfully to set aside the default judgment in question (see RDC 14.1 to 14.4); and

(d) For claims which are the subject of a successful immediate judgment application (even after a disputed jurisdiction hearing), 65% of the filing fee will be reimbursed upon application in the following circumstances:

(i) in the event that the judgment debtor is not present at the immediate judgment hearing, following one month after the Court is informed that the judgment debtor has been a made aware of the immediate judgment; or(ii) in the event that the judgment debtor is present at the hearing, following the expiry of the period within which the judgment debtor can appeal the immediate judgment.

### (E) NOTES:

(1) Where a claim is both for money and for other relief (whether cumulatively or in the alternative), a Part 7 Claim form should be used and only the higher applicable fee, being that for a Part 7 Claim, will be payable.

(2) For a claim made by way of counterclaim, the same fee shall be payable as if the relief or remedy sought were the subject of separate proceedings.

(3) Where a claim or counterclaim is amended so that a higher fee would have been payable if it had been so

drawn originally, the party making the amendment shall pay the difference.

(4) Where a claim or counterclaim is said to be for an unspecified amount, an amount to be determined by the Courts or for an amount which reasonably appears to the DIFC Courts to be less than the actual amount of the claim or counterclaim, the DIFC Courts may impose such fees as it considers reasonable and which are based on the fees set out in this Schedule.

(5) For the avoidance of doubt, the fees applicable to claims to recognise and/or enforce judgments from other courts pursuant to common law principles shall be those applicable to Part 7 claims. This does not apply to applications to enforce judgments from, among others, Courts in the UAE or GCC, pursuant to a treaty or convention, which are to be filed as enforcement claims rather than claims for recognition or ratification.

For more information about the fees please [click here](#)

To OPT IN to DIFC Courts please [click here](#)

“To appear before the DIFC Courts at a hearing before a Judge, practitioners may require rights of audience before the Courts and therefore be registered in Part II of the Academy of Laws’ Register of Practitioners.

Kindly contact [registrations@draacademy.ae](mailto:registrations@draacademy.ae) for further information or assistance with registration.”