

## **WIPO Arbitration Workshop**

organized by  
WIPO Arbitration and Mediation Center

*In cooperation with*

Ministry of Justice (MOJ), Republic of Korea  
Ministry of Culture, Sports and Tourism (MCST), Republic of Korea  
Korea Intellectual Property Office (KIPO), Republic of Korea  
Korean Commercial Arbitration Board (KCAB), Republic of Korea

*Sponsored by*

Korean Patent Attorney Association (KPAA), Republic of Korea

**Seoul, October 10 and 11, 2013**

PROGRAM OUTLINE

Thursday, October 10, 2013

08:30 – 09:00

**Registration**

09:00 – 09:30

**Opening**

- Ignacio de Castro, Deputy Director, WIPO Arbitration and Mediation Center
- Chan Woo Kang, Deputy Minister, Ministry of Justice, Republic of Korea
- Ki-Hong Kim, Director General, Ministry of Culture, Sports and Tourism, Republic of Korea
- Taekeun Rhee, Director General, Korean Intellectual Property Office
- Daisoo Kweon, President, Korean Commercial Arbitration Board

09:30 – 09:45

**I. Administered Arbitration and the WIPO Arbitration and Mediation Center**

Session Leader: Ignacio de Castro, WIPO Arbitration and Mediation Center

1. Background of the WIPO Arbitration and Mediation Center
2. WIPO Arbitration Rules
3. The WIPO Arbitration and Mediation Center as Administering Institution
4. WIPO Arbitrators
5. WIPO Mediation
6. WIPO Expert Determination
7. WIPO Domain Name Dispute Resolution
8. Results of the International Survey on Dispute Resolution in Technology Transactions

09:45 – 10:15

**II. International Arbitration in Context**

Session Leader: Lucy F. Reed, Freshfields Bruckhaus Deringer, Hong Kong

1. Legal Framework
  - : Arbitration Agreement
  - : Lex Arbitri
  - : Law Applicable to the Merits
  - : Law of the Place of Enforcement
  - : Rules
2. Reputed Principles
  - : Party Autonomy
  - : International Procedure
  - : Confidentiality
3. Points of Tension and the Role of the Arbitrator
  - : Cost
  - : Speed
  - : Due Process
4. Role of Counsel
5. Recent Developments in International Arbitration

10:15 – 10:45

### **III. Arbitration of Intellectual Property Disputes**

Session Leader: Trevor Cook, Bird & Bird, London

1. Types of Intellectual Property Disputes
2. Special Features of Intellectual Property Disputes in Particular Patent Disputes
3. Benefits and Limitations of Arbitration in Intellectual Property Disputes as Compared to Court Litigation
4. Developments in Intellectual Property ADR

10:45 – 11:15

*Coffee Break*

11:15 – 12:00

### **IV. Selection and Appointment of the Tribunal**

Session Leader: Richard Tan, Stamford Law Corporation, Singapore

1. Appointment Procedure
  - : WIPO List Procedure
2. Party Interviews
3. Party-Appointed Arbitrators
4. Selecting the Presiding Arbitrator
5. Impartiality and Independence
6. Codes of Ethics
7. Fees
8. Challenges
9. Arbitrator skills

12:00 – 13:00

*Case Scenarios and Discussion, Sessions II and IV*

13:00 – 14:30

*Lunch*

14:30 – 15:15

### **V. Preparatory Organization**

Session Leader: Lucy F. Reed, Freshfields Bruckhaus Deringer, Hong Kong

1. Receiving the File
2. Preparatory Conference
  - : What, Why, When and How
3. The Role of the Presiding Arbitrator
  - : Case Management
  - : Procedural Orders
  - : Decision-Making
4. Requests for Bifurcation
5. Joinder and Consolidation

15:15 – 15:30

*Coffee Break*

15:30 – 17:15

*Case Scenarios and Discussion, Session V*

17:15 – 18:00

**Plenary Discussion**

18:00 – 20:30

*Dinner Reception*

**Friday, October 11, 2013**

09:00 – 09:45

## **VI. Exchange of Memorials and Documents**

Session Leader: Lucy F. Reed, Freshfields Bruckhaus Deringer, Hong Kong

1. Request for Arbitration and Answer to the Request
2. Statement of Claim and Statement of Defense
3. Further Written Statements
4. Expedited Arbitration Compared to Arbitration
5. Types of Relief
6. "Discovery"
7. Privilege
8. Dealing with Default
9. A Complex WIPO Patent Arbitration

09:45 – 10:30

## **VII. Hearings and Evidence**

Session Leader: David Perkins, Arnold & Porter (UK), London

1. Pleas as to Competence
2. Form of Testimony of Witnesses - Written and Oral
3. Obtaining Evidence from Courts for International Arbitration
4. Experts, both Party appointed and Tribunal appointed
5. Examination of Witnesses, both Fact and Expert
6. Presentation of Scientific and Technical Evidence
  - 6.1 Models, drawings or other technical material
  - 6.2 Experiments
  - 6.3 Product/process descriptions
  - 6.4 Site visits
7. Trade Secrets and Confidential Information
  - 7.1 Protective Orders
  - 7.2 Confidentiality Advisor
8. Dealing with Parties or Counsel Hostile to the Process

10:30 – 10:45

*Coffee Break*

10:45 – 11:15

## **VIII. Interim Relief**

Session Leader: Benjamin Hughes, Independent Arbitrator & Mediator, Seoul

1. Availability
2. Enforceability of Interim Awards
3. Dealing with Urgent Requests
4. Party Applications for Judicial Relief
5. Emergency Relief

11:15 – 12:45

*Case Scenarios and Discussion, Sessions VI, VII and VIII*

12:45 – 14:00

*Lunch*

14:00 – 14:45

## **IX. Awards**

Session Leader: Richard Tan

1. Recalcitrant Arbitrators - Truncated Tribunal
2. Decision-Making
3. Arbitrability  
: Ensuring Enforceability
4. Drafting the Award and Informal Scrutiny
5. Remedies
6. Costs
7. Applications for Correction or Additional Award
8. Post-Award Contact with Parties or Counsel
9. Enforcement of Awards

14:45 – 15:15

## **X. Drafting Dispute Resolution Clauses**

Session Leaders: David Perkins and Ignacio de Castro

15:15 – 15:30

### **Online Dispute Resolution Tools and WIPO Electronic Case Facility (WIPO ECAF)**

Jessica Park, WIPO Arbitration and Mediation Center, Geneva

15:30 – 16:00

### **WIPO Tailored ADR Schemes for Specific Types of Disputes and Arbitration for Patents in Standards**

Ignacio de Castro, WIPO Arbitration and Mediation Center, Geneva; and Christian Loyau, Legal Affairs Director, ETSI, Sophia Antipolis (France)

16:00 – 17:00

*Case Scenarios and Discussion, Session IX*

17:00

## **Plenary Discussion and Closing**

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