

WIPO : MEDIATION AND ARBITRATION WORKSHOP

NOVEMBER 7 2019 | PARIS



With the support of :

Institut National de la Propriété Industrielle (INPI)
Comité Français de l'Arbitrage (CFA)
European Patent Lawyers Association (EPLAW)
Licensing Executives France (LES France)

PROGRAM

08:30
09:00

REGISTRATION AND WELCOME COFFEE

09:00
09:15

I. OPENING

1. **Christiane Féral-Schuhl** (President of the Conseil national des barreaux, WIPO Mediator)
2. **Laurent Mulatier** (Head, Disputes Section, INPI)
3. **Louis Degos** (President of the Arbitration Working Group, Conseil national des barreaux)
4. **Heike Wollgast** (Head, IP Disputes Section, WIPO Arbitration and Mediation Center)

09:15
09:30

II. OVERVIEW: WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING THE WIPO RULES

Session Leader: **Remi Garros-Quinn** (Legal Case Manager, IP Disputes Section, WIPO Arbitration and Mediation Center)

1. **Role of the WIPO Arbitration and Mediation Center**
2. **WIPO Mediation and Arbitration Rules and WIPO Mediators and Arbitrators**

09:30
10:00

III. INTELLECTUAL PROPERTY AND TECHNOLOGY DISPUTE RESOLUTION

Session Leaders: **Pierre Véron** (Honorary President of the European Patent Lawyers Association (EPLAW)), **Alexandra Néri** (Herbert Smith Freehills, Paris)

1. **Special Features of Patent Disputes**
2. **Recent Developments in Technology Dispute Resolution**

10:00
10:30

IV. INTELLECTUAL PROPERTY AND TECHNOLOGY MEDIATION: THE CONDUCT OF A MEDIATION AND THE ROLE OF THE DIFFERENT ACTORS

Session Leader: **Peter Moody** (Royds Withy King, London)

1. **Mediation Stages – Preparation, Exploration, Bargaining, Negotiation and Concluding Phase**
2. **Selection And Appointment of the Mediator**
 - I. Negotiating a Suitable Candidate
 - II. The WIPO Arbitration and Mediation Center's Role
3. **The Mediator's Role and Techniques**
4. **The Lawyers' Role**
5. **The Parties' Role**

10:30
10:45

QUESTIONS AND ANSWERS

10:45
11:15

COFFEE BREAK

11:15
11:45

V. CONCLUDING THE MEDIATION

Session Leader: **Martin Hauser** (BMH Avocats, Paris)

1. Exploring Possible Alternative Solutions

2. Settlement

- I. Terms of Agreement
- II. Settlement Agreement
- III. Enforceability

3. Conclusion

11:45
12:30

VI. INTELLECTUAL PROPERTY AND TECHNOLOGY ARBITRATION

Session Leaders: **Philipp Groz** (Schellenberg Wittmer, Zurich), **Jacques Raynard** (University of Montpellier 1)

1. Legal Framework

- I. Arbitration Agreement
- II. Place of Arbitration
- III. Law Applicable to the Merits
- IV. Law of the Place of Enforcement
- V. Rules

2. Reputed Principles

- I. Party Autonomy
- II. International Procedure
- III. Confidentiality

3. Points of Tension and the Role of the Arbitrator

- I. Cost
- II. Speed
- III. Due Process

4. Special Features of Intellectual Property Disputes in Particular Patent Disputes

5. Benefits and Limitations of Arbitration in Intellectual Property Disputes as Compared to Court Litigation

6. Recent Developments in International Arbitration

12:30
12:45

QUESTIONS AND ANSWERS

12:45
13:45

LUNCH

13:45
14:30

VII. THE CONDUCT OF ARBITRATION PROCEEDINGS

Session Leaders: **Ms. Christine Kang** (JunHe, Beijing), **Louis Buchman** (Independent Arbitrator, Paris)

1. Expedited Arbitration Compared to Arbitration

2. Selection and Appointment of the Tribunal

- I. Appointment Procedure
- II. Appointment of a Three-Member Tribunal
- III. Fees
- IV. Challenges

3. Written Submissions

- I. Request for Arbitration and Answer to the Request
- II. Statement of Claim and Statement of Defense
- III. Further Written Statements

4. Evidence and Intellectual Property

- I. Civil Law and Common Law Practice
- II. Witnesses: Fact and Expert Witnesses, Form of Testimony - Written
- III. Experts: Party Appointed and Tribunal Appointed
- IV. Scientific and Technical Evidence
- V. Request and Disclosure of Documents
- VI. Trade Secrets and Confidential Information
- VII. Privilege

5. Hearings

- I. Preparation for the Hearing
- II. Conduct of the Hearing
- III. Opening and Closing Statements
- IV. Witnesses - Oral Testimony and Examination

6. Post-hearing Briefs

14:30
15:00

VIII. INTERIM AND EMERGENCY RELIEF

Session Leader: **Philippe Pinsolle** (Quinn Emanuel Urquhart & Sullivan LLP, Geneva)

1. Availability

2. Enforceability of Interim Awards

3. Dealing with Urgent Requests

4. Party Applications for Judicial Relief

5. Emergency Relief

15:00
15:30

IX. AWARDS

Session Leader: **Domitille Baizeau**, (Lalive, Geneva)

1. Decision-Making

2. Types of Awards

3. Drafting the Award and Informal Scrutiny

4. Remedies

5. Costs

6. Applications for Correction or Additional Award

7. Post-Award Contact with Parties or Counsel

8. Enforcement

15:30
15:45

QUESTIONS AND ANSWERS

15:45
16:00

COFFEE BREAK

16:00
16:45

X. INDUSTRY PANEL: THE USE OF ADR FOR IP AND TECHNOLOGY DISPUTES

Session Leaders: **Jan-Michael Ahrens** (Siemens), **Christian Loyau** (ETSI),
Marcus Schwarzhaupt (Sanofi)

16:45
17:30

XI. DRAFTING EFFECTIVE MEDIATION AND ARBITRATION CLAUSES AND SUBMISSION AGREEMENTS FOR IP AND TECHNOLOGY DISPUTES

Session Leaders: **Kathleen Paisley** (Ambos NBGO, Brussels) and **Heike Wollgast**

1. Examples of Clauses and Submission Agreements
2. Choosing the Place of Arbitration
3. WIPO Clause Generator

17:30
17:45

QUESTIONS AND ANSWERS

17:45

CLOSING

INFORMATIONS



Duration : 7 hours



Single rate : 50 euros

Target audience:

Lawyers and other legal professionals

Prerequisite:

Mastering the basics of the matter in question

Learning objectives:

Reviewing recent legislative and jurisprudential developments based on a legislative and practical record

Pedagogical method:

Attending courses on site, legislative and jurisprudential study

LOCATION



CNB

180, Boulevard Haussmann
75008 Paris

HOW TO GET THERE ?



Metro:

Line 9 : Saint-Philippe du Roule

Line 2 : Courcelles

Line 1 : Charles de Gaulle-Étoile

ONGOING TRAINING:

This symposium is conducted in accordance with the procedures defined by le Conseil national des barreaux for lawyers ongoing mandatory training, representing 7 hours of training for that day

FORMATION FEES COVER BY THE FIF-PL:

Registration fees may be covered by the FIF-PL within the limits of the 2019 criteria's liberal lawyers. For lawyers who practice in France only

Informations & registrations : www.cnb.avocat.fr

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