

## IP Mediation Conference

**1<sup>st</sup> day (May 30, 2019)**

08:30 09:00 **Registration and breakfast**

09:00 09:40 **Welcome** by the Master of Ceremonies Thomas Frydendahl, Legal Consultant, Gorrissen Federspiel

### **Opening Statements by**

- Christian Archambeau, Executive Director, EUIPO
- Patrick Sensburg, Member of the German Federal Parliament (Deutscher Bundestag)
- Fransisco Fonseca Morillo, Head of the EU Delegation in Madrid, former Deputy Director-General
- James South, Managing Director, CEDR
- Dirk De Meulemeester, President, CEPANI, Partner at DMDDB Law

09:40 10:45 **1<sup>st</sup> Session**

### **The added value of mediation – Truths and lies about mediation**

**Panel Leader:** Ales Zalar, President of the European Centre for Dispute Resolution (Ljubljana), former Minister of Justice of the Republic of Slovenia

#### **Topic 1:** SMEs in difficulty

Speaker: Rachel Jones, founder and Chief Executive, SnapDragon Monitoring Ltd

#### **Topic 2:** Mediating disputes involving SMEs

Speaker: Pierfrancesco C. Fasano, Mediation Case Manager and Scientific Director, MFSD-IP Dispute Resolution Centre and Academy, Milan, Italy

#### **Topic 3:** A start-up's experience in helping other SMEs through the mediation process

Speaker: Jean-François Bloch, Founder and Chief Executive, Startingbloch

#### **Topic 4:** A multinational company's view on the value of IP mediation

Speaker: José Checa, General Counsel Brand & Marketing Properties, Nestlé

#### **Topic 5:** Mediation and design issues – micro and SMEs

Speaker: Dids Macdonald, OBE., CEO, Anti Copying in Design (ACID) and Vice Chair, the UK Alliance for Intellectual Property

#### **Topic 6:** Settlement or bust – getting to lasting solutions: Do you need to enforce?

Speaker: George Lim, Mediator and Senior Counsel, Partner at Wee, Tay & Lim and Chairman, Singapore International Mediation Centre

10:45 11:15 **Discussion**

11:15 11:45 **Coffee break**

11:45 13:00 **2<sup>nd</sup> Session**

**Mediation trends and practices in various IP areas around the globe**

**Panel Leader:** Geert Glas, Attorney at Law, Allen & Overy LLP

**Topic 1:** Global trends in IP mediation

Speaker: Nadja Alexander, Director at Singapore International Dispute Resolution Academy (SIDRA) and Professor at Singapore Management University

**Topic 2:** Mediation in the patent field: the UKIPO's practice

Speaker: Stephen Probert, CEng FIET - Head of Mediation Service, UK Intellectual Property Office

**Topic 3:** Mediation and other IP dispute resolution tools in EUIPO

Speaker: Sophia Bonne, Head of the Alternative Dispute Resolution Service in the Boards of Appeal, EUIPO

**Topic 4:** Mediation at WIPO

Speakers: Ignacio de Castro, Deputy Director of the Arbitration and Mediation Center, WIPO

**Topic 5:** IP mediation in the Baltic states: Lithuania, Latvia and Estonia

Speaker: Natalija Kaminskienė, assoc. professor, Head of Mediation and Sustainable Dispute Resolution Laboratory at Mykolas Romeris University (Lithuania), mediator, advocate

**Topic 6:** IP mediation in Singapore

Speaker: George Lim, Mediator and Senior Counsel, Partner at Wee, Tay & Lim and Chairman, Singapore International Mediation Centre

**Topic 7:** IP mediation at Shanghai Commercial Mediation Center

Speaker: Winnie Tam SC, Mediator of SCMC, Barrister, Former President of Hong Kong Bar Association

13:00 13:30 **Discussion**

13:30 15:00 **Networking lunch**

15:00 16:05 **3<sup>rd</sup> Session**

**Judicial IP mediation**

**Panel Leader:** Louise Otis, former Judge at the Court of Appeal, Montréal & Professor at McGill University, Faculty of Law

**Topic 1:** Simple Justice: an Italian project with international ambition

Speaker: Paola Lucarelli, Professor of Commercial law, Mediation and Conflict Resolution, International Commercial Contracts, University of Florence

**Topic 2:** IP Court mediation: a German perspective

Speaker: Monika Rhein, Presiding Judge, Regional Court Munich and Mediator

**Topic 3:** The mediation system established by the agreement on the Unified Patent Court (AUPC)

Speaker: Angel Galgo Peco, President of Chamber No. 28, Court of Appeal of Madrid, specialised in commercial matters

**Topic 4:** Judicial mediation: a European perspective

Speaker: HH Nicholas Chambers QC, Vice President, GEMME Europe

**Topic 5:** EU Domain Name Dispute Resolution

Speaker: Petr Hostaš, Member of the Board at the Czech Arbitration Court

**Topic 6:** CCBE's view on judicial mediation

Speaker: Christian Lemke (CC), CCBE Vice-Chair of the Future of the Legal Profession and Legal Services Committee, Council of Bars and Law Societies of Europe, CCBE, Brussels and German Bar Certified Specialist Lawyer for IP Law

16:05 16:35 **Discussion**

16:35 17:40 **4<sup>th</sup> Session**

#### **Artificial Intelligence (AI) and Mediation**

**Panel Leader: Sven Stürmann, Chairperson of the 2nd Board of Appeal and accredited Mediator (CEDR), EUIPO**

**Topic 1:** AI trends and AI definition in the context of mediation – a journey from the past to the future

Speaker: Barrou Diallo, Head of Innovation, European Patent Office

**Topic 2:** The future of online mediation – AI mediators and AI evaluative tools

Speaker: Ryan Abbott, Professor of Law and Health Sciences, University of Surrey School of Law and Mediator and Arbitrator, JAM.

**Topic 3:** Facilitating the mediation agreement – smart contract and self-executing contract using AI

Speaker: Arno R. Lodder, Professor of Internet Governance and Regulation at Vrije University (Amsterdam), Counsel, SOLV Lawyers

**Topic 4:** *Lex Machina*: How can AI enhance dispute resolution?

Speaker: John Zeleznikow, Professor and Director of Laboratory for Decision Support and Dispute Management, Victoria University, Melbourne Australia

**Topic 5:** Online mediation and data protection

Speaker: Charlotte Gerrish, Solicitor (England & Wales & Ireland), Avocat (Paris) of Gerrish Legal, judge-mediator at Court Internationale de Médiation et d'Arbitrage

**Topic 6:** AI and meditation – ethics to be considered

Speaker: Daniel Rainey, Principal, Holistic Solutions, Inc., Member of the US National Center for Technology and Dispute Resolution, Board Member of the International Council for Online Dispute Resolution, Editor-in-chief of the *International Journal of Online Dispute Resolution*

17:40 18:10 **Discussion**

21:00 00:00 Official dinner with speaker Avi Schneebalg, civil judge in Brussels and lecturer in negotiation, conciliation and mediation

**2<sup>nd</sup> day (May 31, 2019)**

09:00 12:20 **5<sup>th</sup> Session**

**How far can the mediator go? - Intervention and influencing skills in IP disputes**

**Panel Leader: James South, Managing Director, CEDR**

**Panel members:**

- **Susanne Schuler, Director of Training and Consultancy, Senior Consultant & Mediator, CEDR**
- **Eve Pienaar, Mediator, CEDR**
- **Wolf Von Kumberg, Mediator, CEDR**
- **Stephen Bate, Mediator, chartered arbitrator and barrister, CEDR**

09:00 09:15 **Introduction – objectives & warm up exercise**

09:15 09:45 **Topic 1: Approaches to mediator Intervention**

- ❖ The orthodoxy
- ❖ The paradox – neutrality and power imbalance
- ❖ The catch 22 – what clients want
- ❖ Reality – continuum of intervention – options and CEDR audit results

09:45 10:20 **Topic 2 : Practical use of different interventions in IP disputes**

10:20 10:40 **Coffee break**

10:40 10:50 **Topic 3: Review of effective interventions**

10:50 11:10 **Topic 4: Introduction of influence**

- ❖ Intro game
- ❖ Overview of heuristics
- ❖ Definition of influence
- ❖ Is it ok for mediation to influence parties?

11:10 11:35 **Topic 5: Understanding principles of influence**

- ❖ Quiz
- ❖ Overview of 6 principles with examples

11:35 12:10 **Topic 6: How can a mediator use influencing skills effectively and appropriately?**

- ❖ Considerations regarding circumstances and how to use influencing techniques

12:10 12:20 **Review**

12:20 13:00 **6<sup>th</sup> Session**

**Hybrid and cutting-edge mediation techniques**

**Panel Leader: Gordon Humphreys, Chairperson of the 5th Board of Appeal and accredited Mediator (CIArb), EUIPO**

**Panel members:**

- **Nadja Alexander, Director at Singapore International Dispute Resolution Academy (SIDRA) and Professor at Singapore Management University**
- **Ioanna Anastassopoulou, President of the Hellenic Mediation & Arbitration Centre (Athens), Senior Partner at PPT Legal, Legal Counsellor of the Association of Public and Private Limited Companies**
- **Alya Ladjimi, Deputy Manager at the International Centre for ADR, International Chamber of Commerce**

**Panel discussion** on med-arb and arb-med and other new combined ADR forms

13:00 13:30 **Discussion**

13:30 13:50 **Closing remarks** by Théophile M. Margellos, President of the Boards of Appeal

13:50 15:20 **Networking Lunch**