

## 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)
- James South, Managing Director, CEDR
- Dirk De Meulemeester, President, CEPANI

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 European Centre for Dispute Resolution (Ljubljana), former Minister of Justice of the Republic of Slovenia

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

Speaker: Rachel Jones, Rachel Jones, founder and Chief Executive of SnapDragon

#### **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, President, 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, Chief Executive, Anti Copying in Design (ACID)

#### **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, Senior Mediator, 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: Dr. Natalija Kaminskienė, Mykolas Romeris University, 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, Mediator of SCMC, Barrister, Former President of Hongkong 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, 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, JAMS.

**Topic 3:** Facilitating the mediation agreement – smart contract and self-executing contact 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 of Information Systems, Laboratory of Decision Support and Dispute Management, College of Business, Victoria University (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, 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 dinner speaker Avi Schneebalg, civil judge and professor of negotiation 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**
- **Christopher Newmark, Mediator, CEDR**
- **Stephen Bate, Mediator, 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 mediations 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 (CI Arb), 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 ICC International Centre for ADR

**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**