



**Vienna 4–9 October 2015**  
**ANNUAL CONFERENCE OF THE**  
**INTERNATIONAL BAR ASSOCIATION**



# Final Programme



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OFFICIAL CORPORATE SUPPORTERS



Section/Committee		Title	Co-presented with	Location	Page
Thursday	0930 – 1230	Environmental justice and the trans-shipment of waste products	Corporate Social Responsibility Committee/International Sales Committee	Hall K2	113
Thursday	1430 – 1730	The diverse impacts of drought	Water Law Committee	Hall L8	122
<b>International Construction Projects Committee</b>					
Monday	0930 – 1230	Alpine Bau (construction sector insolvency) – an après-ski hangover with international dimensions	Insolvency Section	Rooms 1.61 & 1.62	61
Monday	1430 – 1730	Say it ain't so, Joe: failed PPPs from around the world		Rooms 1.85 & 1.86	73
Tuesday	0930 – 1230	Peace in the valley: best practices in the dispute resolution of major contractor claims and owner counter claims, including mediation	Mediation Committee	Hall K1	81
Wednesday	1430 – 1730	The alphabet soup of project delivery methods: who gets the mine and who gets the shaft?		Hall M2	107
Thursday	0930 – 1230	How high is up? Civil and common law approaches to the typical exceptions to limitations of liability in the age of 'gross negligence'		Hall F2	114
Thursday	1430 – 1730	See spot run: a construction lawyer's primer on the all-important ICC Rules of Arbitration		Hall F1	121
Friday	0815 – 1600	Construction excursion – tradition and development			125–126
<b>Mining Law Committee</b>					
Monday	1430 – 1545	International trade, climate change, access to natural resources and human rights in the 21st century: can the gaps be bridged?	Environment, Health and Safety Law Committee/International Trade and Customs Law Committee	Hall L7	70–71
Tuesday	0930 – 1230	Governmental and institutional relations for natural resources projects	Anti-Corruption Committee/Corporate Social Responsibility Committee/Public Law Committee	Hall L8	78–79
Wednesday	1430 – 1730	Extractive industries – what happens when environmental permit conditions fail: response and remediation	Employment and Industrial Relations Law Committee/Environment, Health and Safety Law Committee/Negligence and Damages Committee	Rooms -2.47 & -2.48	104
Thursday	0930 – 1230	Role of judges and arbitrators in natural resources activities	Arbitration Committee/Judges' Forum/Litigation Committee/Power Law Committee	Hall N2	116
Thursday	1430 – 1730	Sustaining development and developing sustainability: the African experience, challenges and prospects	African Regional Forum	Hall E2	122
<b>Oil and Gas Law Committee</b>					
Tuesday	1430 – 1730	Recurrent issues in joint operating agreements		Room 2.31	88
Wednesday	0930 – 1230	Past, present and future of mediation in the energy, oil and gas industry	Mediation Committee	Rooms 1.61 & 1.62	98
Thursday	1430 – 1730	Hot topics on gas supply arrangements		Room 2.15	119
Friday	0930 – 1230	Update on mergers and acquisitions in the oil and gas world	Corporate and M&A Law Committee	Hall L4	127–128

**Claudio Cocuzza** *Cocuzza & Associati Studio Legale, Milan, Italy; Website Officer, Regulation of Lawyers' Compliance Committee*  
**Catherine Martougin** *Jones Day, Paris, France; Conference Quality Officer, Real Estate Committee*  
**Peter Vocke** *Heuking Kühn Lüer Wojtek, Dusseldorf, Germany*  
**Claudia Winkler** *CDRC Vienna, The IBA-VIAC Mediation and Negotiation Clinic Competition, Vienna, Austria*

HALL L7

## Policing the world: the role of national courts in extra-jurisdictional conflict crime

*Presented by the Criminal Law Committee and the War Crimes Committee*

*Session Co-Chairs*

**Jonathan Grimes** *Kingsley Napley, London, England; Co-Chair, War Crimes Committee*  
**Matthew Reinhard** *Miller & Chevalier, Washington, DC, USA; Vice Chair, Criminal Law Committee*

Conflicts taking place abroad are ever more the business of national courts. Whether these are prosecutions of nationals who have gone abroad to fight for financial or ideological motive, or result from the operation of universal jurisdiction in respect of war crimes offences, a range of legal, practical, and ethical issues arise. Looking at such prosecutions in a number of jurisdictions around the world the session will look at issues such as:

- differing approaches to the jurisdiction of national courts for offences committed abroad;
- the not so universal approach to universal jurisdiction cases;
- the politics behind the decision to prosecute – why some but not others? and
- practical problems prosecuting offences where the evidence is all abroad.

*Speakers*

**Jeremy Gauntlett SC** *General Council of the Bar of South Africa, Cape Town, South Africa*  
**Daniel Machover** *Hickman & Rose, London, England*  
**Michiel Pestman** *Prakken d'Oliveria Human Rights Lawyers, Amsterdam, the Netherlands*  
**David Schertler** *Schertler & Onorato, Washington, DC, USA*  
**Natalie von Wistinghausen** *NVW Law, Berlin, Germany*  
**Alain Werner** *Civitas Maxima, Geneva, Switzerland*

ROOMS 1.85 & 1.86

## See spot run: a construction lawyer's primer on the all-important ICC Rules of Arbitration

*Presented by the International Construction Projects Committee*

*Session Co-Chairs*

**Aisha Nadar** *Advokatfirman Runeland, Stockholm, Sweden; Co-Chair, Project Establishment Subcommittee*  
**R Bruce Reynolds** *Borden Ladner Gervais, Toronto, Ontario, Canada; Co-Chair, International Construction Projects Committee*

This session will review the practical operation of the 2012 ICC Rules of Arbitration as they apply in the construction industry context, with particular attention paid to the manner in which counsel should interact with the ICC Secretariat and Arbitral Panel within the context of the Rules.

*Speakers*

**Raid Abu-Manneh** *Mayer Brown International, London, England*  
**Jane Davies Evans** *Crown Office Chambers, London, England*  
**Ian De Vaz** *WongPartnership, Singapore*  
**Joachim Knoll** *Lalive, Geneva, Switzerland*  
**Claus H Lenz** *LLS Lungerich Lenz Schuhmacher, Cologne, Germany; Vice Chair, International Construction Projects Committee*  
**Joseph Moore** *Hanson Bridgett, San Francisco, California, USA*

HALL F1

## Strategy II: independent law firms – strategies for the future

*Presented by the Law Firm Management Committee*

*Session Co-Chairs*

**Maximo Bomchil** *M & M Bomchil, Buenos Aires, Argentina*  
**Paul Cronheim** *De Brauw Blackstone Westbroek, Amsterdam, the Netherlands*

Global and regional firms compete with independent local and national firms. How can independent firms best succeed when facing the competition of global firms that have far more financial, technological, marketing and human resources and may have ongoing relationships with important economic players and investors?

This Law Firm Management Café (II) will look into these issues and will seek that participants exchange views and share experiences in an open atmosphere.

A panel of senior members of leading national and international independent firms will comment on the views and experiences of the participants on topics such as evolving client needs, strategic positioning, branding, governance and compensation, and cooperation across borders.

*Panellists*

**Arlene Elliott** *Law Society of Northern Ireland, Belfast, Northern Ireland*  
**Richard Hall** *Cravath Swaine & Moore, New York, USA*  
**Sadiq Jafar** *Hadeef & Partners, Dubai, United Arab Emirates; Co-Chair, Arab Regional Forum*  
**Stefan Kraus** *Luther, Cologne, Germany*  
**Robert Millard** *Møller PSF Group, Cambridge, England; Senior Vice Chair, Law Firm Management Committee*  
**Stephen O'Sullivan** *Mattos Filho Veiga Filho Marrey Jr e Quiroga Advogados, São Paulo, Brazil*

HALL K2

## Survey the survey – how to prove consumer perception

*Presented by the Intellectual Property and Entertainment Law Committee*

*Session Co-Chairs*

**Kristofer Bott** *GvW Graf von Westphalen, Frankfurt/Main, Germany; Chair, Trademark Law Subcommittee*  
**Claudia Schulz** *Barbosa Müssnich & Aragão, Rio de Janeiro, Brazil*

### *Proving likelihood of confusion and acquired distinctiveness*

Conducting a survey can assist in determining whether or not the public associates a brand with a particular company. In some jurisdictions, courts require such surveys. In other jurisdictions, courts are reluctant or even sceptical. In this session, experience with surveys in court rooms shall be discussed, along with the standards set in case law for performing surveys, the methodology used and questions asked.

*Speakers*

**Nick Aries** *Bird & Bird, London, England*  
**Antonio Bana** *Studio Legale Bana, Milan, Italy*  
**Rebecca McDougall** *Miles & Stockbridge, Washington, DC, USA*  
**Hugh Melamdowitz** *Spoor & Fisher, Pretoria, South Africa*  
**Almut Pflüger** *Pflüger Rechtsforschung, Munich, Germany*  
**Katharina Schmid** *Schmid IP, Vienna, Austria*

HALL G2