PROGRAM

08:30
REGISTRATION AND WELCOME COFFEE

09:00
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
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
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
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
QUESTIONS AND ANSWERS

COFFEE BREAK

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

VI. INTELLECTUAL PROPERTY AND TECHNOLOGY ARBITRATION

Session Leaders: Philipp Groz (Schellenberg Wittmer, Zurich), Jacques Raynard (University of Monpellier I)
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
5. Benefits and Limitations of Arbitration in Intellectual Property Disputes as Compared to Court Litigation
6. Recent Developments in International Arbitration

QUESTIONS AND ANSWERS

LUNCH
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

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

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

QUESTIONS AND ANSWERS

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

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

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

QUESTIONS AND ANSWERS

17:45 CLOSING

INFORMATIONS

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

Duration: 7 hours
Single rate: 50 euros

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

An event co-organised by: