

# 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**

- Theophile Margellos, President of the Boards of Appeal, EUIPO
- Patrick Sensburg, Member of the German Federal Parliament (Deutscher Bundestag)
- Francisco Fonseca Morillo, Head of the EU Delegation in Madrid, former Deputy Director-General for DG Justice and Consumers
- Dirk De Meulemeester, President of CEPANI – Belgian Centre for Arbitration and Mediation
- James South, Managing Director, Centre for Effective Dispute Resolution (CEDR)

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

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Thank you very much for your collaboration.

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 UK practice

Speaker: Stephen Probert, Chartered Engineer, Fellow of Institution of Engineering and Technology

**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**

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15:00 16:10 **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 of the European Group of Judges for Mediation (GEMME Europe)

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

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

**Topic 6:** The Council of Bars and Law Societies of Europe's (CCBE) view on judicial mediation

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

**Topic 7:** The judicial mediation approach at the Shanghai Intellectual Property Court

Speaker: Fei Xu, Judge of N°1 Intellectual Property Division, Shanghai Intellectual Property Court

16:10 16:30 **Discussion**

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16:30 17:30 **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:** AI driven online dispute resolution

Speaker: Anyu Lee, Chairman, Dispute Resolution Committee, China Trademark Association, President, Beijing eBridgeChina Research Institute

**Topic 4:** 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:** 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 6:** Online mediation and data protection

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

17:30 18:00 **Discussion**

20:30 00:00 Official dinner

Dinner speaker Avi Schneebalg, President of Belgian section of the European Group of Judges for Mediation (GEMME Belgium), Civil Judge in Brussels and Lecturer in negotiation, conciliation and mediation

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## 2nd Day (31 May 2019)

08:30 09:00 **Breakfast**

09:00 12:30 **5<sup>th</sup> Session**

**How far can the mediator go? - Intervention and influencing skills in IP disputes**  
**Panel Leader: James South, Managing Director, Centre for Effective Dispute Resolution (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 to phases of Mediation**

- Objectives
- Warm up exercise
- Phases of mediation

09:15 09:40 **Topic 1a: Mediators role and how far they can go in Intervening**

- The Theory- The mediator as process manager
- The catch 22- What clients and lawyers want
- The Reality- Continuum of Intervention

09:40 10:30 **Topic 1b: Practical use of different Interventions in IP disputes**

- Using IP case examples- group discussion
- Demonstration of different intervention approaches to assist settlement

10:30 11:00 **Coffee break**

11:00 11:15 **Topic 2a: Introduction of Influence**

- Introduction exercise
- Overview of Heuristics and Influence
- Is it OK for mediators to influence parties

11:15 11:45 **Understanding Principles of Influence**

- Quiz
- Overview of 6 Principles of Influence

11:45 12:15 **Topic 2b: How can mediators and lawyers use influencing skills effectively in IP disputes**

- Audience consideration of how to influence effectively in IP Disputes
- Practical case examples from Panel and discussion

12:15 12:30 **Questions and answers**

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12:30 13:15 **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

**Fireside chat** on hybrid techniques such as med-arb and arb-med and other new combined ADR forms

13:15 13:45 **Discussion**

13:45 14:00 **Closing remarks** by:

- João Negrão, Director, ICLAD, EUIPO
- Théophile Margellos, President of the Boards of Appeal, EUIPO

14:00 15:30 **Networking Lunch**

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