



Time for Change: Mediation and Arbitration as Tools in Defusing Intellectual Property and Technology Disputes

Tuesday, 30 Nov 2021

4:00 pm to 6:00 pm (Malaysia Time / CET +0600)

2 CPD Points

[Register Here](#)

Admission is free but advance registration is required

An exclusive webinar jointly organised by the Bar Council Intellectual Property Committee and Bar Council Cyberlaw Committee, in collaboration with the World Intellectual Property Organization Arbitration and Mediation Center

Mediation and arbitration provide numerous advantages in not only resolving intellectual property and technology disputes, but also in helping to prevent them in the first place. In recent years, we have seen such methods being embraced not only in the West, but also by our neighbours alike. With cross-border intellectual property ("IP") and technology transactional disputes becoming more prevalent, it is time for us as advocates of the law to explore alternative resolution tools.

What will be covered?

Some of the considerations that will be explored in this webinar are:

- Why arbitrate or mediate when you can litigate?
- What are the cultural nuances which stand in the way?
- Does it optimise revenue streams? And for whom: the client or the adviser?
- Is mediating and arbitrating more client-centric?
- What prevents clients or their advisers from agreeing to mediate or arbitrate?
- Would a mixed mode of technique of dispute resolution be appreciated/appropriate?
- Enforceability within the IP/technology field is paramount – how do we ensure that mediation provides workable solutions?

Who will be speaking?

The panel of experienced WIPO mediators, practising lawyers and in-house counsel who will share their experiences of using mediation and arbitration to resolve cross-border disputes, renegotiate collaborations, and prevent potential disputes are:

- **Ignacio de Castro**, WIPO Arbitration and Mediation Center, Switzerland
- **Jane Player**, Independent Mediators Chambers, UK
- **Shanti Abraham**, Shanti Abraham & Associates, Kuala Lumpur
- **Kuo-Liang Yeh**, TCL Communication, China
- **Chiara Accornero**, WIPO Arbitration and Mediation Center, Switzerland
- **Joyce Tan**, Joyce A. Tan & Partners LLC, Singapore

Moderated by **Karen Abraham**
Shearn Delamore & Co., Kuala Lumpur

Join the webinar and learn from the experienced speakers as they discuss the current landscape of alternative dispute resolution ("ADR") abroad and in Malaysia and the successes the World Intellectual Property Organization ("WIPO") Mediation and Arbitration Center has achieved in helping parties resolve their IP and technology disputes in terms of time, cost, and business relationships.



Programme

This webinar timings are MYT Malaysia Time (CET +0600).

4:00 pm – 4:10 pm

Introduction: Why Mediate IP Disputes?

by **Karen Abraham**, *Shearn Delamore & Co., Kuala Lumpur*

4:10 pm – 4:20 pm

Introduction to WIPO Arbitration and Mediation Center

by **Ignacio de Castro**, *WIPO Arbitration and Mediation Center, Switzerland*

4:20 pm – 4:35 pm

Session 1: An Overview of ADR in Malaysia: Current Trends and Opportunities

by **Shanti Abraham**, *Shanti Abraham & Associates, Kuala Lumpur*

4:35 pm – 4:50 pm

Session 2: WIPO Mediation and Arbitration

- Benefits of Mediation and Arbitration for IP and Technology Disputes
- WIPO Arbitration and Mediation Center and WIPO Rules
- WIPO case examples

by **Chiara Accornero**, *WIPO Arbitration and Mediation Center, Switzerland*

4:50 pm – 5:35 pm

Session 3: Effectiveness of Mediation, Cross-Border IP Mediation and an Industry Perspective

- **Jane Player**, *Independent Mediators Chambers, UK*
- **Joyce Tan**, *Joyce A. Tan & Partners LLC, Singapore*
- **Kuo-Liang Yeh**, *TCL Communication, China*

5:35 pm – 6:00 pm

Panel Discussion and Question-and-Answer Session

6:00 pm

Closing Remarks

by **Cindy Goh**, *Co-Chairperson, Bar Council Intellectual Property Committee*



Moderator



Karen Abraham

Head of Intellectual Property Department, Shearn Delamore & Co., Kuala Lumpur; Asia Pacific Regional Forum Liaison Officer, IBA Intellectual Property and Entertainment Law Committee

Karen Abraham is the Head of the Intellectual Property Department of Shearn Delamore & Co., and her practice covers all areas of intellectual property, technology, media and telecommunications, data protection, and competition law. She has more than 30 years of litigation experience in intellectual property matters, appearing in the Apex Court in Malaysia. She focuses her practice on enforcement of intellectual property in the courts and in the public domain, including crafting anti-piracy and anti-counterfeiting strategies for leading companies in the global market, as well as crafting innovative solutions for IP disputes for global and local IP brands. She has been appointed as an Accredited Member and a Representative Neutral of the Federation of Integrated Conflict Management.

She is a member of the INTA Trademark Mediators Network ("TMA"), formerly known as the Panel of Neutrals, an international roster of pre-screened, INTA-affiliated mediators. She was involved in the Asian International Arbitration Centre ("AIAC")'s establishment of the Domain Name Dispute Resolution ("DNDR") process, and has presided on the AIAC DNDR where she frequently assists parties in resolving disputes regarding internet domain names. She is also qualified under the WIPO Mediation Center in Geneva, an Associate Member of the UK Chartered Institute of Arbitrators and a panel member of the Malaysian Mediation Centre.

She is the co-contributor on intellectual property and DNDR for *Arbitration in Malaysia: A Practical Guide*, a comprehensive local guide for practitioners published by Sweet & Maxwell.

Speakers



Ignacio de Castro

*Director, IP Disputes and External Relations Division;
WIPO Arbitration and Mediation Centre, Switzerland*

Ignacio is a Spanish lawyer and an English solicitor. He holds an LLM degree from King's College London. Before joining WIPO in 2002, he practised with the law firms Baker & McKenzie and Freshfields Bruckhaus Deringer in London in the areas of international arbitration and litigation. Ignacio is responsible for the administration of mediation, arbitration and expert determination cases filed with the WIPO Arbitration and Mediation Center, and the development and promotion of WIPO ADR. This includes implementing ADR collaborations concluded with IP Offices and establishing ADR procedures adapted to specific areas of intellectual property.



Jane Player

Commercial Mediator, Independent Mediators Chambers, UK

Jane is an accredited mediator, having mediated over 400 domestic and international disputes. Her expertise focuses on general corporate and contractual claims, fraud and project disputes in the IP/IT and media sectors. Jane has a particular experience in international dispute resolution, and has a leading reputation for managing cross-cultural aspects of technology collaborations, joint venture and shareholder disputes.

Jane actively promotes “in life” mediation (and has been appointed as an “in life” mediator), which is a new trend in English dispute resolution and one attractive to IP cases. The use of mediation techniques early in a business relationship, and working with parties to help them maintain their commitment to the venture as opposed to focusing on rights and obligations once things go wrong, has proved to be very successful. This approach complements businesses’ desire to form long term strategic relationships with their partner.



Shanti Abraham

Shanti Abraham & Associates, Kuala Lumpur

Shanti Abraham, prior to forming her boutique practice of Shanti Abraham & Associates in Kuala Lumpur, has practised as an advocate and solicitor in both Singapore and Kuala Lumpur. Shanti is a litigator, arbitrator, mediator and adjudicator who has been in legal practice for over 25 years. She is a Fellow of the Chartered Institute of Arbitrators, a CIPAA Adjudicator and a SIMI Certified Mediator.

Shanti is an International Mediator with the American Arbitration Association - International Center for Dispute Resolution (“AAA-ICDR”), a Principal Mediator with the Singapore Mediation Centre, an ambassador with the Singapore International Mediation Centre and a trainer with the Singapore and Malaysian Mediation Centres. She is also a mediator with AIAC and Securities Industries Dispute Resolution Centre (“SIDREC”), among others.

Shanti is the Chair of the International Mediation Institute Investor State Mediation Taskforce and the Project Co-Ordinator of the Malaysian COVID-19 Mediation Scheme, and part of the Government working group looking into reforms in mediation in Malaysia.



Chiara Accornero

Legal Officer, WIPO Arbitration and Mediation Center, Switzerland

Chiara Accornero is a Legal Officer at the WIPO Arbitration and Mediation Center in Geneva. In her role, Chiara is responsible for the management of cross-border intellectual property and technology related disputes and promotion of WIPO Alternative Dispute Resolution services.

Chiara was the WIPO Arbitration and Mediation Center’s Representative at Maxwell Chambers in Singapore from 2017 until mid-2021. Before joining the WIPO Arbitration and Mediation Center in Geneva in 2016, she worked in a Turin-based law firm in the areas of intellectual property and contract law. Chiara holds a Master of Laws from the University of Turin and a Certificate in Transnational Law from the University of Geneva.



Kuo-Liang Yeh (Karl)

General Counsel, TCL Communication

Kuo-Liang Yeh (Karl) has a comprehensive education as well as extensive work experience in the fields of engineering, law and IP, especially in China and the US. Since joining TCL in 2018, he has helped TCL enhance its capabilities to manage international legal risks and overseas litigations. Drawing upon his proficiency in technology and law as well as his solid experience in the IP field, Yeh has a profound insight into the substance of risks and disputes.

Yeh has a PhD in Engineering and Doctoral in Law degree, the qualifications to practice law and to act as a patent attorney in China and the US. He has worked in the IT industry for more than 20 years as an R&D project leader and Chief Legal Officer / Head of Legal Division. Yeh has built a very dynamic IP and legal team with a great sense of responsibility, and many of the cases he has handled are of great industrial and international impact. He has led his IP team to be awarded the 2020 Outstanding IP Management Team, and has been personally selected as the IAM Strategy 300 and 2020 ALB China Top 15 IP In-House Counsel.



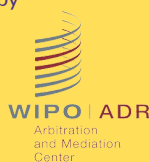
Joyce Tan

Managing Director, Joyce A. Tan & Partners LLC

Joyce Tan is managing director of the firm she established in 1998, a business-focused commercial law practice, with strengths in intellectual property and technology. She is consistently recognised as a leading lawyer by numerous legal publications, including Legal 500; Chambers; AsiaLaw Leading Lawyers; Practical Law Company; World Trade Mark Review; International Who's Who of Business Lawyers; International Who's Who of Regulatory Communications Lawyers; International Who's Who of Internet, E-Commerce & Data Protection Lawyers; Global Communications; Guide to the World's Leading Technology, Media & Telecommunications Lawyers; Global Counsel 3000; Global Law Experts; The Best Lawyers; and Acritas Stars. She has been recognised in the A-List of Singapore's Top 100 Lawyers by Asia Business Law Journal.

Her business-focused legal practice which routinely involves intense negotiations and the development of creative business solutions, is a natural ally to her mediation work, which she has been active in for many years. She is credited for her work in the successful mediation of an international dispute involving IP rights spanning six jurisdictions, which the World Trademark Review reported as "groundbreaking" and that "could redefine the trademark status quo".

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Should you have any enquiries, please contact:

- **Jul Indra Tofan**
jul.indra@malaysianbar.org.my
- **Dhyana Sivabalan**
dhyana@malaysianbar.org.my