

# ICC Asia Pacific Conference

## East Meets West: Evolving Issues in International Arbitration in the Asia-Pacific Region

**San Francisco, March 14 – 16, 2010**

*Under the auspices of the International Court of Arbitration®*

International commercial arbitration in the Asia-Pacific region is riddled with complex challenges. How does one reconcile the parties' competing and conflicting views on discovery and evidence? How does one navigate an arbitral proceeding involving multiple parties from a myriad of jurisdictions? How do you level the playing field when the opposing party is a state entity? The global economic crisis looms large over all these questions and is giving rise to an increasing number of high-stakes disputes throughout the region. Join scholars, practitioners and corporate counsel from both sides of the Pacific for a lively discussion of these developments and the issues currently unfolding in the international commercial arbitration community.

**Venue:** **The Palace Hotel**  
2 New Montgomery Street  
San Francisco, California 94105

### **International Court of Arbitration®**

The International Court of Arbitration® has a distinguished and long-standing history of international dispute resolution. In 2008 alone, it received 663 requests for arbitration from all over the world. Of the 1,758 parties in the cases filed with the International Court of Arbitration® in 2008, Asia and North America captured the second and fourth, respectively, most number of parties involved.

### **ICC Dispute Resolution Services**

ICC Dispute Resolution Services (ICC DRS) provides international business with alternatives to court litigation. ICC DRS has developed a wide range of alternatives to court litigation, including arbitration, and runs one of the most respected and widely used courts of international commercial dispute resolution.

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### Sunday, March 14, 2010

6:30 – 9:30 p.m. *Cocktail Reception*

### Monday, March 15, 2010

8:00 – 9:00 a.m.

*Registration & Continental Breakfast*

9:00 – 9:10

*Welcome and Introduction*

9:10 – 10:10

**Overview: The Past, Present and Future of International Arbitration in the Asia-Pacific Region**

This panel will examine the history of international arbitration in the Asia-Pacific region, with a focus on recent developments and emerging trends, including the growing role and enhanced resources of ICC arbitration in the region.

10:10 – 10:40 *Discussion*

10:40 – 11:00 *Coffee Break*

11:00 – 12:00

**Arbitrating with State Parties: Key Issues and Challenges**

An increasing number of arbitrations in the region involve state entities. This panel will examine recent ICC experience in arbitrations involving state parties, with a focus on specific issues that arise during such arbitrations and key challenges facing parties and arbitrators.

12:00 – 12:30 *Discussion*

12:30 – 2:00 *Lunch*

2:00 – 3:00

**Multi-Party Arbitration**

The more complex the dispute, the greater the likelihood that multiple parties will have a stake in the arbitration. This session will explore the unique procedural and substantive issues that must be considered in arbitrations involving multiple parties, including consolidation of multiple arbitrations, enforcement of arbitration agreements by and against non-signatories, and practical solutions for the key challenges posed by multi-party arbitrations.

3:00 – 3:30

*Discussion*

3:30 – 3:50

*Coffee Break*

3:50 – 4:50

**Evidence and Discovery in International Arbitration**

This session will examine the rules and practices governing discovery in international arbitrations. The panel will discuss the ICC Rules, the use of the IBA Rules on the Taking of Evidence in International Commercial Arbitration, and the competing legal approaches to discovery as seen in different jurisdictions in the region.

4:50 – 5:20

*Discussion*

7:00 – 9:00

*Dinner*

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### Tuesday, March 16, 2010

8:00 – 9:00 a.m.

#### *Continental Breakfast*

9:00 – 10:00

#### **East Meets West: The Role of Legal Culture in International Arbitration**

This session will explore the role of different legal cultures in the Asia-Pacific region and how these influence the arbitration of disputes between parties from different legal backgrounds. The panel will discuss the major challenges facing arbitration between diverse parties and offer practical suggestions on how to shape the proceedings to meet the expectations of all parties. Particular emphasis will be on the role of the arbitrators in setting and managing expectations.

10:00 – 10:30

*Discussion*

10:30 – 10:50

*Coffee Break*

10:50 – 11:50

#### **Arbitrating Intellectual Property Disputes in the Asia-Pacific Region**

Intellectual property disputes have emerged as a leading area for use of international arbitration in the region. This panel will discuss the challenges and benefits of arbitrating intellectual property disputes, with a focus on regional issues, the adaptability of the ICC Rules, obtaining and enforcing interim measures of protection, and arbitrability issues and their impact on the jurisdiction of the tribunal and the enforcement of awards.

11:50 – 12:20

*Discussion*

12:20 – 2:00

*Lunch*

2:00 – 3:00

#### **Country Focus: Recent Developments and Emerging Trends in International Arbitration in China**

As China plays an increasingly important role in the global economy, corporations and their counsel have a vested interest in understanding the unique features of Chinese arbitration law and practice. This panel will discuss the salient features of arbitrating in China, with a special emphasis on the pitfalls that await the uninitiated.

3:00 – 3:30

*Discussion*

3:30 – 3:50

*Coffee Break*

3:50 – 4:50

#### **Corporate Counsel Roundtable: International Arbitration in Troubled Economic Times**

As current economic difficulties spread across the globe and into every sector, corporate counsel have been reassessing their approaches to litigation and dispute resolution in light of this challenging economic climate. How have attitudes and approaches toward international arbitration changed? A panel of corporate counsel shares their views on the costs and benefits of arbitration during the economic turmoil, changing attitudes, and what the future holds for international arbitration as the global economy struggles to emerge from the current financial crisis.

4:50 – 5:20

*Discussion*

5:20 – 5:30

*Closing Remarks*

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### Speakers

- **Prof. David Caron**, C. William Maxeiner Distinguished Professor of Law, The University of California at Berkeley, *United States*
- **Cedric Chao**, Partner and Co-Chair of the International Arbitration Practice, Morrison & Foerster LLP, *United States*
- **Prof. Tai-Heng Cheng**, Visiting Associate Professor of Law, Vanderbilt Law School & Senior Legal Advisor, Hoguet Newman Regal & Kenney, LLP, *United States*
- **Scott Donahey**, Independent Arbitrator & Mediator, *United States*
- **Jason Fry**, Secretary General, ICC International Court of Arbitration, *France*
- **Sally Harpole**, Arbitrator, Mediator and Lawyer, Sally Harpole & Co., *Hong Kong*
- **Bryan Hopkins**, Former Vice President & General Counsel, Samsung Electronics America, Inc., *United States*
- **Cheng-Yee Khong**, Director and Counsel, Secretariat of the ICC International Court of Arbitration - Asia Office, *Hong Kong*
- **Grant L. Kim**, Of Counsel, Morrison & Foerster LLP, *United States*
- **Kap-You (Kevin) Kim**, Head of Arbitration Group, Bae Kim & Lee LLC, *Korea*
- **Jennifer Kirby**, Partner, International Arbitration, Herbert Smith LLP, *France*
- **Michelle Leetham**, Principal Counsel and Manager of Litigation, Bechtel Corporation, *United States*
- **Michael Morkin**, Partner, Baker & McKenzie LLP, *United States*
- **Michael Moser**, Chairman, Hong Kong International Arbitration Centre and Consultant, O'Melveny & Myers, *China and Hong Kong*
- **James Norton**, Arbitrator, Mediator and Lawyer, Theall Group LLP, *Thailand and Canada*
- **Prof. David Sandborg**, Professor, Shantou University Law School & Co-Director of the Cheung Kong Center for Negotiation and Dispute Resolution, *China and Hong Kong*
- **John Savage**, Partner, Shearman & Sterling LLP, *United States*
- **Victoria Shannon**, Deputy Director, Arbitration & ADR, North America, ICC International Court of Arbitration, *United States*
- **Josefa Sicard-Mirabal**, Director, Arbitration & ADR, North America, ICC International Court of Arbitration, *United States*
- **Stephen E. Smith**, Vice President and General Counsel, Lockheed Martin Space Systems Company, *United States*
- **Steven L. Smith**, Chair of the International Arbitration Practice, O'Melveny & Myers LLP, *United States*
- **Charles Stevens**, Independent Arbitrator, *United States and Japan*
- **Jingzhou Tao**, Partner, Jones Day, *China*
- **Meg Utterback**, Managing Partner, Shanghai Office, Pillsbury Winthrop Shaw Pittman LLP, *China*
- **MaryBeth Wilkinson**, Partner, Chicago Office, Lovells LLP, *United States*
- **Charles Yoon**, Partner, Yoon & Kim LLP, *United States*

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**Venue:** The Palace Hotel  
2 New Montgomery Street  
San Francisco, California 94105

**Working language:** English

### How to register:

Please complete and return the registration form indicating method of payment to:

**E-mail:** [ifs@iccwbo.org](mailto:ifs@iccwbo.org)

**Post:** INTERNATIONAL COURT OF ARBITRATION®

**Tel:** 212.703.5044

**Arbitration and ADR, North America**

**Fax:** 212.575.0327

1212 Avenue of the Americas, 21st Floor

**Websites:** [www.uscib.org](http://www.uscib.org) / [www.iccwbo.org](http://www.iccwbo.org) New York, NY 10036-1689

### Registration fees:

**EARLY BIRD rate (until Friday, February 5)** | \$850 for ICC/USCIB members and non-members

**REGULAR RATE** | ■ \$950 for ICC /USCIB members | ■ \$1100 for non-members

**SPECIAL RATE** | \$800 for Students, Academics, Corporate Counsel, California Bar Association Members, New York State Bar Association Members

Registration will be confirmed upon receipt of the registration form and payment of the registration fee. Fee includes working papers, refreshments, the cocktail reception, breakfasts, lunches and the dinner.

### Travel and accommodation:

Participants are responsible for making their own travel arrangements and hotel reservations. A hotel reservation form/unique group code for online reservations at **The Palace Hotel**, with which ICC has negotiated preferential rates at **229 US\$ per night, excluding taxes and fees**, will be sent upon receipt of the registration form and registration fees. Please note that the number of rooms reserved with the ICC rate is limited. As they will be distributed on a "first come first served" basis, we recommend that you make your reservation ASAP. All room reservations must be guaranteed by a credit card. The pre-reservation cut-off date is **Saturday, February 20, 2010**. Hotel reservations received after February 20 will be accepted on a space and/or rate available basis only.

### Cancellation charge:

50% of the registration fee will be refunded if notice of cancellation is **received in writing before Friday, February 19, 2010**. Cancellations after this date are not refundable. However, registration may be transferred to another person from the same company or organization at no extra charge, provided that notice is sent to [ifs@iccwbo.org](mailto:ifs@iccwbo.org) prior to the Conference.



International Chamber of Commerce

*The world business organization*

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**INTERNATIONAL COURT OF ARBITRATION®**

**Arbitration and ADR, North America**

1212 Avenue of the Americas, 21st Floor, New York, NY 10036-1689

Tel: 212.703.5044 Fax: 212.575.0327 E-mail [ifs@iccwbo.org](mailto:ifs@iccwbo.org)

Websites [www.uscib.org](http://www.uscib.org) / [www.iccwbo.org](http://www.iccwbo.org)

### Participant information

Title (Mr/Dr/Mrs/etc.).....  
Last name..... First name.....  
Position.....  
Company.....  
Address.....  
City/state..... Zip/postal code.....  
Country..... E-mail.....  
Phone (.....)..... Fax (.....).....

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(Please check the appropriate box)

- EARLY BIRD rate (until Friday, February 5)** | \$850 for ICC/USCIB members and non-members
- REGULAR RATE**
- \$950 for ICC /USCIB members
- \$1100 for non-members
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### Method of payment

- By credit card:**  American Express  MasterCard  Visa
- Card number..... Expiration date.....  
Name of cardholder.....
- By check:** payable to "USCIB" indicating the participant's name clearly.

Date..... Signature.....

### Data protection information

The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (International Chamber of Commerce) and USCIB (United States Council for International Business). You may have access to these details and request deletions and corrections at any time by contacting **Lea Felluss** at **212-703-5044**. The details you provide may be used by ICC and USCIB to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers.

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