

ICC Asia Pacific Conference

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

San Francisco, June 7–9, 2009

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.

Registration form



With the support of



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Sunday, June 7, 2009

6:30 – 9:30 p.m. *Cocktail Reception*

Monday, June 8, 2009

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, June 9, 2009

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

- **Mark Beckett**, Co-Chair of the International Litigation and Arbitration Practice, Latham & Watkins LLP, *United States*
- **Prof. David Caron**, C. William Maxeiner Distinguished Professor of Law, The University of California at Berkeley, *United States*
- **Cedric Chao**, Co-Chair of the International Arbitration Practice, Morrison & Foerster LLP, *United States*
- **Prof. Tai-Heng Cheng**, Associate Professor of Law, New York Law School and Of Counsel, Hogue 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**, Lawyer, Arbitrator and Mediator, Sally Harpole & Co., *Hong Kong SAR*
- **Bryan Hopkins**, Vice President & General Counsel, Samsung Electronics America, Inc., *United States*
- **David Huebner**, Head of the China Practice and International Disputes Practice, Sheppard Mullin Richter & Hampton LLP, *China*
- **Cheng-Yee Khong**, Director and Counsel, Secretariat of the ICC International Court of Arbitration - Asia Office, *Hong Kong*
- **Grant Kim**, Of Counsel, Morrison & Foerster LLP, *United States*
- **Kap-You (Kevin) Kim**, Head of Arbitration Group, Bae Kim & Lee LLC, *Korea*
- **Jennifer Kirby**, Partner, Litigation and Arbitration, Herbert Smith LLP, *France*
- **Michelle Leatham**, Principal Counsel and Manager of Litigation, Bechtel Corporation, *United States*
- **Michael Morkin**, Partner, Baker & McKenzie LLP, *United States*
- **Michael Moser**, Partner, O'Melveny & Myers LLP, *China and Hong Kong SAR*
- **James Norton**, Of Counsel, Tilleke & Gibbins International Ltd., *Thailand*
- **Prof. David Sandborg**, Professor, Shantou University Law School, *China*
- **John Savage**, Co-Managing Partner of the Singapore Office, Shearman & Sterling LLP, *Singapore*
- **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*
- **Jingzhou Tao**, Partner, Jones Day LLP, *China*
- **Charles Yoon**, Founding Partner, Yoon & Kim LLP, *United States*

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Working language: English

How to register:

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

E-mail: ifs@iccwbo.org

Post: **INTERNATIONAL COURT OF ARBITRATION®**
Arbitration and ADR, North America

Tel: 212.703.5044

1212 Avenue of the Americas, 21st Floor

Fax: 212.575.0327

New York, NY 10036-1689

Websites: www.uscib.org / www.iccwbo.org

Registration will be confirmed upon receipt of the registration form and contribution to costs.

Registration fees:

EARLY BIRD rate (until Thursday, May 7th) | \$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

Fee includes working papers, refreshments, the cocktail reception, breakfasts, lunches and the dinner.

Travel and accommodation:

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations.

Cancellation charge:

50% of the contribution to costs will be refunded if notice of cancellation is received **in writing before May 22, 2009**. 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 prior to the Conference.



International Chamber of Commerce

The world business organization

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Websites www.uscib.org / 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)

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- REGULAR RATE**
- \$950 for ICC /USCIB members
- \$1100 for non-members
- SPECIAL RATE** | \$800 for Students, Academics, Corporate Counsel, California Bar Association Members

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

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