

IP-ADR on Newest Global Battles

知財紛争解決Navigator1：仲裁・裁判の活用

Joint Seminar of IACT & JIDRC

When: (1) 10:00 AM, February 25 (Fri) 2022 JST (2) 8:00 PM, February 24 (Thu) 2022 EST

Where: (1) JIDRC Tokyo 1-17-1, Toranomom, Minato-ku, Tokyo, 105-6405, (2) Online over Zoom.

What to expect: In this webinar, participants will learn several key legal opinions and important statutes that IP practitioners must know.

Who is speaking: Judge Makiko Takabe, Judge Randall Rader, Yoshimi Ohara, Katsuya Tamai, Makoto Hattori, Tom Jarvis, Robert Parker, York Faulkner, Ryan Abbott.

How to attend: This seminar is offered free of charge.

Agenda

Part I: Anatomy of Kihanryoku (res judicata)

Scenario—A patent infringement claim is arbitrated and decided by IACT, but a patent office later finds the asserted claims invalid. What happens to the award?

Moderator: Faulkner, Speaker: J Rader, J Takabe, Ohara, Hattori, Prof. Tamai, Parker, Abbott.

Part II: Fast and effective remedy

Scenario—A patent owner discovers that infringing goods will be imported into the United States in collaboration with its licensee. Which forum and what remedy?

Moderator: Tamai, Speaker: Ohara, J Rader, Hattori, Faulkner, Parker, Abbott, Jarvis.



IACT's Advantages—IACT provides certain key benefits that make arbitration before IACT a desirable path, including:

1. **IP Focus.** IACT is well-suited to resolving international disputes involving standard essential patents.
2. **1-Year Time Limit.** Each resolution will proceed with a one-year time limit from the formal initiation (ex. an appointment of the third arbitrator) unless otherwise agreed by the parties.
3. **Global coverage.** Arbitrators and mediators are selected from major jurisdictions around the globe. The parties select and mutually agree to the arbitrators or mediator. In the event that the parties cannot agree, upon notice, the IACT administration will select or complete the selection with arbitrators from jurisdictions separate from the parties or the prior selections.
4. **Unparalleled Experience.** Most arbitrators have presided over thousands of complicated cases as a judge, or have handled legislation as a director. Our experts have developed the current Intellectual Property law in each jurisdiction.
5. **Cost efficiency.** IACT seeks to achieve cost efficiency by charging the arbitrators' hourly rates for time actually spent on the dispute, rather than using other commonly-used fee amounts such as a percentage of the amount in controversy. Although individual arbitrators' rates may vary, the benchmark arbitrator rate will be approximately 1,000 USD per hour.
6. **Flexibility.** IACT can assist Med-Arb and layered ADR with knowledge and experience of high-profile mediators from every continent. If the parties are not familiar with arbitration, the parties may preserve the opportunity to appeal to a supervisory

IACT

International Arbitration Center



The Japan International Dispute Resolution Center (JIDRC) was established in February 2018 as an agency to contribute to the further activation of international arbitration and international mediation in Japan. Our main business is to provide affordable exclusive facilities in Tokyo and Osaka which are accessible and enabling safe stay, as the venue for hearings to arbitration and mediation institutions all over the world as well as ad hoc proceedings.

JIDRC operates its facilities so that all related parties, such as the party companies who are the users of international arbitration and mediation, their counsels as well as arbitrators and mediators, are able to find satisfaction in terms of convenience of use.

The business of JIDRC is not limited to provide facilities. Its utmost aim is to promote international arbitration and mediation in Japan.

- 1) Hearing Rooms and Breakout Rooms Suitable for Hearings for International Arbitration and Mediation –
Latest Equipment Such as Personal Computers and Tablets
- 2) Maximum Capacity of 170 Persons
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JIDRC-Tokyo

■Morning Set: from 9:00am to 1:00 pm

■Afternoon Set: from 1:00 pm to 5:00pm

■Evening Set: from 5:00pm to 9:00pm

- ◇ Makiko Takabe: Former Chief Judge of the IP High Court, Attorney at Law, Tokyo, Bachelor of Law from University of Tokyo
- ◇ Makoto Hattori: Chairperson of Intellectual Property Center of the Japan Federation of Bar Associations , Partner of Abe, Ikubo, & Katayama. Makoto Hattori has written a number of articles on intellectual property protection, is specialized in litigation related to domestic and international intellectual property disputes, especially patent infringement litigation.
- ◇ Yoshimi Ohara: Partner of Nagashima, Ohno & Tsunematsu. Her practice focuses on international arbitration, international complex litigation and mediation. She represents both domestic and foreign clients in international arbitration in various venues under the rules of the ICC, AAA/ICDR, SIAC and JCAA.
- ◇ Tamai Katsuya: Intellectual Property Law Professor at the University of Tokyo, Research Center for Advanced Science and Technology (RCAST), IACT CEO, Bachelor of Law from University of Tokyo.
- ◇ Randall Rader: Former Chief Judge of the Court of Appeals for the Federal Circuit, The Rader Group CEO, IACT Chair, Professor at George Washington University Law School, JD from Washington College of Law, American University.
- ◇ Tom Jarvis: Partner and ITC practice leader at Winston Strawn, D.C. Office. Admitted to practice in New York, D.C., Patent and Trademark Office. B.A. in Chemistry and Communications from the University of North Carolina, JD from the University of North Carolina Law School.
- ◇ York Faulkner: Managing Partner at YMF Law, Tokyo. Litigation experience approximately 30 years in the United States. Admitted to practice in D.C., Dai-Ichi Tokyo Bar, U.S. Court of Appeals, Fourth Circuit, the U.S. Supreme Court.
- ◇ Robert Parker: Partner at Rothwell Figg, Ernst & Manbeck, P.C., Admitted to practice in the District of Columbia, U.S. Court of International Trade, U.S. Court of Appeals, Ninth Circuit, Fourth Circuit, Second Circuit, Federal Circuit, District of Columbia Circuit, the U.S. Supreme Court. B.A. with honors from Johns Hopkins University, J.D., with honors, University of Pennsylvania Law School. He has represented clients in international (ICC) and domestic (AAA) arbitrations. Along with representing some of the world's most established companies, Mr. Parker represents start-up enterprises in a variety of commercial and litigation matters. He has been named a Washington, DC Super Lawyer in the area of IP litigation.
- ◇ Ryan Abbott M.D., Esq., FCI Arb. : Intellectual Property Law Professor at UCLA, California, and Professor of Law and Health Sciences at the University of Surrey, England, Adjunct Assistant Professor of Medicine at UCLA, USA, and mediator/arbitrator at JAMS, Inc. He has particular experience in the fields of intellectual property and health care. He has substantial ADR experience as outside and inside counsel for both claimants and respondents. He has also worked as an expert for the European Commission, the United Kingdom Parliament, the World Intellectual Property Organization (WIPO), the World Health Organization (WHO) and the United Nations Development Programme (UNDP).