

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 Randall Rader, Judge Makiko Takabe, Professor Tamai Katsuya, XXX Hattori, Tom Jarvis, Robert Parker, York Faulkner, Professor 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 JPO later decides that the patent is invalid. What happens to the award?

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

Part II: Fast and effective remedy

Scenario—A patent owner finds an infringing good will be imported to United States by a shady business secretly working with a licensee. Which forum?

Moderator: Tamai Katsuya, Speaker: J Rader, J Takabe, 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

- ◇ Makiko Takabe: Former Chief Judge of the IP High Court, Attorney at Law, Tokyo, Bachelor of Law from University of Tokyo
- ◇ Hattori:
- ◇ 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).
- ◇

