



# Intellectual Property Litigation and Dispute Resolution

## The latest law, procedure and good practice

8 October 2007, The Hatton Conference Centre, London

*“This one day conference focuses on the issues which make intellectual property litigation different and new issues arising in the past 12 months”*

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**9.00** Registration and Coffee

**9.30** Chairman's Welcome and Introduction

*Professor Jeremy Phillips, Intellectual Property Consultant and co-founder of IPKat*

**9.45** To Litigate, Arbitrate or Mediate? How to Take the Right Decision

- Brief outline of arbitration and mediation
- The relative advantages...
- ...and disadvantages

*Clare Algar, Collyer Bristow*

**10.20** The IP Enforcement Directive - Who Really Cares?

- A lot has been written about the IP enforcement directive by ... lawyers. What have they said?
- Effect of the directive on process / remedies / costs
- Do these points have practical commercial significance or is it academic word play?
- If there is real significance, why and to whom?

*Chris Forsyth, Freshfields Bruckhaus Deringer*

**11.00** Coffee

**11.15** The Mechanics of IP Litigation in the Courts of England and Wales: Recent Developments

- Are the Woolf reforms dead?
- Interim injunctions in comparative advertising cases
- Trying essentiality in patent cases
- Patents and anti trust; the mechanics of getting them heard
- Suing a European Institution
- Offers to settle; reform of Part 36 and Part 42

*Larry Cohen, Macdermott Will & Emery*

**12.00** Infringement of Invalid Rights — Can the *Unilin* Problem be Solved?

An analysis of the issues and guidance to practitioners on addressing the consequences in practice.

*David Morris, Wilmer Hale*

**12.45** Lunch

**2.00** Sorting out Domain Name Disputes: Is there any Money in it? And is there any Point?

- How disputes arise
- How disputes are resolved - negotiation, litigation, ADR
- The merits/demerits of each method
- The scope for differing approaches
- Where to draw the line: the importance of a clear policy
- Illustrative war stories
- Is there any money in it? Various answers

*Tony Willoughby, Rouse Legal*

**2.45** Systems Failure: Some IP Disputes that should have Never have got to Court

Curious? Come along to find out more...

*Jeremy Phillips, Professor Jeremy Phillips, Intellectual Property Consultant and co-founder of IPKat*

**3.15** Tea

**3.30** Collective Enforcement of Rights and Class Actions: What are the Issues?

- Historical use of collective actions in England & Wales
- What's possible in today's litigation environment
- How might this approach work in the field of intellectual property and related rights?
- Are there any trends yet?

*Andrew Mills, Freeth Cartwright*

**4.00** IP ADR in the USA: Big Ideas and Fresh Perspectives

- Carry a Big Stick and Negotiate!

For your IP clients, only mediation runs at the speed of technology. Nevertheless, litigation is often required to protect your clients' interests. Listen in as two U.S. attorneys -- a former software company GC and an IP mediator -- discuss the commercial and technological trends that call for the strategic use of both traditional and alternative dispute resolution methods to protect and defend your clients' intellectual property.

*Victoria Pynchon, Settle it Now! Dispute Resolution Services and M.Nicole Marcey, Chan Law Group LLP, Los Angeles*

**4.45** Conclusion and Chairman's Closing Remarks

**5.15** Conference Close

# Intellectual Property Litigation and Dispute Resolution

There are particular demands of Intellectual Property litigation which sets it apart from other areas. It is often:

■ **International** - bringing the difficult question of choosing the jurisdiction in which to bring proceedings ■ **Urgent** - with the need to seek injunctions at speed and with short notice ■ **Specialist** - involving dedicated courts such as the Patents County Court and the European Patents Office

This one day conference focuses on the issues which make intellectual property litigation different - and covers the latest law, procedure and good practice in such areas as:

■ To litigate, arbitrate or mediate? ■ The IP Enforcement Directive ■ Recent developments in IP litigation in the courts ■ Infringement of invalid rights ■ Sorting out domain name disputes ■ Some IP disputes that should have never have got to court ■ Collective enforcement of rights and class actions ■ IP ADR in the USA: big ideas and fresh perspectives

## Chairman:

**Jeremy Phillips** is Intellectual Property Consultant, Olswang. He is a Research Director, Intellectual Property Institute, editor of *The European Trade Mark Reports* and *Journal of Intellectual Property Law and Practice* and co-founded the IPKat weblog.

## Speakers:

**Clare Algar** is a partner at Collyer Bristow. She specialises in intellectual property, both contentious and non-contentious. Her work involves trade mark/passing off litigation, copyright and design and the misuse of confidential information. She is a member of ITMA and chair of INTA sub-committee.

**Larry Cohen** is partner and head of IP Europe at McDermott Will & Emery, specialising in IP litigation. His Pan European cases include *Chiron v Murex*, *Sepracor v Hoechst Marion Roussell*, the *Lonsdale* trademark litigation and *Laclede v Biopole*. He has been involved in two of the recent leading trade mark cases, *Scandacor* and *Inter Lotto*. He has conducted IP litigation throughout Europe and has dealt particularly with the anti-trust ramifications of IP litigation including in *Chiron v Murex*, *Philips v Ingman* and *Static Control Components v Lexmark*.

**Chris Forsyth**, partner, Freshfields Bruckhaus Deringer trained and qualified at IP specialist firm Bristows, and was Intellectual Property Counsel at ICO Global Communications for five years. His practice covers the full range of intellectual property rights, specialising in technology and brands based litigation and advice. Chris is listed in *Legal 500* as 'highly rated' for intellectual property and is a regular contributor to specialist and general media publications on IP issues.

**M. Nicole Marcey** is a litigator with a Los Angeles law firm that specialises in intellectual property matters. Prior to joining this firm, Ms. Marcey served as General Counsel of a software company, managed the litigation for two multi-billion dollar conglomerates and worked at national law firms in Chicago and New York. Ms. Marcey also mediates intellectual property disputes.

**Andrew Mills** has a background in electronic engineering and is a partner at Freeth Cartwright LLP in the intellectual property and technology team. With a focus on branding and information he has broad range of experience in acting for clients large and small. Andrew's firm has a unique perspective in class actions because it has considerable expertise in this field in the context of personal injury/defective product cases. Andrew is the founder of and regular contributor to Freeth Cartwright's successful blog, IMPACT(R). He is also on the Internet and Harmonization committees of the European Communities Trade Mark Association.

**David Morris** is counsel at Wilmer Hale. His practice covers all aspects of intellectual property law, with a particular focus on technology licensing, trade mark licensing and other technology and intellectual property transactions. David has represented clients active in a wide range of industries including biotechnology, electronics, energy, financial services, media, pharmaceuticals, retail, software and telecommunications. He speaks and writes frequently on intellectual property developments.

Attorney-mediator **Victoria Pyncheon** is a neutral with the Southern California ADR firm Judicate West and author of the "Settle It Now" negotiation and IP ADR blogs. Ms. Pyncheon commenced her mediation and arbitration practice following 25 years of complex commercial litigation practice which included the prosecution and defence of copyright, trademark, trade name, and patent infringement actions. She has taught at the undergraduate, graduate and post-graduate levels and is widely published in the field of dispute resolution in both the academic and professional press.

**Tony Willoughby**, is a consultant to Rouse Legal having formerly been a partner at Herbert Smith. He has specialised in all aspects of intellectual property (contentious and non-contentious) since he was admitted to practice. Tony has acted in a variety of leading reported IP cases and is a panellist for the WIPO ICANN and Nominet UK domain name dispute resolution procedures. He has also been appointed Chairman of Experts for Nominet UK.

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# Intellectual Property Litigation and Dispute Resolution

8 October 2007, The Hatton Conference Centre, London

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