

## Co-hosted - WIPO

CoWI : ITU - WIPO Symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property  
Thursday, 08 October 2009, : - :, Room A

### Overview

On Thursday, October 8, 2009, the International Telecommunications Union (ITU) and the WIPO Arbitration and Mediation Center (WIPO Center) will co-host a symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property in Geneva, Switzerland.

The nexus between the world of intellectual property and information and communications technologies (ICT) is tightening. Accelerating advances in technology are placing patent licensing at the forefront of ICT development. Software copyright issues are central to the increasing importance of applications in the world of Internet Protocol, interconnected providers, next generation networks, the open source movement and now cloud computing. The widespread availability of all forms of media on the Internet is raising numerous issues around management of digital copyright. These developments and the multi-jurisdictional nature of telecommunications, particularly the Internet, are making international dispute resolution increasingly important to the ICT sector.

The ITU has a long standing interest in dispute resolution in the ICT sector. It has published books and papers on developments in dispute resolution, carried out case studies and provided training courses on dispute resolution and engaged in numerous related activities.

The WIPO Center offers alternative dispute resolution options for the resolution of international commercial disputes between private parties. Its procedures are widely recognized as particularly appropriate for a variety of technology and communications related disputes. A growing number of ICT disputes are being referred to the Center for resolution through mediation, arbitration or expert determination.

### Purpose

The purpose of this symposium is to bring together leading professionals in the ICT and digital copyright sectors to discuss these trends, evaluate the kinds of disputes that are arising and are likely to arise in the future, and assess the merits of the various options available for resolving them.

The symposium will integrate perspectives from speakers with experience at the frontline of these issues, including Google, Nokia and British Telecom and leading lawyers in the field dealing with the architecture and policies behind telecommunications services and networks and provoke discussion on these fields.

CoWI.1 : ITU - WIPO Symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property  
Thursday, 08 October 2009, 09:00 - 10:30, Room A

### Session 1 of 4: Introduction - ICTs and Intellectual Property in a Creative, Contentious Environment

The ICT sector of today and tomorrow is increasingly characterized by changing paradigms brought about largely by the introduction of disruptive technologies and challenging business models. These changes have already resulted in new challenges to the intellectual property dimension in the form of disputes over patent, copyright and trademark in the ICT sector. In turn, these changes demand new and innovative public policy

directions in the areas of network investment, competition in services and ever-newer media.

**Panellists**

- \* Mr Rory Macmillan, Macmillan Keck, Attorneys & Solicitors, Switzerland
- \* Mr Christian Bovet, Vice President Swiss Federal Communications Commission ComCom, and Professor, University of Geneva, Switzerland
- \* Mr Gordon Moir, General Counsel, BT Retail, United Kingdom
- \* Mr Andrew Sharpe, Charles Russell, United Kingdom

CoWI.2 : ITU - WIPO Symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property  
Thursday, 08 October 2009, 11:00 - 12:30, Room A

**Session 2 of 4: Infrastructure, Devices, Technology - Ownership and Openness**

Ownership and access to infrastructure, devices and technology are and will continue to be contentious issues in the ICT sector. Issues in contention range across physical and logical networks, encompassing areas such as interoperability, interconnection and access to facilities and services, and the development of open networks. Patent and IT licensing practices in the area of network architecture further add to the level of complexity. Any effort to unravel these issues also requires an unbundling of the value chain, involving a consideration of outsourcing and partnering in infrastructure, network operation, and maintenance and services.

**Panellists**

- \* Mr Richard Keck, Macmillan Keck, Attorneys & Solicitors, United States
- \* Mr Richard Vary, Senior IPR Litigation Counsel, Nokia, Finland
- \* Mr Malcolm Webb, Partner, MGF Webb, New Zealand

CoWI.3 : ITU - WIPO Symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property  
Thursday, 08 October 2009, 14:30 - 16:00, Room A

**Session 3 of 4: Content and Copyright in the Global Networked Environment**

From plain text to video, content will be the revenue driver of services such as ICT digital broadcasting and the delivery of online music and audiovisual content. As a result, issues and entities such as multi-territorial licensing, rights-owner platforms and collective management organizations will play an increasing prominent role in this environment. Navigating this new environment involves walking a fine line that will require balanced intermediation in the networked environment, which takes into account the evolving role of search engines, ISPs, social networks and P2P sharing.

**Panellists**

- \* Mr Yoram Elkaim, Head of Legal, Southern & Eastern Europe, Middle East and Africa, Google, United States
- \* Mr Richard Owens, Director, Copyright E-Commerce, Technology and Management Division, World Intellectual Property Organization , WIPO

\* Mr Peter Leatham, Executive Director, Phonographic Performance Ltd., United Kingdom

CoWI.4 : ITU - WIPO Symposium on Dispute Resolution at the Crossroads of Information and Communications Technologies and Intellectual Property.  
Thursday, 08 October 2009, 16:30 - 18:00, Room A

**Session 4 of 4: Dispute Prevention and Resolution at the Intersection of ICTs and IPRs**

In today's rapidly evolving ICT and IPR environment, there is a risk that policy will trail reality. As such, new approaches need to be found to cope with gaps and unresolved issues. As part of this approach, new processes for anticipating, preventing and resolving tensions and crises need to be developed. Such process could involve the creation of stakeholder platforms, the drafting of charters and agreements (e.g. User-generated Content of UGC principles) and the increased use of mediation and arbitration in the telecommunications and audiovisual sectors.

**Panellists**

- \* Mr Trevor Cook, Partner, Bird & Bird, United Kingdom
- \* Mr Ignacio de Castro, Deputy Director , World Intellectual Property Organization , WIPO
- \* Mr Pierre-Yves Gunter, Partner, Python & Peter, Switzerland