

Chinese / English
Simultaneous Translation

The 4th annual conference on

Dispute Avoidance and Resolution

2009

24th -25th September, 2009 | Swissôtel Grand Shanghai, China



Towards economic upturn: weaving your dispute management strategy into the life and growth of corporate...

As the financial crisis spreading across the globe and the economic landscape changing rapidly, companies are riddled with complex financial and legal risks. The capacity and flexibility of a company to mitigate risks and resolve disputes are becoming a matter of life and death to a company's development in current economic landscape. In light of this situation, we would sincerely welcome you to join our attendees including corporate counsels from industry leaders, legal practitioners and scholars all over the world for a lively and informative discussion of the issues and solutions currently unfolding in the local and international legal community.

The Benefits of Attending You Cannot Afford to Miss:

- ★ Updated with the action plans towards the sound resolution of economic cases from Supreme People's Court of PRC
- ★ Learn the latest development of anti-monopoly legislation and enforcement in China
- ★ Equip yourself with the "Legal toolkit" on contract drafting techniques to prevent financial disputes
- ★ Sense the pulse of the development of IP litigation in US under the new environment
- ★ Understand the interpretations from Supreme People's Court to better protect well-known trademarks
- ★ Apply "dispute-wise" management: achieving business driven & cost-effective management of disputes portfolio
- ★ Master the techniques on how to build early warning systems
- ★ Cope with the new landscape of international commercial arbitration in and outside China

Who should attend?

- Chief Legal Officer/VP of Legal Affairs
- General Counsel/Corporate Counsel
- Legal Director/Manager
- Chief Risk Officer
- Risk Management Director/Manager
- Chief Finance Officer/Finance Director
- Patent Counsel
- General Manager/Managing Director
- General Manager of IP & Standards
- VP of Intellectual Property
- IP Director/Manager
- IP Attorney, IP Agent
- Partner & Lawyer

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Day One, 24th September 2009

8.30 Registration

8.50 Opening remarks from the chair

Michael Diaz, Jr., Managing Partner, Diaz, Reus & Targ, LLP

9.00 Raising awareness, taking actions towards the sound resolution of increasing economic cases in the economic turmoil

- Retrospection of typical trials of recent economic cases at Supreme People's Court
- Updates on the newly enacted laws, implementing rules and regulations and their enforcement
- Guidelines in solving the increasing litigation from liquidation, insolvency and redundancy such financial problems
- Action plans in improving implementation of court decisions under the challenging economic environment
- The directions of undertakings in the coming year from Supreme People's Court

Supreme People's Court of PRC

9.45 Topic to be advised

Diaz, Reus & Targ, LLP



10.30 Refreshment and networking break

11.00 The heightened task of comprehensive legal risk management under the global financial crisis

- Perception of the emerging legal risks under the global financial crisis
- The derivative functions and challenging tasks of general counsel in this ever-changing environment
- Key considerations when incorporating legal risk management framework into corporate strategy
- Best practice in corporate legal risk management strategies
- Internal communication to achieve better implementation
- Collaborating with outside counsels
- Leveraging insurance options to minimize the corporate loss

11.45 Legal Toolkit

Financial disputes in wake of the economic turmoil: contractual methods as the effective tool for risk mitigation and management

- Recognizing the areas of high financial risks from insolvency, nationalization, debt restructuring and other financial problems
- Establishing pre-contract strategies and preparation
- Reviewing the boilerplate clauses in a commercial contract
- Drafting financial clauses – currency and exchange issues
- Commercial contract drafting to prevent debt dispute and to achieve successful debt recovery
- Examining drafting techniques in the following contracts: licensing, distribution, agency, partnership, M&A, and joint venture

12.30 Luncheon

14.00 The hard journey - establishing a mature anti-monopoly mechanism in China for better enforcement

- Understanding the existing anti-monopoly framework and the new rules issued in China
- How is the implementation and effectiveness of remedies?
- Investigation procedures for anti-monopoly
- Different responsibilities of the state and local administrations
- Indications on the direction of AML enforcement in China
- Learning from US and EU: experience in implementing and enforcing AML

14.45 Conducting thorough due diligence on anti-trust and market competitions under current anti-monopoly landscape for compliance excellence

- Due diligence checklist and tips
- The traps and common mistakes
- Detecting "red-flags": risks in violation of anti-trust and market competitions rules

15.30 Refreshment and networking break

16.00 Preventing your ship from disputes on IPR infringement: risks, strategies & tactics

- Managing your IP assets strategically and enforcing IPR globally
- Recognizing the different IP regulatory systems in the global range
- Implementing filing and licensing strategies to protect your IP assets from infringement
- Identifying where is the high-risk areas of infringement
- Conducting effective IP due diligence in research and production
- Getting your IP dispute resolution strategies in place

16.45 Sensing the pulse of IP litigation developments in US from recent regulatory efforts, cases and court decisions

- Making sense of the patent reform and current IP environment under the Obama administration
- Reviewing the latest IP litigation cases and court decisions from US
- The changing landscape of US anti-competition laws and its potential impact on cross-border IP litigation
- The emerging challenges related to anti-trust laws in IP litigation cases and settlements
- Views from the other side of the fence: how is the patent holder's approach?

17.30 Closing remarks from the chair

Michael Diaz, Jr., Managing Partner, Diaz, Reus & Targ, LLP

18.00 Cocktail party



Day Two, 25th September 2009

8.30 Registration

8.50 Opening remarks from the chair

Michael Diaz, Jr., Managing Partner, Diaz, Reus & Targ, LLP

9.00 Understanding the judicial interpretations on the application of law to the well-known trademark infringement disputes

- The definition of well-known trademarks and the scope of application
- Identification factors
- Evidence responsibilities
- Protection requirements

Supreme People's Court of PRC

9.45 Arbitrators' Perspective

The evolving face of international arbitration – the past, the present and the future

- Assessing the importance of utilizing arbitration and ADR in light of this challenging economic climate
- What are the latest developments from some major international arbitration centers?
- Updates on rules from international arbitration centers
- Lessons learned from recent practice and cases
- Cost-effective considerations: benefits of arbitration
- The evolving trends of international arbitration as the global economy struggles

Ulf Franke, Secretary General, Arbitration Institute of the Stockholm Chamber of Commerce

Ge Huangbin, Head of China Desk, SIAC

10.30 Refreshment and networking break

11.00 Product liability goes global: relevant issues for resolving the cross-border product liability disputes

- Updates of regulatory acts and laws related to product liability and product recall in China
- Case studies on cross-border product liability disputes: situations & characteristics
- Pre-trial examination for discovery and evidence in the supply chain
- Dealing with the technical issues in cross-border product liability disputes
- Coordination in the product liability litigation procedures

11.15 Showcase: "Dispute-Wise" Management

Accessing business-driven & cost-effective approach to disputes management to enhance the strategic value of the legal input

As the civil litigation cost soaring, all businesses are crying for a wider palette of dispute resolution strategies. And a portfolio management approach to disputes can yield lower legal costs, improved utilization and leverage of legal resources and better business relationship.

- Out of alignment – getting legal and business strategies back in synch
- Viewing disputes as part of business – managing as a cost or investment?
- The value of a portfolio approach to cases management
- Establishing a process that achieves early cases resolution and leverages ADR
- Treating "dispute-wise" business management as a process of continuous development

12.30 Luncheon

14.00 Topic to be advised

Diaz, Reus & Targ, LLP



14.45 Navigating the newly issued rules on labor arbitration handling to achieve better settlement in redundancy and other labor disputes

- Examining the newly issued implementing rules for the labor law's enforcement in different regions of China
- Its potential impact on companies' strategies in dealing with redundancy and other labor-related disputes
- Changes of labor arbitration procedures under the new rules
- Drafting professional labor contract to better avoid potential labor disputes
- Case studies on latest redundancy dispute resolution and its indications

15.30 Refreshment and networking break

16.00 Building risk assessment and early warning systems on potential conflicts

- Designing internal risk assessment models for early detection of conflicts
- Identifying the causes of conflicts and risks
- Predicting the outbreak of conflicts
- Mitigating that conflicts timely before it upgrades

16.45 Arbitration in China

Boosting the bottom-line for China's international commercial arbitration to meet a broad spectrum of needs from Asia Pacific legal community

Now commercial arbitration is becoming as costly, protracted and rigid as litigation. CIETAC as one of the leading arbitration centers in Asia is adopting various actions and innovative dispute resolution to improve its quality of arbitral practice, making it more economical, just and quick.

- Setting a new standard for CIETAC's emerging role in the Asia arbitration community
- Actions to be taken to improve the time efficiency of arbitration process and arbitral awards
- Successful case studies by combining mediation into arbitration as an innovative dispute resolution
- New directions and guidelines of arbitration development in China

Yu Jianlong, Vice Chairman & Secretary General, International Economic and Trade Arbitration Commission (CIETAC)

17.30 Closing remarks from the chair and close of the conference

Michael Diaz, Jr., Managing Partner, Diaz, Reus & Targ, LLP