



Centre for Financial Regulation and Economic Development
Faculty of Law, The Chinese University of Hong Kong



Asian Domain Name Dispute Resolution Centre
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香港國際仲裁中心
Hong Kong International
Arbitration Centre

A CFRED Seminar co-organized with ADNDRC Special Thanks to the HKIAC as Venue Sponsor

DOMAIN NAMES AND DNS: COMPARATIVE, INSTITUTIONAL PERSPECTIVES AND RECENT DEVELOPMENTS IN THE DNS GOVERNANCE

14 May 2014, Wednesday, 9:00am – 12:00nn
Hong Kong International Arbitration Center
38th Floor Two Exchange Square, 8 Connaught Place
Hong Kong

The set of rules that regulate the Domain Name System (DNS) forms a sprawling discipline, which involves different branches of law: public international law, private international law, comparative law, intellectual property law, competition law, alternative dispute resolution (ADR), etc. A number of issues arise in the context of the constantly changing DNS. A panel of experienced and renowned specialists will attempt to address some of the issues:

Panel 1 Institutional Perspective: What is the role of dispute resolution service providers and how this role has evolved in recent years?

Panel 2 Comparative Perspective: How portions of the DNS law have integrated into domestic law? In this perspective, the cases of France and Germany are particularly interesting.

Panel 3 Perspectives of DNS Governance: The ICANN is a unique and complex structure in DNS governance. What is its role? How this association has evolved? What are new challenges in terms of public order in light of new gLTDS?

All are welcome! Admission is free of charge!

Please join us by registering your interest here:
http://nems.law.cuhk.edu.hk/online-registration/?event_id=519
by 13 May 2014.

Panel

9:00am Registration

Prof. Fan Kun

*Assistant Professor, Faculty of Law,
The Chinese University of Hong Kong; Domain names
panelist*

Moderator

9:30 am – 10:15 am

Panel 1: Institutional Perspective

Mr. Erik Wilbers

*Director, Arbitration and Mediation Center of the World
Intellectual Property Organization (WIPO), Geneva*

The WIPO Perspective

Mr. Dennis Cai

*Assistant Secretary-General of Hong Kong International
Arbitration Center (HKIAC) and Secretary General of
Asian Domain Name Dispute Resolution Center
(ADNDRC), Hong Kong*

Some Observations in Domain Name Dispute
Resolution Proceedings Administered by HKIAC
and ADNDRC: Institutional Perspective

The Hon Neil Brown QC

Arbitrator and mediator; Domain names panelist

Some Observations in Domain Name Dispute
Resolution Proceedings Administered by HKIAC
and ADNDRC: Some Recent Cases from
Panelist Perspective

10:25 am – 10:40 am Coffee Break

10:40 am – 11:20 am

Panel 2: Comparative Perspective

Dr. Tobias Malte Müller

*Attorney at law, Partner, WIRSING HASS ZOLLER,
Munich; Domain name panelist*

The German Perspective

Dr. Marie-Emmanuelle Haas

Attorney at Law, ME HAAS, Paris; Domain names panelist

The French Perspective

11:20 am – 12:00 nn

Panel 3: Perspectives of DNS Governance

Prof. Xue Hong

*Professor and the Director of the Institute for Internet
Policy and Law at Beijing Normal University (BNU), Co-
Director of UNCITRAL-BNU Joint Certificate Program on
International E-Commerce Law; Domain names panelist*

The ICANN Perspective

Dr. Emmanuel Gillet

*Teaching Fellow, The Hong Kong Polytechnic University
(PolyU), Faculty of Business; Former legal counsel for a
European leader in the management and protection of
companies' online intellectual property assets*

New gLTDs and Public Order

About the Speakers

Prof. Fan Kun



Dr. FAN Kun is Assistant Professor at the Faculty of Law, Chinese University of Hong Kong, and Senior Consultant at Arbitration Asia. She is visiting scholar at Harvard Yenching Institute in 2012-2013. Prof. Fan teaches and researches on alternative dispute resolution, comparative legal studies and cultural study of law. She has studied and worked in China, Singapore, U.S.A., Switzerland, France and Hong Kong, and speaks Chinese, English and French. She is called to the New York Bar, an accredited mediator and a domain names panelist of the Hong Kong International Arbitration Center. Some of her domain names decisions can be found at: <http://www.law.cuhk.edu.hk/people/fan-kun.php>.

She received her LL.B. degree from China Foreign Affairs University, LL.M. degrees from New York University and Paris XII University, and PhD degree (*summa cum laude*) from Geneva University. She has been frequently invited for conferences, lectures or professional training sessions in a number of jurisdictions, including Harvard University, Cornell University, Geneva Master of International Dispute Settlement, Hong Kong University, International Law Institute, Asian Development Bank. Her doctoral dissertation was awarded the *Best Thesis in International Studies* by the Swiss Network for International Studies Award 2011. She is author of the book *Arbitration in China: A Legal and Cultural Analysis* (Hart Publishing) and has published extensively with pieces in leading law journals such as *Harvard Negotiation Law Review*, *Journal of World Trade and Investment*, *Yearbook of Private International Law*, *Journal of International Arbitration*, *ICC Bulletin*.

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Mr. Erik Wilbers



Erik Wilbers, of The Netherlands, is the Director of the Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO). Based in Geneva, Switzerland, with offices also in Singapore, the WIPO Arbitration and Mediation Center is an international and independent provider of services for the out-of-court resolution of disputes arising out of technology and intellectual property transactions.

Following studies in the United States and the Netherlands, Erik was a research fellow at the Max Planck Institute for Intellectual Property Law. Before joining the WIPO Center in 1996, he practiced with the law firm of Clifford Chance, was on the legal staff of the Iran-United States Claims Tribunal, and headed a division of the Compensation Commission of the United Nations Security Council.

The WIPO Center's policies and facilities are intended to help parties to intellectual property disputes achieve practical results in a time- and cost-effective manner. In addition to cases under the WIPO Mediation, (Expedited) Arbitration, and Expert Determination Rules, the WIPO Center furthermore has administered over 29,000 cases filed by trademark owners under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP).

Mr. Dennis Cai



Dennis Cai is currently the Assistant Secretary-General of Hong Kong International Arbitration Centre (HKIAC) and, since January 2014, the Secretary-General of Asian Domain Name Dispute Resolution Centre (ADNDRC). Since 2004, in his capacity as the head of domain name dispute resolution team in HKIAC and ANDDRC - Hong Kong Office, he has overseen more than 1,000 domain name dispute resolution proceedings (including UDRP, CNDRP, HKDRP and TDRP proceedings). Recently, he took the lead in introducing and launching the ADNDRC's new services of Uniform Rapid Suspension System (URS) and Trademark Post Delegation Dispute Resolution Policy (TM-PDDRP) for new gTLDs.

Dennis holds degrees of L.L.M in WTO Laws and M.A. in Arbitration and Dispute Resolution (MAArbDR). He has memberships with the Hong Kong Institute of Arbitrators (HKIARB) and Licensing Executive Society (LES).

As a part-time lecturer, he regularly engages in teaching activities pertaining to Online Dispute Resolution (ODR), arbitration and legal translation in several universities in Hong Kong. He also delivered many presentations on domain name dispute resolution in different occasions.

The Hon Neil Brown QC



The Hon. Neil Brown, QC is an arbitrator and mediator and has had a long and distinguished career in Government and the law. He has been actively involved in government as a Minister, Shadow Minister, legislator and as a delegate to the United Nations and other international organisations.

He is a Fellow of The Chartered Institute of Arbitrators, a member of the Panel of Conciliators at the International Centre for the Settlement of Investment Disputes (ICSID) at Washington, USA and a member of many other international and Australian dispute resolution panels.

He has practised in virtually every area of the law and in 1980 was appointed Queen's Counsel.

He has become widely known as an arbitrator and advisor on internet domain name disputes, being a member of the international and Australian panels. He has written and lectured extensively on the subject in Australia and overseas and runs the website

www.domaintimes.info

Dr. Tobias Malte Müller



WIRSING HASS ZOLLER is a Munich based law firm and Tobias Malte Müller has been the partner in charge of the firm's trademark, design and domain name practice since 2009. His expertise covers a wide range of industry sectors, including automotive, beverages/food, cosmetics, luxury and fashion. His clientele includes some of the world's most famous brands.

Tobias has extensive experience in the area of product piracy worldwide and in enforcing leading brands nationally and in cross-border disputes with a particular specialism in well-known trademarks. On the non-contentious side of IP, Tobias regularly advises German and international clients on strategic portfolio management, clearance searches, exploitation (e. g. licensing, sponsoring) and prosecution of trademarks and designs on a national and international level. His core work areas also include copyright, patent and unfair competition litigations the enforcement of plant variety rights. He has served as a Panellist in many domain name disputes (under UDRP and ADR.eu-rules). He is actively involved in several professional organizations such as the European Communities Trademark Association (ECTA), where he is a member of the Internet Committee, and the International Trademark Association (INTA).

In addition, Tobias frequently lectures on trademarks and other IP-related issues in universities in Germany, Italy, France and China and is a regular speaker at international conferences. Tobias is the author of several German and international publications on IP-issues. He holds university degrees in France and Germany, as well as a PhD in International Commerce law. He speaks German, English, Italian, French and Spanish. He is recommended as an expert by *WTR 1000 – The World's Leading Trademark Professionals* (2014) and won the *Client's Choice Award 2014* for Copy right (Germany).

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Dr. Marie-Emmanuelle Haas



Marie-Emmanuelle Haas is Attorney at Law before the Paris Bar, working in her boutique Law firm ME HAAS, that focuses on intellectual property and digital law. She started working on Internet issues in the late 1990s, at the beginning of the Internet in Europe and is regarded in France as one of the pioneers of alternative dispute resolution and domain name law. She has developed a practice linking advice and strategy for the creation and protection of IP rights with their defense, both in France and abroad. She is an expert before the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center, the Asian Domain Name Dispute Resolution Centre (ADNDRC) and the Czech Arbitration court for the resolution of domain names

disputes.

Before starting her own Law firm, she worked at Casalonga, and she had previously headed the Trademarks and Domain Name Department at Alain Bensoussan Avocats. She is a guest lecturer at the University of Paris I Panthéon Sorbonne on "Internet litigation". She is the Chairperson of the Internet Committee of the European Communities Trade Mark Association (ECTA) and of the Arbitration and Alternative Dispute Resolution Proceedings Committee of the French Association of Practitioners of Design and Trademark Law (APRAM). "Legal 500, 2008" quoted her as a "domain name specialist" and she appears among the 63 French lawyers recognized as experts in Intellectual Property Law by "European Legal Experts 2009". "European Legal Experts, 2011" quoted her as being recognized for her expertise on domain names.

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Prof. Xue Hong

Dr. Hong Xue is a Professor of Law and the Director of the Institute for the Internet Policy & Law at Beijing Normal University (BNU). She researches intellectual property law, information technology law and Internet governance.



Prof. Xue is an elected Top Ten Nationally Distinguished Young Jurists by the China Law Society. She is an invited professor to teach at Torino Law School-WIPO Master of Laws in Intellectual Property. Prof. Xue was the Residential Fellow of Yale Information Society Project and is the Chinese Lead for Global Academy on Access to Knowledge. She is the Faculty Chair of Asia Pacific Internet Leadership Project (APILP). She is on the Editorial Board of World Intellectual Property Journal, the Advisory Panel of the Indian Journal of Intellectual Property Law, the Expert Advisory Board of Diplo Foundation. She is in the United Nations Network of Experts for Paperless Trade in Asia and the Pacific (UNNExT).

She is an arbitrator at CIETAC, UDRP neutral at WIPO and ADNDRC. She is WIPO-appointed panelists for Legal Rights Objection (LRO) procedure in ICANN new gTLD program. She is an ICANN ccNSO councilor and the Chair of Council of Chinese Domain Name Users Alliance. She is on the Board of China Copyright Society and Advisor to the Ministry of Commerce on Electronic Commerce. Her latest book is "International Intellectual Property Law @ Crossroad" published by China Law Press in 2012.

Dr. Emmanuel Gillet



Dr. Emmanuel Gillet is currently working as a teaching fellow at the Hong Kong Polytechnic University Business School. He specializes in intellectual property, cyberlaw, alternative dispute resolution and comparative law. Previously, he was visiting scholar at the European Union Academic Programme in Hong Kong. He also has extensive experience in DNS and domain names law. Before moving to Hong Kong, Dr. Gillet worked nine years as an in-house legal counsel and editor for a European leader in the management and protection of companies' online intellectual property assets.

Dr. Gillet received his Ph.D. degree with *magna cum laude* from Grenoble University on the topic of *Alternative Resolution of Intellectual Property Disputes*. He is a member of the University Centre for Teaching and Research in Intellectual Property (*Centre Universitaire pour l'Enseignement et la Recherche en Propriété Intellectuelle, CUERPI*). He has obtained master degrees in the fields of international arbitration, intellectual property, cyberlaw and white collar crimes". He has published extensively in the field of domain names, ADR and intellectual property, and has given talks on domain names and intellectual property in a number of conferences, seminars and lectures.

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