



Welcome to the April edition of the CI Arb Newsletter. The highlight for the East Asia Branch for the last quarter is the Annual General Meeting and the election of the new Branch Committee.

This issue includes a new diagram to show the gender of members, under the 'Current Branch Membership' section on the back page of this Newsletter.

We hope you will find this issue of Newsletter a good overview of the events happened in the last quarter. The forthcoming Branch events programme can be found on the back page of the Newsletter, and an up to date programme can be found on www.ciarbasia.org.

Readers are encouraged to submit articles for the Newsletter or book reviews relating to dispute resolution for the Asian Dispute Review. Please contact the editorial team for details.

Calvin Cheuk and Gina Leung

East Asia Branch Annual Dinner

3 April 2019, Hong Kong

We had a full house of nearly 150 Branch members and guests at this year's branch Annual Dinner, at The Hong Kong Bankers Club. Mr Paul Barrett was the Master of Ceremony. The Branch Chairperson, Ms Mary Thomson, gave her report summarising events and activities over the past year and thanking committee members for their contribution to the branch. Our key note speaker was The Hon Mr Justice Kemal Bokhary GBM, JP, who reflected on his career as a judge and the development of alternative dispute resolution in Hong Kong. This year, the dinner coincided with the Vis East international arbitration moot resulting in their taking 2 tables.

Nicholas Turner

Chartered Institute of Arbitrators Young Members Group Conference 2019

30 November 2018, Dublin



On 30th November 2018, around 100 delegates worldwide were invited to the CI Arb (EAB) Conference 2019 hosted in Dublin, Ireland. The theme of this year's conference was "Innovation in Arbitration: A Brave New World". Mr Gordon Kwok represented the CI Arb (EAB) YMG to attend the event.

James Bridgeman SC, the President of CI Arb, kicked off the conference by his opening remarks, urging for greater diversity in the arbitration community. This was followed by the key note address given by Ms Lucy Greenwood. Ms Greenwood shared her reflection on how arbitration has evolved over the past 10 years, from the time when the old adage held that arbitration was efficient and cost-effective, to the recent years when users complained it was overly expensive and time consuming. She further drew the audience attention to the lack of diversity in arbitration, both in terms of gender and ethnic groups.

Ms Greenwood then highlighted some recent initiatives in the arbitration community to promote greater diversity. This included the Alliance for Equality in Dispute Resolution which focused on achieving geographic and ethnic diversity, and Arbitral Women, which aimed at promoting

gender diversity. She also encouraged young legal practitioners to be more open to different approaches of selecting arbitrators, search more widely instead of phoning the 'same old friends' each time, every time.

There were altogether three panel discussion and debates on two topics in the conference. The panel topics include 'Innovation in Arbitration, Investment Treaty Arbitration', and 'Technology in Arbitration'. The debates considered the motion of 'Arbitrators should be evaluated at the end of proceedings' and 'As zealous advocates, counsels are free to use any tactics to win arbitration'.

Ms Gordon Kwok says, 'It's my honor to represent the YMG of Chartered Institute of Arbitrators (East Asia Branch) to attend this Global YMG Conference in Dublin, Ireland. I met lots of good people coming from around the world. It was such a good chance to understand different culture and legal practice. Great event. Great people.'

The CI Arb(EAB) YMG looks forward to future YMG conferences worldwide.

Gordon Kwok

Taiwan Chapter – YMG Workshop

6 January 2019, Taiwan



On 6 January 2019, Taiwan Young Members Group ('YMG') first event in 2019 successfully took place at a trendy cafe in Taipei. Taiwan YMG invited Ms Jasmine Feng, to share with us her current work, views on career planning and experiences in getting qualified in Taiwan, England and Wales as well as preparing for the Chinese National Judicial Examination.

Dr Helena Chen, FCI Arb, moderated with her experiences as a female arbitrator and partner at an international firm. Alison Chang, Chairperson of Taiwan YMG, organized and chaired the well-received workshop with the assistance of the Secretary General of Taiwan YMG, Felice Lu. The vibrant interaction among Jasmine, Helena, Alison and an audience of

more than forty young practitioners continued from the Q&A session to networking afterwards. Many participants also expressed their interest in the up coming introductory course to International Arbitration to be held on 23 February 2019 in Taipei.

Alison Chang

Taiwan Chapter – 'Introduction to International Arbitration Course and Dinner Event'

23 February 2018, Taiwan



Thirty-four candidates attended the Introduction to International Arbitration course on 23 February 2019, co-hosted by the Taiwan Chapter and CAA (Chinese Arbitration Association, Taipei). Many of them have since completed the online assessment; some have even expressed interest in attempting the Taiwan Chapter's next Accelerated Route to Membership course on June 15 and 16.

Sincere thanks once again Mary Thomson (CI Arb (EAB) Chairperson), James Thomson,

Helena Chen, Alison Chang and Winnie Jo-Mei Ma, for another memorable and inspirational teaching collaboration.

The Taiwan Chapter also held a post-course dinner event on February 23, where 30 members and friends reunited for information-sharing, thanksgiving and forward-planning. Special guests included Nigel N.T. Li (Chartered Arbitrator and Honorary Chairman of CAA) and Houchih Kuo (Fellow and founding member of Taiwan Chapter). To reinforce the

benefits of CI Arb membership, Ms Helena Chen (another Fellow and founding member of Taiwan Chapter) paid special tribute to Mary Thomson, who has been involved in every single course since the Taiwan Chapter's establishment in 2012. Ms Winnie Jo-Mei Ma (Fellow and current convenor of Taiwan Chapter) outlined the changes arising from the new pathways programme, emphasising current opportunities and future challenges for Fellowship.

Winnie Ma

'Arbitration of Intellectual Property disputes' by Mr Douglas Clark

21 February 2019, Hong Kong

The event was held at the HKIAC. The speaker, Doug, has a depth of experience having handled numerous cross border Intellectual Property (IP) cases for clients. The case has involved complex technological and legal issues. He has been appointed as an arbitrator in a number of patent and trade secret arbitrations and is on the HKIAC IP and emergency arbitrator panels and is a World Intellectual Property Organization (WIPO) and Asian Domain Name Dispute Resolution Centre (ADNDRC) domain name panellist. Doug is an adjunct professor at the University of Hong Kong where he teaches the LLM course on Hong Kong IP law. He is also the author of Patent Litigation in China (OUP) and general editor and co-author of Intellectual Property in Hong Kong (LexisNexis).

Doug highlighted the benefit of arbitrating IP disputes, these included avoiding expensive multi-jurisdictional litigation, the ability to address rights in multiple jurisdictions, a specialist panel (if that's what the parties want, although it's not always the case), confidentiality (which, for example, may be important for a patentee who will not want challenges to public or for easier handling of trade secrets disputes), the nature of the award can be tailored (such there is no actual finding of infringement or validity but simply a monetary value). Doug highlighted some of the practical issues which arise in IP arbitrations: selecting an arbitrator(s) with appropriate knowledge; IP disputes can involve numerous jurisdictions and thus disputes may be arbitrated under a number of different laws; this can raises issues about language(s) to



be used, seat of arbitration, location of sittings and whether issues can be arbitrated. Doug concluded by noting that getting an agreement to arbitrate IP disputes may be the most difficult part of the process, he noted that costs can be substantial and whether to arbitrate or litigate needs careful consideration.

The lecture was well attended by approximately 30 members.

Nicholas Turner

'Is Arbitration a blessing or a curse for Technology Disputes' by Mr Paul Haswell

17 January 2019, Hong Kong

On 17 January 2019, the CIArb (EAB) together with its Young Members Group organised an evening talk by Mr Paul Haswell on the topic of 'Is Arbitration a blessing or a curse for Technology Disputes' at the Hong Kong Club. Mr Haswell shared his experience as a technology partner practising in contentious and non-contentious matters in multiple jurisdictions and his view points on arbitration for technology disputes.

The talk was well attended and concluded with a Q&A session, with many attendees posing questions to the speaker. It is obvious that AI and technology advancement have intrigued members and attracted their keen attentions. We are eager to have more arbitration practitioners to share their knowledge, experiences and perspectives in niche areas like technology disputes on the development ADR in these arenas in future.

Fred Ho



Evening Talk on 'Challenges of Implementing Online Dispute Resolution in Hong Kong: Lessons from other Jurisdictions'

3 December 2018, Hong Kong

On 3 December 2018, the Hong Kong International Arbitration Centre (HKIAC), the Chartered Institute of Arbitrators (East Asia Branch) together with the 'CIArb (EAB)' Young Members Group jointly organised an evening talk by a panel of speakers on the topic of 'Challenges of Implementing Online Dispute Resolution in Hong Kong' at the HKIAC. Representative from HKIAC and other distinguished speakers shared their knowledge

and experiences in various aspects of online dispute resolution ("ODR"), including but not limited to the development of ODR in China, recent research reports on ODR and the platforms available in the market.

The talk was well attended and concluded with a Q&A session.

Angie Chai and Fred Ho



Panel of Speakers (from left to right): Ms Carrie Shang, Professor Yun Zhao, Mr Peter Cheung, Mr Douglas Clark and Dr Christopher To



Speakers and organizing members

2019 East Asia Branch Events Programme

2 May 2019

Evening Talk on 'Meeting Today's Challenges to Prepare for the Future'

Hong Kong

By Mr Thomas Halket

15-16 June 2019

Taiwan Chapter – ARM

21 June 2019

YMG Annual General Meeting

2019 Q2/Q3

Evening Talk on 'Introduction to Arbitration'
Organised by the YMG

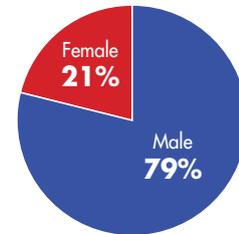
Current Branch Membership

Distribution by Membership Grade

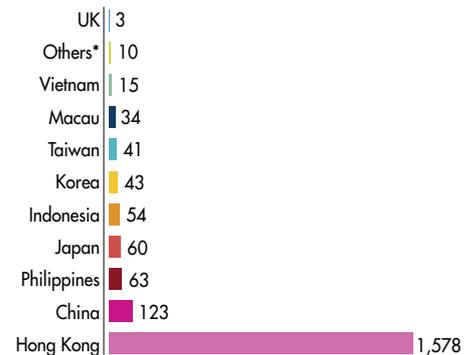
(exclude Retired Members)



Distribution by Gender of Members



Distribution by Region



*Includes Cambodia, Egypt, Malaysia, New Zealand, Singapore and Thailand.

The above statistics are current as of March 2019

YMG – Joint Professional Event – Minibus Signboard Workshop

24 November 2018, Hong Kong

The YMG of CI Arb, YSG of HKIS, YMC of HKIE, YEN of CIBSE, and G&S of ICE jointly held a Minibus Signboard Workshop on 24 November 2018. The workshop explained the origin of red minivan and the evolution of red minivan since its inception with demonstration of videos in the 70s and 80s. This was followed by a further explanation on art of Chinese calligraphy and a Q&A section. The attendants were given the chance to make their own signboards and to practice Chinese calligraphy on these signboards. The workshop was well received and attended by approximately 40 attendants.



Participants from professional institutions

The workshop was well received and attended by approximately 40 attendants.

Albert Yeu

CI Arb East Asia Branch

The East Asia Branch provides a regional organisation for members of the Chartered Institute of Arbitrators who are resident in the geographical area of Hong Kong, mainland China, Indonesia, Japan, Korea, Macau, Mongolia, the Philippines, Taiwan and Vietnam. Thailand and Singapore, formerly part of the Branch, were constituted as separate branches in 2003 and February 2010 respectively.

The objectives of the Branch are to promote, encourage and facilitate the practice of settlement of disputes by arbitration, mediation and other means of dispute resolution, and generally to support and promote the status and interests of the Institute.

CI Arb East Asia Branch Committee 2019

Mary Thomson – Chairperson; Regional – non-PRC and Institute Communications, **David Fong** – Vice Chairpersons; Public Relations Officer, **Nicholas Turner** – Vice Chairpersons; Programme, **Donovan Ferguson** – Honorary Secretary, **Paul Barrett** – Honorary Treasurer, **Richard Leung** – Immediate Past Chair, **Helen Au** – University Promotion, **Louise Barrington** – Vis Moot, **Calvin Cheuk** – Newsletter, **John Cock** – Website, **Mingchao Fan** – Regional – PRC, **Glenn Haley** – Professional Development and Training, **Giovanna Kwong** – Diversity, **Lawrence Lee** – Mediation, **Gina Leung** – observer, **Vincent Li**, **David Luk** – observer; YMG, **Joseph Leung** (co-op) – Adjudication, **Saniza Othman** (co-op), **Christopher To** – Asian DR Editorial and Faculty List, **Cordia Yu** – Membership; **Edward Chow** – Incorporation / New Branch Rules

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