

Cairo Regional Centre for International Commercial Arbitration
and
WIPO Arbitration and Mediation Center

ARBITRATION WORKSHOP

Program Outline

Tuesday, November 2, 1999

I. International Arbitration in Context

[Session Leader: Deborah Enix-Ross]

1. Recent Developments in International Arbitration
2. Legal Framework
 - : Arbitration Agreement
 - : Law Applicable to the Merits
 - : Law of the Place of Execution
 - : Rules
3. Principles
 - : Party Autonomy
 - : International Procedure
 - : Confidentiality
4. Administered Arbitration
 - (a) The Cairo Regional Centre for International Commercial Arbitration
 - (b) WIPO Arbitration and Mediation Center
5. Points of Tension and the Role of the Arbitrator
 - : Cost
 - : Speed
 - : Due Process
6. Role of Counsel

II. On-Line Dispute Resolution

[Session Leaders: Deborah Enix-Ross and Ola Zahran]

1. What is On-Line Dispute Resolution?
2. Electronic Commerce and the Origins of On-Line Dispute Resolution
3. Distinctive characteristics of On-Line Dispute Resolution

III. Accepting Appointment

[Session Leader: David Plant]

1. Party Interviews
2. Party-Appointed Arbitrators
 - : Duties
 - : Selecting the Presiding Arbitrator
3. Disclosure Statements
4. Codes of Ethics
5. The Role of an Arbitrator as Mediator
6. Fees
7. Challenges
 - : Grounds
 - : Procedure

IV. Preparatory Organization

[Session Leader: Deborah Enix-Ross]

1. Receiving the File
2. Preparatory Conference
 - : What, Why, When and How
3. The Role of the Presiding Arbitrator
 - : Case Management
 - : Procedural Orders
 - : Decision-Making
4. Requests for Bifurcation

V. Interim Relief

[Session Leader: Dr. Mohamed Aboul-Enein]

1. Availability
2. Enforceability of Interim Awards
3. Dealing with Urgent Requests
4. (Draft) WIPO Emergency Relief Rules
5. Party Applications for Judicial Relief

ARBITRATION WORKSHOP

Program Outline

Wednesday, November 3, 1999

VI. Exchange of Memorials and Documents

[Session Leader: David Plant]

1. First Exchange
: Extent of Exchange
2. Memorials
3. Amendments to Claims or Defense
4. "Discovery"
5. Privilege
6. Dealing with Default

VII. Hearings and Evidence : Part I - Managing the Process

[Session Leader: Deborah Enix-Ross]

1. Pleas as to Competence
2. Form of Testimony of Witnesses—Written or Oral
3. Examination of Witnesses
4. Evidence by Telephone or Video Conference
5. Expediting the Proceedings
6. Dealing with Parties or Counsel Hostile to the Process
7. Dealing with Default
: Failure to Appear
: Failure to Produce Documents
: Failure to Produce Witness Lists
: Failure to Comply with Orders
8. Dealing with an Arbitrator Hostile to the Process

VIII. Hearings and Evidence: Part II - Scientific and Technical Evidence

[Session Leader: David Plant]

1. Presentation of Scientific and Technical Evidence
 - : Technical Background Evidence
 - : Videos
 - : Slides
 - : Computer-Aided Presentations
2. Expert Witnesses
3. Experts Appointed by the Tribunal
4. Trade Secrets and Confidential Information
5. Site Visits
 - : Preparation
 - : Conduct

IX. Awards

[Session Leader: Dr. Mohamed Aboul-Enein]

1. Recalcitrant Arbitrators—Truncated Tribunal
2. Decision-Making
3. Arbitrability
 - : Ensuring Enforceability
4. Drafting the Award
5. Informal Scrutiny
6. Costs
7. Applications for Correction or Additional Award
8. Post-Award Contact with Parties or Counsel

X. On-Line Dispute Resolution

[Session Leaders: Deborah Enix-Ross and Ola Zahran]

1. Legal Challenges posed by On-Line Dispute Resolution
2. Demonstration of the WIPO On-Line system
3. Application of the On-Line system