

Tuesday 1430 – 1730 – continued

The second topic deals with the interaction of expertise clauses and arbitration. Contracts containing arbitration clauses often identify certain issues to be submitted to an expert for determination before there is recourse to arbitration, as the final means of dispute resolution. This is the case in many contracts in the construction sector, long-term gas supply agreements and shareholder/M&A agreements. The interaction of expertise clauses with arbitration raises a number of issues which the panellists will address, including who has jurisdiction to decide what? When? What are the consequences if a party unilaterally ignores the expertise clause? Does that raise concerns about the tribunal's jurisdiction and inadmissibility of the claim?

Speakers

Philippe Bärtsch *Schellenberg Wittmer, Geneva, Switzerland*
Niuscha Bassiri *Hanotiau & van den Berg, Brussels, Belgium*
Eduardo Gonçalves *Mattos Filho Veiga Filho Marrey Jr e Quiroga Advogados, São Paulo, Brazil; Vice Chair, Arbitration Committee*

Michael Polkinghorne *White & Case, Paris, France*
Anke Sessler *Skadden Arps Slate Meagher & Flom, Frankfurt/Main, Germany*
Laurence Shore *Herbert Smith Freehills, New York, USA*
Barbara Steindl *Brauneis Klauser Prändl Rechtsanwälte, Vienna, Austria*
Roland Ziade *Linklaters, Paris, France*

HALL E2

Art and the digital

Presented by the Art, Cultural Institutions and Heritage Law Committee and the Intellectual Property and Entertainment Law Committee

Session Co-Chairs

Herman Croux *Marx Van Ranst Vermeersch & Partners, Brussels, Belgium; Senior Vice Chair, Intellectual Property and Entertainment Law Committee*
Mark Stephens *Howard Kennedy, London, England; Chair, Art, Cultural Institutions and Heritage Law Committee*

Part 1: The creation and exploitation of art on the internet by artists, authorship, exploitation and IP rights

Moderators

Olivier de Baecque *De Baecque Law Firm, Paris, France*
Massimo Sterpi *Studio Legale Jacobacci & Associati, Rome, Italy*

Speakers

Olivier de Baecque
Miltos Manetas *Painter and internet artist, Bogotá, Colombia*
Nicholas M O'Donnell *Sullivan & Worcester, Boston, Massachusetts, USA; Publications Officer, Art, Cultural Institutions and Heritage Law Committee*

Part 2: Art online, database right issues, the creation of virtual galleries, bringing museum collections on line. Monetisation and protection of IP rights of art on the internet through artistic collection societies.

Moderators

Giuseppe Calabi *CBM & Partners Studio Legale, Milano, Italy; Secretary, Art, Cultural Institutions and Heritage Law Committee*
Yoshifumi Onodera *Mori Hamada & Matsumoto, Tokyo, Japan; Website Officer, IP and Entertainment Law Publications Subcommittee*

Speakers

Stephen Clark *J Paul Getty Trust, Los Angeles, California, USA*
Gilane Tawadros *DACS, London, England*
Mariska van Zelst-de Wit *Rijksmuseum, Amsterdam, the Netherlands*

Part 3: Marketing and sales of art on the internet. Private sales, dealer offers, auctions, studio sales, valuations, applicable laws, legal issues concerning sales, guarantees, fakes and fraud, IP and database issues with the internet almost by definition covering many countries and jurisdictions

Moderators

Pieter Ariëns Kappers *Bavelaar & Bavelaar Advocaten & Rechtsanwalte, Amsterdam, the Netherlands*
Peter Polak *Fiebinger Polak Leon Rechtsanwälte, Vienna, Austria; Vice Chair, Art, Cultural Institutions and Heritage Law Committee*

Speakers

Katherina Garbers-von Boehm *CMS Hasche Sigle, Berlin, Germany*
Anne-Sophie Nardon *Borghese Associés, Paris, France*
Jacqueline Nowikovsky *Bonhams International Auctioneers and Valuers, Vienna, Austria*

HALL L4

Back to basics: fundamental ethics revisited

Presented by the Professional Ethics Committee and the Judges' Forum

Session Co-Chairs

Frank Astill *The University of Sydney, Sydney, New South Wales, Australia*
Paul Monaghan *Law Society of New South Wales, Sydney, New South Wales, Australia; Co-Chair, Professional Ethics Committee*

Despite the constant advancement of technology, fundamental principles of professional responsibility have not changed. While contemporary media foster ease of communication, the nature of those communications remains as it was in the days of 'hard copy'. Similarly, whether by Skype or otherwise, the rules of conduct remain the same. Older lawyers were told never to talk openly in elevators; the 'elevator' of today may be a chatroom, but basic principles of confidentiality and caution persist. This session explores application of basic principles in the 'brave new world', and features perspectives from judges and practitioners across different jurisdictions and demographics. This includes aspects of ethics for international lawyers with reference to the IBA International Principles on Conduct for the Legal Profession. Furthermore we will look at aspects of ethics for practice in the future global market, and everyone's obligations.

Speakers

Tracey Calvert *Oakalls Consultancy, Halwell, England*
Justice Anthony Gafoor *Tax Appeal Court of Trinidad and Tobago, Port of Spain, Trinidad and Tobago*
Duncan McConnell *Law Council of Australia, Canberra, Australian Capital Territory, Australia*
Jeffrey Merk *Aird & Berlis, Toronto, Ontario, Canada*
Janice Purvis *Lawcover, Sydney, New South Wales, Australia*
Honorable Myron Steele *Potter Anderson & Corroon, Dover, Delaware, USA*
Steven Stevens *Stenas Legal, Camberwell, Victoria, Australia; Vice Chair, Professional Ethics Committee*

HALL L5

Bank confidentiality and international exchange of information

Presented by the Banking Law Committee and the Individual Tax and Private Client Committee

Session Co-Chairs

William Johnston *Arthur Cox, Dublin, Ireland; Co-Chair, Banking Law Committee*
Niklas Schmidt *Wolf Theiss, Vienna, Austria; Committee Liaison Officer, Individual Tax and Private Client Committee*

'Governments once turned a blind eye to their wealthy citizens' offshore tax acrobatics. Now they are strapped for cash and hungrily hunt every penny in tax revenue. So a cold war on banking secrecy is turning hot.'