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# JAPAN:

## 8<sup>TH</sup> ANNUAL INTERNATIONAL ARBITRATION & CORPORATE CRIME SUMMIT

– THROUGH THE LOOKING GLASS

Thursday, 1 December 2022, 9:00am – 5:00pm

Venue: Keio Plaza Hotel

(This forum will be conducted in English)

Complimentary seats  
for In-house/ General Counsel.

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### SPEAKERS



**Paul Key KC**  
Essex Court Chambers London  
Chairman



**Mitsuru Tamura**  
Coordinator,  
Japan Commercial  
Arbitration Association (JCAA)  
Keynote Speaker



**Christopher Bailey**  
Partner,  
Stephenson Harwood LLP  
Moderator – 1st Grand Panel



**David MacArthur**  
Co-head of International  
Arbitration, Anderson Mori  
& Tomotsune  
Moderator – 2nd Grand Panel



**Keita Fukunaga**  
Director, AlixPartners  
Moderator – 3rd Grand Panel



**Elvira Aliende Rodriguez**  
Partner, Shearman & Sterling



**Stephen Mavroghenis**  
Partner, Quinn Emanuel  
Urquhart & Sullivan LLP



**Douglas Clark**  
Founding Partner,  
Douglas Clark LLP



**Rob Palmer**  
Partner, Ashurst



**Carlos Chait**  
Senior Vice President –  
Investigations,  
Disputes and Risk Services,  
AlixPartners



**Hiroaki Nagahashi**  
Counsel, Baker McKenzie



**Tony Andriotis**  
Partner, DLA Piper; Professional  
& Institutional Relations  
Officer, Japan Commercial  
Arbitration Association (JCAA)



**Michele Park Sonen**  
Head (North East Asia),  
Singapore International  
Arbitration Centre



**Laurie-Anne Grelrier**  
Special Counsel,  
Covington & Burling



**Ronnie King**  
Partner, Ashurst



**Pui-Ki Emmanuelle Ta**  
Chief Executive Officer,  
eBRAM International  
Online Dispute Resolution  
Centre Limited



**Scott Warren**  
Partner,  
Squire Patton Boggs



**So Saito**  
Partner, So & Sato Law



**Joaquin (Jack) Terceño**  
Partner, Head of Japan  
Disputes, Freshfields  
Bruckhaus Deringer Tokyo

8:50 – 9:10	<b>Registration</b>
9:10 – 9:30	<b>Chairman's Opening Welcome: The Rising Issues on ESG Disputes</b> Paul Key QC, Essex Court Chambers London
9:30 – 9:50	<b>Keynote Session – JCAA Update</b> Mitsuru Tamura, Coordinator of JCAA
9:50 – 10:15	<b>Arbitration of IP Disputes in Asia: Key Issues for Japanese Parties</b> Douglas Clark, Founding Partner, Douglas Clark LLP
10:15 – 10:35	<b>Crypto &amp; Blockchain Disputes in Japan – What's Coming in 2023</b> So Saito, Partner, So & Sato Law
10:35 – 11:00	<b>Energy Disputes &amp; What's Happening Now in the Current Climate – Asia Focus</b> Rob Palmer, Partner, Ashurst
11:00 – 11:20	<b>Investor State Arbitration: Trends &amp; Enforcement</b> Joaquin P. Terceño, Partner, Freshfields Bruckhaus Deringer
11:20 – 11:45	<b>Networking Break &amp; Morning Refreshment</b>
11:45 – 12:05	<b>Cyber Breach Response, Regulatory Duties and Disputes</b> Scott Warren, Partner, Squire Patton Boggs
12:05 – 12:50	<b>1st Grand Panel: Updates in Enforcement of Arbitral Awards in 2022 &amp; Regional Updates (Focus on Japan, Korea &amp; Singapore)</b> <b>Moderator:</b> • Christopher Bailey, Partner, Stephenson Harwood LLP <b>Panellists:</b> • Michele Park Sonen, Head (North East Asia), Singapore International Arbitration Centre • Tony Andriotis, Partner, DLA Piper; Professional & Institutional Relations Officer, Japan Commercial Arbitration Association (JCAA)
12:50 – 14:00	<b>Networking Lunch</b>
14:00 – 14:45	<b>2nd Grand Panel: Use of Technology in Disputes &amp; Digital Investigations</b> <b>Moderator:</b> • David MacArthur, Co-head of International Arbitration, Anderson Mori & Tomotsune <b>Panellists:</b> • Carlos Chait, Senior Vice President – Investigations, Disputes and Risk Services, AlixPartners • Ronnie King, Partner, Ashurst • Pui-Ki Emmanuelle Ta, Chief Executive Officer of eBRAM International Online Dispute Resolution Centre Limited
14:45 – 15:15	<b>The Fundamental Shift of Global Antitrust Enforcement in Big Tech &amp; Sui Generis Legislation eg. DMA in EU &amp; Changes to Consumer Welfare</b> Stephen Mavroghenis, Partner, Quinn Emanuel
15:15 – 15:40	<b>Networking Break &amp; Afternoon Refreshment</b>
15:40 – 16:10	<b>Cartel &amp; Fraud Investigations – Global Not Local Problem!</b> Elvira Aliende Rodriguez, Partner, Shearman & Sterling
16:10 – 16:50	<b>3rd Grand Panel: Antitrust and Economic Regulatory Compliance: Hot Issues and New Trends in the EU, Japan, and Korea</b> <b>Moderator:</b> • Keita Fukunaga, Director, AlixPartners <b>Panellists:</b> • Hiroaki Nagahashi, Counsel, Baker McKenzie • Stephen Mavroghenis, Partner, Quinn Emanuel • Elvira Aliende Rodriguez, Partner, Shearman & Sterling • Laurie-Anne Grelrier, Special Counsel, Covington & Burling
16:50 – 17:00	<b>Closing Remarks &amp; Lucky Draw</b>

\* program is subject to change without prior notice

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**Paul Key KC, Essex Court Chambers London**

Paul Key K.C. is recognised as one of the leading QCs at the English Commercial Bar. He has particular expertise and specialism in arbitration, both international commercial arbitration and investment treaty arbitration (including ICSID). He also regularly appears in arbitration-related Court matters, including appearing in the English Supreme Court in *Jivraj v Hashwani*. He has been ranked in the toptier (band 1) rankings for arbitration for over 10 years and has consistently been identified as one of the leading figures in that field (“a real arbitration expert”, “few can rival his expertise, ability and knowledge in the field of arbitration”, “the first port of call for important arbitration disputes”, “an arbitration guru”). He has appeared as advocate in over 300 major international arbitrations worldwide, as well as appearing regularly before the English Courts (at all levels) and foreign Courts on arbitration matters. In addition to his extensive experience in international commercial arbitration, he is one of the very few English QCs to have real expertise in investment arbitration. He has been lead counsel in a very large number of BIT / investment arbitrations, acting both for and against States. He is Visiting Professor in international arbitration law at King’s College, London, and has lectured and published widely in this field. He has been a longstanding representative of the UK on the ILA International Commercial Arbitration Committee and is also a delegate for the UNCITRAL Working Group on Arbitration.

**Mitsuru Tamura, Coordinator, Japan Commercial Arbitration Association**

Mr. Mitsuru Tamura is Coordinator for Japan Commercial Arbitration Association in charge of its public relations. He worked for Mitsui & Co., Ltd. for more than thirty years. During his services in Mitsui, he stationed in Tokyo, Osaka, Bangkok, Los Angeles and New York and was involved in various international and domestic commercial and labor litigations, arbitration, mediations and other dispute resolutions. After Mitsui, he joined BIPROGY Inc. (former Nihon Unisys, Ltd.) as General Manager of Legal Division, Chief Compliance Officer and Executive Officer (Shikko Yakuin) responsible for legal, compliance and corporate governance until the end of this March. He is currently the Audit & Supervisory Board Member (Kansayaku) for Uniadex, Ltd., BIPROGY group of companies.

**Christopher Bailey, Partner, Stephenson Harwood LLP**

Chris is a highly ranked international arbitration partner with 20 years of leading private practice experience. He specialises in complex multi-jurisdictional disputes with an emphasis on international arbitration, commercial litigation and criminal and regulatory investigations.

Chris represents clients in a wide variety of complex high-value cross-border commercial disputes which regularly include claims for in excess of a US\$ billion and predominantly arise out of the energy, resource, transport, infrastructure, financial services, media and IT sectors, with Chris having a particular expertise in oil and gas, construction and investment treaty cases. He is a Solicitor Advocate, All Higher Courts of England & Wales, a Fellow of the Chartered Institute of Arbitrators, a panel arbitrator of the JCAA, KCAB and SIAC institutions and a member of the JIDRC Operation Subcommittee, AIPN Japan Sub-Chapter Committee and SIAC Users Council.

**David MacArthur, Co-head of International Arbitration, Anderson Mori & Tomotsune**

David MacArthur is Co-head of the International Arbitration practice of Anderson Mori & Tomotsune, where he jointly oversees a large, diverse team spanning the firm’s pan-Asian office network.

Having started his career in US commercial litigation, David moved his practice to Asia in 2006 and shifted his focus to international arbitration. As a member of a globally ranked arbitration practice, to date he has represented clients in over 50 major arbitrations, often high-value and complex, seated in jurisdictions across Asia, Europe and North America and in a variety of industries, ranging from several million to several billion USD in value. In addition to commercial cases, he advises and represents clients in investor-state disputes.

He is also active as arbitrator and is a Fellow of the Chartered Institute of Arbitrators. He has been appointed as arbitrator in matters under the ICC, HKIAC, JCAA and KCAB Arbitration Rules. His is conversationally proficient in Japanese and Korean.

**Keita Fukunaga, Director, AlixPartners**

Keita is an expert in economic analysis with regard to regulation and litigation matters such as antitrust and economic damages cases. He has more than 15 years’ experience as a professional economist with involvement in many merger cases in various industries, among other regulation and litigation cases.

Keita has experience in cross-border cases in which he served as an economist for client companies. As an economic consultant, he conducted economic analyses for private companies to identify crucial evidence in support of clients’ claims.

From April 2012 to March 2014, he led the economic analysis team of the merger division of the Japanese Fair Trade Commission, where he reviewed the merger submissions and conducted economic analyses in major merger cases as chief investigator.

**Elvira Aliende Rodriguez, Partner, Shearman & Sterling**

Elvira Aliende Rodriguez is a partner in the Antitrust practice. She focuses on Spanish and EU competition law. Elvira advises clients across a range of sectors, including air transport, chemicals, telecommunications, energy, pharmaceuticals, steel, hotel accommodation, textiles and financial services. She has extensive experience in advising clients on Article 101 (restrictive agreements) and the equivalent provisions under Spanish law. She has also participated in State aid procedures and in Article 102 (abuse of dominance) cases before the EU competition authorities. She has in-depth knowledge of working before the European Commission and the European Courts.

**Stephen Mavroghenis, Partner, Quinn Emanuel Urquhart & Sullivan LLP**

Stephen Mavroghenis is Partner of Quinn Emanuel Urquhart & Sullivan LLP. Prior to joining Quinn Emanuel Urquhart & Sullivan LLP, Stephen was the head of Shearman & Sterling’s Brussels office and cohead of the Global Antitrust Group. His practice focuses on competition law and policy. Stephen’s practice focuses on EU and UK competition law, in addition to EU regulatory and intellectual property law. Stephen has extensive experience in the aviation, chemicals, energy, high-tech and information technology, pharmaceuticals and medical devices, manufacturing, and media and entertainment industries. He regularly appears in proceedings before the European Commission and the European Courts in Luxembourg. He also appears before the national competition authorities of several member states. Stephen regularly advises multinational corporations on international mergers, acquisitions, joint ventures and corporate takeovers and defends clients against allegations of cartel participation and abuses of dominance, including issues relating to refusals to deal/license, intellectual property rights, rebates, predatory and excessive pricing. Stephen also regularly counsels clients on a broad variety of business practices including licensing and supply agreements, distribution, agency and the establishment and maintenance of compliance programs. Stephen has published widely on competition issues and is a contributor to multiple legal publications, and is a frequent speaker on competition law and policy.

**Douglas Clark, Founding Partner, Douglas Clark LLP**

Douglas Clark is the founding partner of Douglas Clark LLP a specialist IP arbitration and litigation practice. Doug has acted as arbitrator or counsel in close to 20 IP arbitration matters. He has also appeared as an advocate in over 100 cases in all the higher courts in Hong Kong including the Court of Final Appeal. Doug commenced practice in Hong Kong 30 years ago. He was based in Shanghai from 2000 to 2010 as the head of international firm Lovells’ IP practice in China. From 2010 to 2019 he practiced as a barrister in Hong Kong and from 2020 to 2022 was Global Head of Dispute Resolution with IP boutique, Rouse. He has been practicing in his own firm since September 2022. Doug studied on exchange at Nagata Senior High in Kobe in 1983 and at Fudan University in Shanghai from 1988 to 1990. He speaks fluent Japanese and Chinese.

Doug has written a number of legal texts including Patent Litigation in China and Intellectual Property in Hong Kong. He is also the author of a history of extraterritoriality in China and Japan, Gunboat Justice.

**Rob Palmer, Partner, Ashurst**

Rob Palmer is a partner in Ashurst’s Singapore dispute resolution team. Based in Southeast Asia since 2003, Rob has a particular focus on dispute resolution in the energy and infrastructure sectors with particular market-leading expertise in the resolution of LNG price reviews. Rob is consistently praised by clients and in legal directories for his advocacy skills and the quality of his legal advice, with recent client comment in GAR 100 describing him as “the best international arbitration lawyer in Asia”.

Rob is a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration. He is qualified in New Zealand, New South Wales and England; a member of the panel of arbitrators of (among others) the KCAB, the AIAC, the ACICA, the BANI and the TAC; and a member of the Training Faculty of the Chartered Institute of Arbitrators.

**Carlos Chait, Senior Vice President — Investigations, Disputes and Risk Services, AlixPartners**

Carlos brings more than a decade of cross-border regulatory and internal investigation experience to advising legal counsel strategize forensically sound, results-oriented e-discovery methodology. Carlos’ work in complex, high-stakes product liability, anti-corruption, money laundering, and corporate malfeasance investigations originating in North America and Asia helps clients adhere to global eDiscovery best practices and protocols.

As JD/MBA-educated attorney, Carlos also maintains certifications as a Project Management Professional (PMP) and Certified AML Specialist (CAMS). He completed his undergraduate studies in International Relations at the University of California, Berkeley.

**Hiroaki Nagahashi, Counsel, Baker McKenzie**

Hiroaki Nagahashi is a member of the Firm's Antitrust & Competition Law group, Corporate/M&A group and Dispute Resolution group in Tokyo. He is very experienced in the areas of M&A, competition law (including the Antimonopoly Act, among others), consumer protection law (including the False Labeling Prevention Act, Food Labeling Act and other advertising & labeling regulations), domestic and international litigation and general corporate law. Hiroaki has been admitted to practice law in Japan and New York and is certified as a Food Labeling Consultant in Japan by the Food Labeling Testing Institute.

**Tony Andriotis, Partner, DLA Piper; Professional & Institutional Relations Officer, Japan Commercial Arbitration Association (JCAA)**

Tony Andriotis is a Partner with DLA Piper, where his primary practice focuses on international dispute resolution, and he leads the Tokyo based international arbitration group. He currently also serves as President of the Greek Chamber of Commerce in Japan and as a Board Member of the European Business Council. Tony is an Adjunct Professor at the Tokyo campus of Temple Law School, and a Part-time Lecturer at both Keio Law School (Tokyo) and Humboldt University (Berlin). He is a graduate of Cornell University and the Fordham University School of Law. Though residing in Japan for over a decade, Tony is a native of New York City, where he previously clerked for a federal judge at the United States Court of International Trade.

**Michele Park Sonen, Head (North East Asia), Singapore International Arbitration Centre**

Michele is the Head (North East Asia) at the Singapore International Arbitration Centre, where she leads SIAC's development in Korea and Japan. She works closely with the business and legal communities in the region to provide specialist knowledge and expertise on international arbitration at SIAC. She regularly speaks on international commercial arbitration and has accepted appointment as tribunal secretary.

Michele is qualified as an attorney in the United States, and prior to joining SIAC, Michele practiced international arbitration at a top-tier Korean law firm where she represented clients from Asia, North America and Europe in a broad range of disputes arising out of the technology, construction, commodities, biohealth, and luxury fashion sectors, among others. She has acted as counsel in international commercial arbitrations under the SIAC, ICC, and KCAB rules in cases seated in Singapore, Korea, and the United States.

**Laurie-Anne Grelier, Special Counsel, Covington & Burling**

Laurie-Anne Grelier assists global companies, especially Asian multinationals, with navigating the competition law aspects of their activities and investments in Europe. Laurie-Anne cumulates more than 10 years of experience advising these companies on complex, high-stake European competition law issues, including antitrust and cartel investigations, the clearance of mergers and other transactions, the structuring of licensing, distribution, collaborative and other commercial arrangements, issues related to abuse of dominant position, and the structuring of compliance programs.

Laurie-Anne further represents these companies in litigation before the European Courts, whether in their challenges of regulatory decisions or in the defense of multi-million private antitrust claims.

Laurie-Anne also advises Asian companies on the application of new regulations in the technology sector, such as the EU Digital Markets Act as well as on state aid and foreign direct investment.

**Ronnie King, Partner, Ashurst**

Ronnie has practised with Ashurst since 1984 and is one of the most experienced arbitration practitioners based in Asia with extensive experience handling arbitrations for clients in the energy, power and mining, construction, financial, telecoms, pharmaceutical and insurance and re-insurance sectors.

He is well respected in the market as a highly knowledgeable expert and is best known for complex arbitration work for developers and contractors in the construction sector, as well as for conducting highly sensitive internal investigations concerning white collar crime issues such as bribery, employee fraud and sanctions evasion. He has been actively advising Korean clients with their high profile dispute matters for well over a decade, working closely alongside partners, John Kim and Huiyeon Kim.

Ronnie is recognised as a leading practitioner in the market across major directories such as Chambers and Partners and Legal 500. Clients note that "he provides excellent insights on not only legal issues but also commercial issues", and appreciate Ronnie and his team's "expertise, enthusiasm, and a willingness to challenge established views." Ronnie has also been nominated as a Global Leader in Energy - Oil & Gas and National Leader in Japan - Arbitration by Who's Who Legal 2022.

**Pui-Ki Emmanuelle Ta, Chief Executive Officer, eBRAM International Online Dispute Resolution Centre Limited**

Ms Ta is currently the Chief Executive Officer of eBRAM International Online Dispute Resolution Centre Limited. With over 15 years of experience in international arbitration and case management, she has supervised hundreds of international arbitration cases in a wide range of jurisdictions and economic sectors. As Counsel of the Secretariat of the International Court of Arbitration of the ICC, Asia Office in Hong Kong (2016-2021), she was responsible for managing the Hong Kong team, including administration of Asia-related arbitration cases. She is qualified to practice at the Paris bar.

**Scott Warren, Partner, Squire Patton Boggs**

Scott Warren is a licensed US attorney who began his legal career litigating and arbitrating civil cases in California before moving to Japan in 1993. He wrote the Japan Employers Handbook for CCH before spending 13 years as in-house counsel as the first foreign general counsel for Sega Enterprises, and then as senior corporate attorney for Microsoft, getting Xbox launched in Asia. In those capacities, he also handled a breadth of matters including overseeing several competition matters, other litigation disputes, IP licensing, transactional agreements, anticounterfeiting and anti-cybercrime efforts, employment matters and internal investigations. He was the Asia Regional Managing Director for Legal Technologies for a large risk consultancy and now oversees Epiq Systems, a world leader in legal technologies, providing eDiscovery and document review services in North Asia, working with corporations, and the law firms that support them, on issues where the Law and Technology collide. Many of those have involved competition matters in various industries and countries in Asia. As such, he has been working in and around digital evidence in Asia for the last 20 years.

**So Saito, Partner, So & Sato Law**

So Saito is a founder and representative lawyer of So & Sato, a boutique law firm specializing web 3, startups (FinTech, AI, metaverse, RoboTech, etc.), funds, and M&A. So was a partner of one of the largest firms in Japan and primarily practiced in finance for sixteen years, and he worked on some dispute and arbitration issues during that time.

So's experience includes advising several crypto asset exchanges with registering with the Financial Service Agency. He also advised local and foreign companies on the Japanese regulations regarding Initial Coin Offering and Security Token Offerings. In addition, he advised a major crypto company regarding the provision of crypto derivatives services regulation in Japan. Moreover, he counseled a leading stablecoin provider on the legal and regulatory environment for stablecoins in Japan. He has sat on boards of crypto digital assets companies and advised regulators on digital asset regulations. He has received recognition from Chambers Asia Pacific, Legal 500 Asia Pacific, and Best Lawyers regarding his FinTech practice.

**Joaquin (Jack) Terceño, Partner, Head of Japan Disputes, Freshfields Bruckhaus Deringer Tokyo**

Joaquin is a partner in our Disputes Group and the Head of Disputes for Japan. Based in Tokyo, Joaquin is an experienced advocate who represents clients in complex international disputes and negotiations, with wide experience in investor-State and commercial disputes both in international arbitration and U.S. federal courts. Joaquin's practice also focuses on ESG (environmental, social, governance) issues ranging from risk assessment and due diligence to representing clients in ESG-related disputes, and is a member of the firm's Sustainability Leadership Group. His experience includes representing clients in global investigations, U.S. Racketeer Influenced and Corrupt Organizations (RICO) Act and Foreign Corrupt Practices Act (FCPA) litigation, U.S. and cross-border bankruptcy litigation, and general commercial disputes. He also has advised States on issues of public international law, including advising on compensation for victims of war crimes and the devolution of governmental authority to regional bodies.

## Japan: 8<sup>th</sup> Annual International Arbitration & Corporate Crime Summit

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