



Chinese Arbitration Association, Taipei



Asian Center for WTO & Int'l  
Health Law and Policy

**2018 Taipei International Conference on  
Arbitration and Mediation**

The Grand Hotel Taipei

No.1, Sec. 4, Zhongshan N. Rd., Zhongshan Dist., Taipei City

2018 年台北仲裁與調解國際研討會

台北市中山北路四段 1 號圓山大飯店

*Conference Program (Tentative)*

**Monday, August 27, 2018**

8:30-9:00 **Registration**

9:00-9:10 **Welcome and Opening Remarks**

Fuldien Li (李復甸), Chairman, Chinese Arbitration Association, Taipei (CAA)

Tsai-yu Lin (林彩瑜), Professor, NTU College of Law; Director, ACWH

9:10-10:30 **Session I: New Interactive Relations Between Court Systems and Arbitration**

**Chair: Nigel N. T. Li (李念祖), Partner, Lee and Li**

1. *International Commercial Courts and Arbitration – Alternatives, Substitutes or Trojan Horse?*  
Stephan Wilske (韋德方), Partner, Gleiss Lutz
2. *The New Singapore International Commercial Court – Competing with Arbitration*  
Gary Bell, Associate Professor, National University of Singapore
3. *Specialized Courts: Keeping Arbitration on Top of Its Game?*  
Janet Walker, Professor, Osgoode Hall Law School
4. *Turning the Rivalrous Relations into Cooperative or Convergent Modes of Dispute Settlement Mechanism?*  
Kim Rooney, Junior Counsel, Gilt Chambers

10:30-10:50 **Group Photos and Coffee Break**

10:50-12:10 **Session II: New Interactive Relations Between Court Systems and Arbitration (Continue)**

**Chair: Doug Jones, Independent Arbitrator (Canada/London/Australia)**

5. *Competition or Cooperation? Litigation, Arbitration and ADR in Mainland China*  
Ling Yang (楊玲), Deputy Secretary-General, HKIAC and Chief Representative (Shanghai Office)
6. *Anti-Arbitration Injunctions in Investment Treaty Arbitration: Judicial Protection or Judicial Intervention?*  
Ting-Wei Chiang(江庭緯), LL.M., NCTU School of Law
7. *Litigation and Arbitration: Doctrines of Res Judicata*  
Philip Yang (楊良宜), Independent Arbitrator
8. *Establishing a Clearer “Denial of Justice” Rule for Constitutional Courts’ Decisions by Investment Arbitral Tribunals*  
Jia-Jhen Liao (廖家振), LL.M. Candidate, NTU College of Law

12:10-13:50 **Lunch**

13:50-15:00 **Session III: Relations Among Litigation, Arbitration and Meditation: Party’s Choice, Tax and Trade**

**Chair: Winnie Jo-Mei Ma (馬若梅), Deputy Secretary-General, CAA**

9. *Choice of Arbitration, Mediation and/or Litigation: The Party/Party Representative's Perspective*  
Kathryn Sanger, Partner, Herbert Smith Freehills
10. *Litigation, Arbitration and Mediation in International Tax: Whether This Results in Competitive or Collaborative/Comparative Relations*  
Michelle Markham, Associate Professor, Bond University Faculty of Law
11. *Bridging Appellate Review's Vacuum Through Institutional Mediation Outside the WTO*  
Tsai-yu Lin (林彩瑜), Professor, NTU College of Law; Director, ACWH

15:00-15:20 **Coffee Break**

15:20-17:00 **Session IV: *Ex Aequo et Bono* and *Lex Mercatoria* in International Arbitration**

**Chair: Stephan Wilske (韋德方), Partner, Gleiss Lutz**

12. *A Postmodern Normative Quest for Deterritorialization: Applying the 'New' Lex Mercatoria in International Arbitration*  
Horia Ciurtin, Research Fellow, EFILA; External PhD Researcher, University of Amsterdam
13. *Ex Aequo et Bono Arbitration in the Contemporary World*  
Jun Wang (王俊), Senior Instructor, Macau University of Science and Technology Faculty of Law; Director, Capital Alliance ADR Advisory Services
14. *Ex Aequo et Bono as a Response to Over-Judicialisation of International Arbitration: Is It Time to Overcome a Fear of Uncertainty?*  
Nobumichi Teramura, PhD candidate, UNSW Law Faculty
15. *Amiable Composition/Binding Arbitration*  
Joe Tirado, Partner, Garrigues UK LLP

**Tuesday, August 28, 2018**

**8:50-10:00 Session V: Issues within Commercial Arbitration Regime**

**Chair: Philip Yang (楊良宜), Independent Arbitrator**

16. *Domestic and International Arbitration Regimes: Should They Be Combined or Separated?*

Doug Jones, Independent Arbitrator (Canada/London/Australia)

17. *The Outsider's Identity in International Commercial Arbitration—from Group of Companies Doctrine to IBA Guidelines on Conflict of Interests*

Tsai-fang Chen (陳在方), Assistant Professor, NCTU School of Law

18. *Will It Be Feasible to Introduce Third-Party Funding Mechanism to Commercial Arbitration in Taiwan?*

Zhen-Yi Wu (吳貞儀), LL.M. Candidate, NTU College of Law

**10:00-10:20 Coffee Break**

**10:20-12:00 Session VI: Issues in Investment Arbitration**

**Chair: Pi-jan Wu (吳必然), Attorney, LCS & Partners Law Firm**

19. *Insolvency in Investment Arbitration*

Lars Markert, Foreign Law Partner, Nishimura & Asahi

20. *Commercial and Investment Arbitration: Rules and Enforcement*

Wen-ying Wang (王文英), Secretary-General, CIETAC Hong Kong Arbitration Center

21. *All Mighty CJEU? The Implication of Achmea Decision*

Ching-Wen Hsueh (薛景文), Associate Professor, NCCU Department of International Business

22. *Permeability of Investor's Legitimate Expectations in Investment Treaty Arbitration: Lessons from Human Rights Jurisprudence*

Nasiruddeen Muhammad, Assistant Professor, College of law, University of Dubai

23. *Prudential Examinations and Investment Disputes: From Judicialization, Negotialization, to Re-Judicialization*

Xin-Wei Huang (黃信維), LL.M. Candidate, NTU College of Law

**12:00-12:05 Closing Remarks**

Tsai-yu Lin (林彩瑜), Professor, NTU College of Law; Director, ACWH

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