



THE DANISH
INSTITUTE OF ARBITRATION

**International Congress
of Maritime Arbitrators
ICMA XX**

September 25th-29th, 2017
Copenhagen, Denmark

PROGRAMME



Program Overview

Plenary Sessions
Room 8-11



Current Sessions
Room 8+10



Current Sessions
Room 9+11



	Monday September 25th	
08:45 - 09:30	Opening Ceremony and Welcome Address	
09:30 - 10:30	Cedric Barclay Lecture by Bruce Harris	
10:30 - 11:00	Coffee break	
11:00 - 12:30	PS1: Current Developments in Arbitration	
12:30 - 13:30	Lunch	
13:30 - 15:00	CS1: National Arbitration Legislation and Institutions – Part 1	CS2: Privacy, Non-Appearing Parties and Third Parties
15:00 - 15:30	Coffee break	
15:30 - 17:00	CS3: National Arbitration Legislation and Institutions - Part 2	CS4: Dispute Resolution Clauses
From 18:30	Welcome Receptions	
	Tuesday September 26th	
09:00 - 10:30	CS5: Bills of Lading	CS6: Fraud, Corruption, Bad Faith and Cybercrime
10:30 - 11:00	Coffee break	
11:00 - 12:30	CS7: Sale and Purchase of Commodities	CS8: Arbitration and Arbitrators
12:30 - 13:30	Lunch	
13:30 - 15:00	CS9: Insurance and P & I	CS10: Document Production and Evidence
15:00 - 15:30	Coffee break	
15:30 - 17:00	CS11: Experts, Technicalities and Limitation of Liability	CS12: Security for Costs and Third Party Funding
From 18:00	BIMCO Reception	
	Wednesday September 27th	
From 10:00	Social Day Out	
	Thursday September 28th	
09:00 - 10:30	PS2: Charterparties	
10:30 - 11:00	Coffee break	
11:00 - 12:30	PS3: Interim Measures	
12:30 - 13:30	Lunch	
13:30 - 15:00	CS13: Contractual Interpretation	CS14: Efficiency and Expedition
15:00 - 15:30	Coffee break	
15:30 - 17:00	CS15: Damages	CS16: Shipping 4.0
From 18:00	Congress Dinner	
	Friday September 29th	
09:00 - 10:30	CS17: Insolvency and Maritime Claims	CS18: Shipbuilding and Offshore
10:30 - 11:00	Coffee break	
11:00 - 13:00	PS4: Danish Industry Presentation	
13:00 - 14:00	Lunch	
14:00 - 16:00	PS5: Enforcement of Awards	
16:00 - 16:30	Closing notes and announcement of host of ICMA XXI	

Program - Monday September 25th

Opening

08:45 - 09:30

Room: 8-11

Moderator: Steffen Pihlblad, Secretary General of the Danish Institute of Arbitration

Opening Ceremony and Welcome Address

Chairman of the Danish Institute of Arbitration Jesper Lett

Chairman of the Steering Committee David Martowski

Justice of the Supreme Court Jon Stokholm

09:30 - 10:30

Cedric Barclay Lecture by Bruce Harris

PS1: Current Developments in Arbitration

11:00 - 12:30

Room: 8-11

Moderator: Peter Schaumburg-Muller

The advantages of the Danish system of arbitration - **Dan Terkildsen (Denmark)**

New York, New York – Highlights - **John D Kimball (USA)**

The Impetus and Obstacles in Amending China's Arbitration Law 1995 - **Professor Beiping Chu (China)**

Navigating through the maritime arbitration: Malaysia in focus - **Sundra Rajoo (Malaysia)**

Recent developments in Brazilian arbitration – **Ana Tereza Basilio (Brazil)**

12:30 - 13:30

Lunch

CS1: National Arbitration Legislation and Institutions – Part 1

13:30 - 15:00

Room: 8+10

Moderator: Peter Swanson

Canada

Comparison of arbitral process between CMAC Arbitration Rules and the VMAA Arbitration Rules – **J.J. McIntyre (Canada)**

China

A New Chapter of Maritime Arbitration in China: Innovation and New Attraction – **Bo Chen (China)**

India

Amendments to the Indian Arbitration Act – **Amitava Majumdar (India)**

Indonesia	Maritime Court and Arbitration in Indonesia – Husseyh Umar (Indonesia)
Qatar	Overview of recent reforms in arbitration rules: key changes and expected results – Minas Khatchadourian (Qatar)
UAE	The benefits of EMAC to the Middle East region, its advantages over other alternatives for maritime and trade communities – Maali Khader (UAE)

CS2: Privacy, Non-Appearing Parties and Third Parties

13:30 - 15:00

Room: 9+11

Moderator: Clive Aston

If privacy matters in arbitration how do we preserve it? – **Geoff Farnsworth (Australia)**

What to do when a party to a maritime arbitration fails to appear? – **Malcolm Holmes QC (Australia)**

When may an arbitration clause be invoked by or towards third parties? Some reflections on UNCITRAL and the Nordics – **Amund B Torun (Norway)**

Status of non-signatory parties in maritime arbitration – New York and London compared – **Andre Pereira da Fonseca (Portugal)**

15:00 - 15:30

Coffee break

CS3: National Arbitration Legislation and Institutions - Part 2

15:30 - 17:00

Room: 8+10

Moderator: Roger Moisey

Brazil “Public administration arbitration” in Brazil – **Jose Roberto Castro Neves (Brazil)**

Germany Judicial review of arbitration – **Axel Salander (Germany)**

Hong Kong CMAC Hong Kong’s ad hoc Arbitration Rules – **Brad Wang (HK)**

Sweden Nordic maritime and offshore arbitration – an evolution or just a copycat? – **Jorgen Almelo (Sweden)**

Turkey Istanbul Arbitration Center – **Elvin Silahtaroglu, Venus Comert and Dilara Ciplak (Turkey)**

CS4: Dispute Resolution Clauses

15:30 - 17:00

Room: 9+11

Moderator: Datuk Sundra Rajoo

Parties should not agree to arbitration clauses that require application of substantive law of any specific jurisdiction – **Jack Vayda (USA)**

Combined dispute resolution process – trends and challenges – heresy or what the market may want? – **Michael Cover (UK)**

Validity (and effectiveness) of forum selection clauses in combined transport bills of lading – **Mario Riccomagno (Italy)**

Maritime arbitration and mediation in international maritime conventions – **Jose M Alcantara (Spain and Panama)**

Governing law, jurisdiction and arbitration clauses in contracts of carriage by sea – **Thomas Kolster (Finland)**

From 18:30

Welcome Receptions at Copenhagen City Hall and Gorrissen Federspiel



Program - Tuesday September 26th

CS5: Bills of Lading

09:30 - 10:30

Room: 8+10

Moderator: Amitava Majumdar (Raja)

Clean Bills of Lading and Letters of Indemnity – **John Weale (Canada)**

The Hague and Hague-Visby Rules duty to care for goods – **Stephen Girvin (Singapore)**

The order and burden of proof in cargo claims and the carrier's "inherent vice" defence – **David Semark (UK)**

The shipper's demand for the items to be shown in the Bill of Lading – Hague and Hague-Visby Article III Rule 3 revisited – **Jorgen Rasch (Denmark)**

The issue of misdelivery and LOIs – **Richard Lord (UK)**

Is the arbitration clause provided in the Bill of Lading binding on the insurer – **Camila Mendes Vianna Cardoso (Brazil)**

CS6: Fraud, Corruption, Bad Faith and Cybercrime

09:30 - 10:30

Room: 9+11

Moderator: Philippe Delebeque

Fraud claims in London maritime arbitration – **Charles Williams (UK)**

Dual capacity brokers, seen through the prism of man-in-the-middle frauds – **Matthew McGhee (UK)**

To what extent may or should commercial arbitrators' decisions be influenced by 'sharp practice' or dealings in bad faith – **Bengt E Nergaard (USA)**

Arbitration as a target of cybercrime – **Jan Wolper (Germany)**

10:30 - 11:00

Coffee break

CS7: Sale and Purchase of Commodities

11:00 - 12:30

Room: 8+10

Moderator: Ed Newitt

The INCOTERMS rules for sea transport and court jurisdiction: a Belgian perspective – **Dodo Chochitaichvili (Belgium)**

Calculation of damages for wrongful rejection of documents in shipment contracts – Gill & Duffus v Berger revisited – **Christian Schaap (Denmark)**

Letters of Undertaking and Getting it Right – **David Colford (Canada)**

“Final and binding” quality/quantity determination clauses – are they really final? – **Charles Baker (UK) and Paul David (NZ)**

CS8: Arbitration and Arbitrators

11:00 - 12:30

Room: 9+11

Moderator: Kristine Gundersen

Regulation of arbitration: where it comes from, who is it for, and its impact on maritime arbitrators – **James Clanchy (UK)**

A New Ideological Paradigm in Arbitration – the Need for an Industry Gold-based Standards of Conduct – **Aleka Sheppard (UK)**

International arbitrator: position, mission or career? – **Piotr Nowaczyk (Poland)**

The Arbitrator’s Appointment – a frustrating business – **Timothy Elsworth (UK)**

Arbitrator, conflict of interest and duty of disclosure – **Sergio Ferrari (Brazil)**

12:30 - 13:30

Lunch

CS9: Insurance and P & I

13:30 - 15:00

Room: 8+10

Moderator: John Kimball

May a P & I Insurer invoke the jurisdiction clause in the insurer’s policy when the insurer is met with third party direct claims? – **Peter Appel (Denmark)**

Freight, Demurrage and Defence Cover – **Richard Corwin (USA)**

When arbitration is not the perfect solution – a Club’s view on counterparty risks – **Stinne Taiger Ivo (Denmark)**

How to understand the SCOPIC Clause – **Professor Philippe Delebecque (France)**

CS10: Document Production and Evidence

13:30 - 15:00

Room: 9+11

Moderator: Anna Mestre

Document production in international arbitration – is it a beneficial exercise? – **Peter Schradieck (Denmark)**

Disclosure in US maritime arbitration – **Anthony J Pruzinsky (USA)**

“Adverse Inference in New York Maritime Arbitration” – **Lucienne C Bulow (USA)**

“We’ll take it and give it the weight it deserves”: an advocate’s view of NY-SMA Arbitration – **George M Chalos (USA)**

15:00 - 15:30

Coffee break

CS11: Experts, Technicalities and Limitation of Liability

15:30 - 17:00

Room: 8+10

Moderator: Jörgen Almelöv

The Resolution of shipping disputes: a Product of Applied Expertise – **Miriam Goldby (UK)**

Wild parties and tame experts – the use of experts in international arbitration – **Lars R Overby (Denmark)**

Carriage of grain cargoes and fumigation – techno-legal issues in arbitration – **John Prasad Menezes (India)**

Using Arbitration Effectively to Resolve Bunker Disputes – **Trevor Harrison (UK)**

Limitation of Liability – **Mitsuhiro Toda (Japan)**

CS12: Security for Costs and Third Party Funding

15:30 - 17:00

Room: 9+11

Moderator: Camila Mendes Vianna Cardoso

Security for costs in SCC arbitration – **Niclas Martinsson (Sweden)**

Third Party Funding for Arbitration in Singapore – **Kenny Yap (Singapore)**

Recovery of third party funding costs - Essar v Norscot – **Chirag Karia QC (UK)**

Security for Costs in London Arbitration - **Clive Aston (UK)**

From 18:00

BIMCO Reception



Program - Thursday September 28th

PS2: Charterparties

09:00 - 10:30

Room: 8-11

Moderator: Philip Yang

The Global Santosh: Who risks hire on arrest? Unclearly defined? - **Charles Debattista (UK)**

The Ocean Victory – Unsafe ports and a time charterer's entitlement to limit: a missed opportunity – **Glenn Winter (UK)**

The Athos 1 – safe port/safe berth and terminal operators' negligence revisited – **Alfred Kuffler (USA)**

Time Trip Charters: what employment orders is a charterer permitted to give? – **Tim Houghton (UK)**

Supplytime 2017: knock for knock, and excluding consequential damages – pure and perfect? – **Robert Gay (UK)**

10:30 - 11:00

Coffee Break

PS3: Interim Measures

11:00 - 12:30

Room: 8-11

Moderator: Ricardo Rozas

CMAC protection measures/emergency arbitrator procedures in CMAC Arbitration Rules 2015 –

Cai Hongda and Huang Chengliang (China)

Interim and emergency relief in support of maritime arbitration under English law –

Clare Ambrose, Michael Collett QC and Karen Maxwell (UK)

Interim measures in international maritime arbitration –

Andre C. Martins (Brazil)

Enforcement of interim orders of protection and interim awards under the Arbitration and Conciliation Act of Nigeria –

Emmanuel Dike (Nigeria)

12:30 - 13:30

Lunch

CS13: Contractual Interpretation

13:30 - 15:00

Room: 8+10

Moderator: Melis Ozdel

Differing approaches to construing force majeure clauses in American and English law – **Don Murnane (USA)**

The Supreme Court and Contractual Interpretation – **Thomas Raphael (UK)**

Penalties – a Game Changer – **David Martin Clark (UK)**

Container demurrage: Wait till when? – **Banu Bozkurt Bozabali (Turkey)**

CS14: Efficiency and Expedition

13:30 - 15:00

Room: 9+11

Moderator: Malcolm Holmes QC

The adoption of project management tools in international arbitration - **Lucas Leite (Brazil)**

Improving the efficiency of maritime arbitration – **George Lambrou (Greece)**

A critical view on the trend of expedited proceedings in arbitration – **Harald Sippel (South Korea)**

E-arbitration – **Marcel Verhagen (Netherlands)**

15:00 - 15:30

Coffee break

CS15: Damages

15:30 - 17:00

Room: 8+10

Moderator: Jack Warfield

The New Flamenco – **Mark Hamsher (UK)**

Damages for breach/repudiation: Developments in current practice – **Peter Daniel (UK)**

The Impact of Hedging on Damages – **Catherine Jago (UK)**

Moneyball for Mitigating Losses with Derivatives. Can Owners and Charterers Be Expected to Hedge Their Losses? – **Karina Albers (UK)**

Agreed value or market value? – **Patrick Simon (France)**

CS16: Shipping 4.0

15:30 - 17:00

Room: 9+11

Moderator: Christoph Hasche

Law & Jurisdiction – **Esther Mallach (Germany)**

Electronic Bills of Lading – uncharted waters for maritime arbitration? – **Sabine Rittmeister (Germany)**

Cloud solutions in arbitration: chances and risks – **Gregor Harbs (Germany)**

Digitalization in arbitration – Considerations using the example of Disputes in Offshore Matters – **Falk Fischer** and **Nicoletta Kroeger (Germany)**

From 18:00

Congress Dinner Moltkes Palace

Program - Friday September 29th

CS17: Insolvency and Maritime Claims

09:00 - 10:30

Room: 8+10

Moderator: Byung-Suk Chung

The Right of Arrest – Are we making it too difficult? – **Sitpah Selvaratnam (Malaysia)**

Contemporary Shipping Problems in Japan

Insolvency – **Yosuke Tanaka (Japan)**

Ship arrest and law reform relating to maritime liens – **Shohei Tezuka (Japan)**

The Panama arresting experience in O. W. Bunker cases – **Francisco Carreira-Pitti (Panama)**

There is no wrong in The Halcyon Isle – A confirmation from Australia! – **Poomintr Sooksripaisarnkit (Australia)**

The Australian flirtation with foreign maritime liens – is all love lost? – **Angus Stewart SC (Australia)**

CS18: Shipbuilding and Offshore

09:00 - 10:30

Room: 9+11

Moderator: Lars Rosenberg Overby

Reflections on Arbitration of Shipbuilding Contract Disputes in London – **Ian Gaunt and Lindsay East (UK)**

Security Risks and Dispute Resolutions involving Asian Shipbuilders – **Peter S K Koh (Singapore)**

Defeasibility of Security Interests in a Shipbuilding Contract – **Tung Chong Jun (HK)**

My Shipbuilding Contract has been cancelled. What next? – **Nick Vineall (UK)**

Shipbuilding contracts – limitation of liability: The law of (un)intended consequences – **Roderick Cordara (UK)**

On the effectiveness of standard delay limitation of liability clauses in shipbuilding contracts governed by German law – **Ulrich Helm (Germany)**

10:30 - 11:00

Coffee break

PS4: Danish Industry Presentation

11:00 - 13:00

Room: 8-11

Moderator: Mathias Steinø

Arbitration – The User's view

A panel of legal advisers from within the maritime industry will discuss their views on the use of arbitration. What, from a user's perspective, works and what needs change

Sandro Vuylsteke, Head of Cargo Claims, Maersk Line

Christian Gorrissen, Vice President, Head of Legal, TORM

Carsten Bober, General Manager, Insurance & Claims, Team Tankers International

Per Zerman, Head of Legal – General Counsel,
Dampskibsselskabet NORDEN A/S

Martin Juste, Head of Legal Offshore, Denmark, Siemens Gamesa Renewable Energy A/S

Anders Wahl, Lawyer, Head of Liability and Marine Cargo Claims, If P&C Insurance

Stig Gregersen, Vice President, Senior Legal Adviser,
Assuranceforeningen SKULD (Gjensidig) Copenhagen Branch

13:00 - 14:00

Lunch

PS5: Enforcement of Awards

14:00 - 16:00

Room: 8-11

Moderator: Daniella Horton

Brazil

The new Brazilian Code of Civil Procedure: recognition of foreign arbitral awards – **Carlos S Forbes (Brazil)**

China

Recognition and enforcement of a foreign arbitration award in China – **David Zhou Yi (China)**

Nigeria

Enforcement of Arbitral Awards in Nigeria – Issues Arising – **Adedovin Afun (Nigeria)**

Turkey

Res Judicata and Maritime Arbitration Awards – **Melis Ozdel (UK/Turkey)**

USA How have the US courts enforced arbitration agreements in crew contracts? – **Pamela Milgrim and Borianna Farrar (USA)**

UK The public policy defence to the enforcement of international arbitration awards under the New York Convention in England and other common law jurisdictions –
Neil Henderson (UK)

Closing

16:00 - 16:30

Room: 8-11

Closing notes and announcement of host of XXI ICMA

Gold Sponsor

Emirates Maritime Arbitration Centre



مركز الإمارات للتحكيم البحري
Emirates Maritime Arbitration Centre

Gold Sponsor

Society of Maritime Arbitrators of New York
New York Maritime Inc



SMA

Society of Maritime Arbitrators, Inc.



Silver Sponsor

German Maritime Arbitration Association



ICMA

Bronze Sponsor

Informa Law from Routledge



Supported by

Dreyers Fond





THE DANISH
INSTITUTE OF ARBITRATION

ICMA XX
September 25th-29th, 2017
www.icma2017copenhagen.org

Hotel Scandic Copenhagen
Vester Søgade 6
1601 Copenhagen V, Denmark

