

**Welcome Remarks by Mr Rimsky Yuen, SC, Secretary for Justice
at Mediation Week Seminar**

**“Assessing the Suitability of Evaluative Mediation
to Resolve IP Disputes” on 11 May 2016 (Wednesday)**

Mr. Justice Lam VP (VP of the Court of Appeal), Ms. Ada Leung (Director of Intellectual Property), Ms. Winnie Tam, SC (Chairman of Hong Kong Bar Association), Distinguished guests, Ladies and Gentlemen,

1. First of all, welcome to this seminar, which is jointly organized by the Department of Justice (“DoJ”) and the Intellectual Property Department (“IPD”). This seminar is one of the programmes of the Mediation week 2016, and the topic today is “*Assessing the Suitability of Evaluative Mediation to Resolve IP Disputes*”.
2. Over the past decade or so, the development of mediation in Hong Kong has been both encouraging and promising. However, the majority of mediation conducted in Hong Kong are facilitative mediation. Certainly, there are other forms of mediation which can also be of assistance in appropriate cases, and evaluation mediation is one of them. Indeed, one of the attractions of mediation is the flexibility of the process, and that different forms of mediation can be used to resolve different types of disputes.
3. Given the development of mediation culture in Hong Kong, we find it desirable to promote evaluative mediation on top of facilitative mediation. By so doing, we do not in any way suggest facilitative mediation should be abandoned. Our support for facilitative mediation remains as strong as ever. Rather, our aim is to provide more choices to the end-users of mediation. For the mediators, we want to introduce an additional skill so that they can be better equipped to resolve different types of disputes.
4. So why do we choose IP disputes but not others? Apart from the Government’s efforts to promote Hong Kong as an

IP trading hub in the Asia Pacific region, we believe mediation can be effective in resolving IP disputes. Amongst others, IP disputes often involve litigation in different jurisdictions. Mediation can resolve, once and for all, all the parallel litigation in the jurisdictions involved. Further, given IP disputes frequently involve complex legal and technical issues, impartial expert evaluation through an advisory approach can be of assistance to the parties.

5. Today, we are privileged to have with us here various well-known IP and mediation experts. They are (1) the former Vice President of the Court of Appeal, Mr. Justice Anthony Rogers; as you would like, Mr. Rogers was an IP specialist before he joined the bench; (2) Professor Nadja Alexander, an international well-known mediation expert, and the author of various leading texts on mediation; (3) Mr. Norman Hui, a barrister specializing in IP disputes; (4) Mr. Berry Yen, a partner of Messrs. So Keung & Yip, who is responsible for the firm's IP practice as well as its IT and e-Commerce practice. Last but certainly not least, we also have Mr. Jong Lee, the Managing Director of RGL Holdings Ltd., who is an attorney by training and who has extensive business experience with IP rights.
6. In May last year, we organized the first seminar on evaluative mediation for resolving IP disputes. It was very well received and much interest has since been generated in this area. I am sure the seminar today will enable us to learn even more about how evaluative mediation can be best used to handle IP disputes.
7. Without further ado, I will hand over the floor to the various speakers, and it remains for me to wish this seminar every success.

Thank you.