



Name Erik G. W. Schäfer
Company COHAUSZ & FLORACK

Current Affiliation

COHAUSZ & FLORACK, Patent Attorneys & Attorneys at Law, admitted to the Düsseldorf Bar (Germany)

Professional Experience

Since 1994 Mr. Schäfer has been acting as counsel or arbitrator in national and international arbitrations including ad hoc and institutional arbitration (e.g. ICC, DIS, and Zurich Chamber of Commerce). The subject matters of these cases included software-projects to joint-ventures, an oil-concession (exploration & development), trademarks, know-how and patent licenses, sale of goods, long term purchase agreements, distribution agreements, a *sui generis* service cooperation, a hotel management agreement, a shareholder agreement, R & D agreements, a construction contract (water & sewage), an e-payment clearance agreement, a patent vindication, an on-line marketing agreement in context of a complex divestment, and IP-purchase agreements.

Mr. Schäfer fluently speaks and writes English, Spanish, French, and German. He has conducted arbitral proceedings as chairman or sole arbitrator in all these languages.

Primary Practice Areas

In addition to commercial arbitration Mr. Schäfer's main areas of practice are all aspects of intellectual property including *inter alia* trademark prosecution and enforcement, transactional work related to developing and commercially exploiting intellectual property. His court litigation practice mainly focuses on trademark, unfair competition, copy right, R & D, licensing and contractual matters.

Selected Honors Publications and/or Professional and Civic Associations

Associations: GRUR - German Association for Industrial and Intellectual Property and Copyright Law; ASA - Swiss Arbitration Association; DIS - German Arbitration Association ; Club Español de Arbitraje ; LES – Licensing Executives Society; MARQUES; ICC Commission on International Arbitration – chairman Task Force 'IT & Arbitration' and co-chair Task Force "Expertise Proceedings"; List of Arbitrators of the International Arbitral Center of the Austrian Federal Economic Chamber; List of Arbitrators of the Düsseldorf Chamber of Commerce and Industry; List of Arbitrators of the DIS German Arbitration Institution; List of Arbitrators ASA Swiss Arbitration Association; ICC Database.

Publications: **Schäfer/Arnaldez** "Le règlement de Référé pré-arbitral de la CCI" Rev.d.l'Arbitrage 1990, 835 ; **Schäfer** "Terms of Reference in the past and at present" ICC Arb. Bull. 1992, 8; **Schäfer** "Überlegungen zu vier Aspekten der SchO der ICC", ZVerglRWiss. 1992, 11; **Schäfer** "Die Schlichtungs- und Schiedsgerichtsordnungen der WIPO, BB/RPS 1996, 10; **Schäfer** "Der Entwurf der WIPO Emergency Relief Rules" BB/RPS 1997; **Franzen/Schäfer**



“Technologietransfer”, Handbuch der europäischen Rechts- und Wirtschaftspraxis, Hrsg. Salger, Herne/Berlin 1996); **Koch/Schäfer** „Can it be sinful for an arbitrator actively to promote settlement?“ ADRLJ 09/ 1999; **Lazareff/ Schäfer** "The 1992 Practical Guide on Terms of Reference Revisited", ICC International Court of Arbitration Bulletin, Vol. 10/No 2 - 1999; **Schäfer** „ADR – Schiedsgerichtsbarkeit und Mediation im gewerblichen Rechtsschutz“ Mitteilungen der deutschen Patentanwälte, 2001/3 p. 109s.; **Schäfer/Verbist/Imhoos** „Die ICC Schiedsgerichtsordnung in der Praxis“, Economica Verlag, 2000; **Schäfer/ Verbist/ Imhoos** „L’arbitrage CCI en pratique“, Stämpfli Verlag, 2002; **Schäfer** „Die ICC ADR Rules“, Zeitschrift für Konfliktmanagement, 10/2002, p. 188-194; **Schäfer** „Videoconferencing in Arbitration“ ICC International Court of Arbitration Bulletin, Vol. 14/No. 1 – Spring 2003, p. 35-45; **Schäfer** "The Use of Arbitration and Mediation for protecting Intellectual Property Rights: A German Perspective", TMR Vol. 94 May-June 2004 N° 3, p. 695-723; **Schäfer** "Inhaber- und Verwertungsrechte an den Ergebnissen von Entwicklungs-/Forschungskooperationen und Aufträgen" in "Forschungs- und Entwicklungsverträge in Wissenschaft und Technik, Hrsg. Fritz Nicklisch, München 2004, p. 59-67; **Schäfer** "IT in Arbitration: The work of the ICC Task Force", Special Supplement - ICC International Court of Arbitration Bulletin ICC Pub.No. 667), 2004), Paris 2004; **Schäfer/Verbist/Imhoos** „ICC Arbitration in Practice“, Kluwer Law International, 2004; **Schäfer** "Zusammenarbeit zwischen Experten und Juristen bei unterschiedlichen Fach- und Denkstrukturen II“ in "Der Experte im Verfahren – Erkenntnisse aus nationalen und internationalen Verfahren vor Schiedsgerichten und staatlichen Gerichten“, Hrsg. Fritz Nicklisch, München 2006; **Schäfer** "Die Behandlung von Streitigkeiten über gewerbliche Schutzrechte in internationalen Schiedsverfahren vor dem Hintergrund divergierender Rechtsordnungen“, DIS-Materials XII (2006), p. 85-103; **Schäfer** „Schiedsgerichtsbarkeit und Mediation“ in Torggler (Ed.) „Praxishandbuch Schiedsgerichtsbarkeit“, Wien 2007, 9-36; **Schäfer** „Arbitration of Intellectual Property Law Disputes in Germany“ in Prof. Dr. Karl Heinz Böckstiegel, Dr. Stefan Kröll, Dr. Patricia Nacimiento (Editors)„Arbitration in Germany“ to be published in 2007.

Education

Referendarexamen, Universität Freiburg - 1983
Assessorexamen (bar), Justizprüfungsamt Hessen - 1987
Counsel, ICC International Court of Arbitration 1988 – 1992
Counsel, EMI Patent Department 1992 - 1993
Rechtsanwalt (attorney at law); Dresden office of Harmsen & Utescher, 1993 - 1996
Rechtsanwalt, partner, COHAUSZ & FLORACK, Düsseldorf, since 01/1997

Recent Mediation Experience

Until today (i.e. 01/2008) Mr. Schafer has used his mediation skills on a regular basis, mainly as counsel for reaching settlements in disputes relating to trademark co-existence-, licensing-, r&d agreements and infringement cases. He has also used these skills as arbitrator for managing the procedure and reaching agreement on disputes concerning procedural issues, since procedural orders by consent tend to be more efficient. In internal German arbitration, where such initiatives are expected and allowed, he has used these skills (without caucus) for promoting and reaching settlement.

Recent Mediation Training

1995: WIPO Training Program on Mediation in Intellectual Property Disputes;
1999: AnwaltMediator (DeutscheAnwaltAkademie – 90h).
2005: WIPO Advanced Training Program on Mediation in Intellectual Property Disputes



International Trademark Association
Panel of Neutrals

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