



TECHNOLOGY DISPUTE CENTRE

AUSTRALIA'S FIRST SPECIALIST TECHNOLOGY DISPUTE CENTRE LAUNCHES IN SYDNEY

Media Release

21st November - Australia's first Alternative Dispute Resolution (ADR) centre specialising in science, technology and intellectual property will launch in Sydney on **Wednesday 26th November**.

The Technology Dispute Centre, comprises Fellow and Senior Fellow mediators and arbitrators with training and aptitude in science, technology or intellectual property. In collaboration with BarNet, a not for profit entity that provides communications and technology services to barristers and others, specialist ADR practitioners Philip Argy of ArgyStar.com, Howard Elliott of Telemetrics, Michael Green from the NSW Bar and Gail Fulton from BarNet, are the four founders of the new centre.

Philip Argy, a Senior Fellow and founder of the Technology Dispute Centre, as well as Immediate Past President of the Australian Computer Society, explains that the TDC Centre is one of the very first centres of its kind anywhere in the world. "It will offer a wide range of services to assist businesses to avoid and resolve commercial disputes with centre-of-excellence focus on those disputes which involve some kind of scientific or technological subject matter", said Mr Argy.

Whilst many centres seek to utilise technology in the dispute resolution process, what makes the TDC unique is its focus on having dispute resolvers with subject matter expertise to avoid learning curve issues with lay dispute resolvers. This means that disputes involving science, technology or intellectual property issues can be resolved more swiftly and efficiently and, of course, at much lower cost than conventional approaches.

A key motivation for the Centre's establishment was a Survey¹ carried out in 2006 which found that **in excess of 40% of information and communications technology (ICT) contracts resulted in some form of dispute**. The same survey identified ADR as the preferred method of resolving disputes.

Mr Argy explains: "Litigation is costly, complex and disruptive to business, particularly for disputes involving complex technological issues. Businesses need access to ADR professionals with specialist knowledge and expertise in ICT. The establishment of the Technology Dispute Centre and our preference for Fellows with strong subject matter expertise eliminates a major issue for all seeking to streamline dispute resolution involving complex scientific or technical subject matter. Although I used to joke about the majority of lawyers not knowing the difference between a megabyte and a mozzie bite, for organisations that want to settle their dispute but have been unable to find a durable solution without assistance, the Centre will be a godsend.

¹ Dispute Resolution in the Australian ICT Industry. 2007. ACS, PMI, IAMA.



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“The TDC will therefore specialise in avoiding and resolving commercial disputes in the high technology sector as well as providing conventional commercial dispute resolution services. It answers a long felt need for the combination of subject matter expertise with alternative dispute resolution and avoidance. Its establishment recognises a growing international trend towards mediation and arbitration as the preferred means for resolving disputes. Australia has the fifth largest ICT market in Asia Pacific and the twelfth largest in the world². In 2007 the Australian ICT Industry alone generated almost \$85billion in revenue³”, said Argy.

“The ADRoIT Principles, which have been developed in response to the ACS/IAMA/PMI survey, will be at the forefront of the specialist skills deployed by our Fellows to minimise the risk of disputes involving technology from occurring in the first place. The ADRoIT Principles essentially deploy conventional dispute resolution skills at the early stages of a project to generate a broad range of alternative solutions for delivering a business case. If a dispute has already arisen, the ADRoIT practitioner is focussed on salvaging each party’s business case (and often their relationship!) rather than on who is legally in the right. This is what the commercial world has been craving and I am thrilled that the Fellows of the Technology Dispute Centre will be amongst the first practitioners in the world to offer these techniques to the market.

The Technology Dispute Centre itself plans to offer an impressive range of services and facilities, including:

- a specialist, dedicated centre comprising purpose-built meeting and party rooms, including sophisticated isolation sound-proofing designed by acoustic engineers;
- advanced electronic court/hearing room facilities, including high definition “live presence” IP-based video conferencing for secure remote participation;
- online workspaces for individual case management and dispute facilitation;
- a network of skilled dispute avoidance and resolution professionals;
- a web portal embodying the collective expertise of the Centre’s fellows and associates;
- the availability of ‘Hot’ Desks and Virtual Chambers;
- an advanced communications and computer infrastructure, including wireless access and high definition video-conferencing facilities; and
- a centralised mechanism for identifying and booking rooms for dispute resolution activities not just in the Centre itself but with many participating organisations across Australia and in other cities around the world – a one stop shop for room bookings including ancillary resources and catering.

² Digital Planet 2006, The Global Information Economy, 2006

³ The ICT Industry Report January 2008 Australian Computer Society.



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Sir Laurence Street, AC KCMG QC, former Chief Justice of NSW and now one of the most eminent and highly regarded ADR practitioners in the world said the establishment of the Centre is a timely and much needed move: “The Technology Dispute Centre is a most welcome initiative in the growing field of alternative dispute resolution,” said Sir Laurence “Never before has it been more critical for business to take advantage of the considerable commercial advantages which can flow from the timely and effective negotiation and settlement of complex technology related disputes. I congratulate the Centre for taking the lead in this important field and I am delighted to accept the Centre’s invitation to become its Patron”.

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Media information:

Emily Venardos (02) 9270 0200 or mobile: 0413 743 737

Technology Dispute Centre Pty Limited

Level 7, The Trust Building,
155 King Street, Sydney NSW 2000, Australia

Telephone +61 2 8998 8288
Facsimile +61 2 9237 0801
Email info@tdc.org.au
Website <http://www.tdc.org.au>

ABN 75 132 874 554