

## Tech Channel Episode #1

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À : Delos Dispute Resolution - Information <info@delosdr.org>

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**Tech Channel Episode 1. To find out more and receive future episodes, click [here](#).**

**Topics Covered:** [Online hearings + COVID-19](#) // [AI + Data Analytics](#) // [Using Tech To Conclude Contracts](#) // [Cybersecurity](#) // [Cryptocurrencies + Cryptoassets](#) // [Other News](#)

**Call for comments:** [ICCA-IBA Joint Task Force Publishes Roadmap To Data Protection In International Arbitration For Consultation](#) - deadline for public comments: 31 March 2020

**Contribute entries for future episodes:** write to us at [tech-channel@delosdr.org](mailto:tech-channel@delosdr.org)

## #OnlineHearings #COVID19

### [Seoul Protocol on Video Conference in International Arbitration is Released](#)

18 March 2020, by Kap-You (Kevin) Kim, Yu-Jin Tay, Ing Loong Yang and SeungMin Lee with KCAB and SIDRC

#OnlineHearings #COVID19 #IAGuidance  
Contributed by [Yu-Jin Tai](#)

Best practices for planning, testing and performing video conferencing for international arbitrations.

### [HMCTS Telephone And Video Hearings During Coronavirus Outbreak](#)

Guidance published by the UK Government to deal with hearings during the coronavirus outbreak.

18 March 2020, by HM Courts & Tribunals Services

#judiciary #EnglandWales #OnlineHearings  
#COVID19  
Contributed by [Anneliese Day QC](#)

### [First All-Skype Trial Tests Crisis Working At CoP](#)

19 March 2020, by Catherine Baksi in The Law Society Gazette

#judiciary #EnglandWales #OnlineHearings  
#COVID19  
Contributed by [Hafez Virjee](#)

### [Delos Checklist On Holding Arbitration And Mediation Hearings In Times Of COVID-19](#)

Version 2 of 20 March 2020, by Hafez Virjee, with Maria Hauser-Morel and Michael McIlwrath

#OnlineHearings #COVID19 #IAGuidance  
Contributed by [Delos](#)

Courts and tribunals in England & Wales have activated Skype for Business on all judicial laptops and are also increasing capacity for telephone hearings through BT meet me.

A three-day hearing in the English [Court of Protection](#) was conducted over Skype "in a legal first that lawyers say could be a model way to ensure court business continues during the Covid-19 pandemic."

Checklist item B6 provides tips and guidance on conducting an online hearing. Quick access: [PDF](#), [Word](#) and [Compare v1-v2](#).

## **#AI #ArtificialIntelligence #DataAnalytics**

### [Model AI Governance Framework, 2nd Edition](#)

21 Jan 2020, by Personal Data Protection Commission of Singapore

#AI #dataprotection #Singapore  
Contributed by [Yong Wei Chan](#)

The Framework is an ambitious attempt to provide guidance on addressing ethical and governance issues when deploying AI solutions. It includes a "compendium of use cases", which sets out examples of how organisations like HSBC, Visa Asia Pacific have implemented the first edition of the Framework, released in January 2019.

[White Paper On Artificial Intelligence - A European Approach To Excellence And Trust](#)

19 Feb 2020, by European Commission

#AI #dataprotection #EU  
Contributed by [Mihaela Apostol](#)

The EU Commission has set out policy options on how to approach the human and ethical implications of AI as well better use big data for innovation. It welcomes comments from all with an interest in these matters.

[Artificial Intelligence, A Driver For Efficiency In International Arbitration – How Predictive Coding Can Change Document Production](#)

23 Feb 2020, by Claire Morel de Westgaver and Olivia Turner (Bryan Cave Leighton Paisner LLP) on Kluwer Arbitration Blog

#AI #DataAnalytics #PredictiveCoding #Efficiency  
Contributed by [Hafez Virjee](#)

An overview of the use of predictive coding to advise clients strategically, reduce costs and enhance the efficiency of arbitral proceedings.

[Data Analytics In International Arbitration: Balancing Technology With The Human Touch](#)

28 Feb 2020, by Charlie Morgan (Herbert Smith Freehills)

#AI #DataAnalytics #TheHumanFactor  
Contributed by [Charlie Morgan](#)

Legal analytics tools rely on machine learning and natural language processing to identify and interpret data – but reach a familiar output through different ways to human cognition. While these tools can help lawyers hugely, arbitration practitioners increasingly need to have digital literacy and data science skills to understand and explain how evidence is being collated, interrogated and analysed.

**#ContractingWithTech**

[Supreme Court Ruling: Agreeing To Arbitration By E-mail And Instant Messaging?](#)

12 Jan 2020, by Mahmoud Abuwasel (Wasel & Wasel Ltd) on Lexology

#ContractingWithTech #UAE  
Contributed by [Mihaela Apostol](#)

The UAE Federal Supreme Court held that arbitration agreements could be validly concluded via instant messaging provided that the statutory requirements on electronic transactions were observed. The author adds that "WhatsApp records are self-authenticating pursuant to law" and that the 'blue ticks' can evidence consent.

[Singapore's Court Of Appeals Rules Against Quoine Exchange In Landmark Crypto Case](#)

25 Feb 2020, by Sebastian Sinclair in Coindesk

#ContractingWithTech #Singapore  
#blockchain #mistake #algorithms  
Contributed by [Yong Wei Chan](#)

A five-judge panel of Singapore's Court of Appeal, which included two International Judges (Robert French IJ and Jonathan Mance IJ), issued a 4-1 split decision (Mance IJ dissenting) on how the doctrine of unilateral mistake should operate where the contracts in question were entered into by way of the parties' respective computer algorithms. Judgment available [here](#).

## #cybersecurity

[Protocol On Cybersecurity In International Arbitration \(2020 Edition\)](#)

21 Nov 2019, by ICCA-NYC Bar-CPR

#cybersecurity #IAGuidance  
Contributed by [Yong Wei Chan](#)

The Protocol sets out a valuable framework to guide tribunals, parties and administering institutions in their consideration of what information security measures are reasonable to apply, and includes helpful commentary and recommended best practices.

[The Intelligence Coup Of The](#)

The article provides a detailed

## [Century](#)

11 Feb 2020, by Greg Miller in  
The Washington Post

#cybersecurity

Contributed by [Yong Wei Chan](#)

overview of the Crypto AG scandal, i.e. how for years, a Swiss company sold encoding devices that were deliberately rigged to allow their encoded messages to be read by the CIA and Germany's BND. The Swiss authorities have filed a criminal complaint against the firm (see [here](#)).

## #cryptocurrencies #cryptoassets

### [High Court Grants Proprietary Injunction Against Bitcoin Exchange Holding Proceeds Of Ransomware Attack](#)

3 Feb 2020, by Andrew Moir, Rachel Lidgate, Charlie Morgan and Martin Hevey (Herbert Smith Freehills LLP)

#cryptocurrencies #cryptoassets

#EnglandWales

Contributed by [Charlie Morgan](#)

The English High Court held that cryptoassets can be treated as property under English law. The owner of a cryptoasset can avail itself of the various proprietary remedies that a court is able to grant. Judgment available [here](#).

### [Amendment To Special Reporting Act Passes – Cryptocurrency Now Fully Legal In South Korea](#)

5 March 2020, by Brian Newar in  
TheNews.Asia

#cryptocurrencies #SouthKorea

Contributed by [Yong Wei Chan](#)

South Korea's National Assembly has passed an amendment which introduces a legal framework for cryptocurrency trading under South Korean law, with ramifications on exchanges, trusts, wallet companies and other players in the cryptocurrency industry.

## #InOtherNews

### [It's Time To Talk About Money](#)

28 Feb 2020, by Sir Jon Cunliffe  
(Bank of England)

#cryptocurrencies

Contributed by [Yong Wei Chan](#)

Sir Jon Cunliffe's speech identifies five key questions about how central banks should respond to the rise of cryptocurrencies and the increased use of electronic transactions over physical cash. His speech touches on important issues about the role that the state should play in ensuring that money continues to be a reliable store of value.

### ["Uber" - Arrêt n°374 du 4 mars 2020 \(19-13.316\) - Cour de cassation - Chambre sociale](#) (English translation [here](#))

4 March 2020, Press Release of the French Court of Cassation

#tech #businessmodel #France

Contributed by [Hafez Virjee](#)

The French Court of Cassation decides that Uber drivers cannot be qualified as self-employed because when they connect to the digital platform they enter into a relationship of subordination with Uber and are therefore employees.

### [\\$75M Legal Startup Atrium Shuts Down, Lays Off 100](#)

4 March 2020, by Josh Constine on TechCrunch

#tech #businessmodel #CA

#LawFirmDisruption

Contributed by [Rory Wheeler](#)

Disrupting the legal market proves difficult. Californian legal start up shuts down after failing to provide better efficiency than traditional law firms.

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## ABOUT DELOS DISPUTE RESOLUTION

Delos is an independent arbitration institution. It helps to reduce risk for businesses globally by promoting time and cost efficiency in the resolution of their disputes. Delos provides an award-winning innovative approach to commercial dispute resolution, which combines quality with flexibility.

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