

Specialist Technology Dispute Centre in Sydney

Australia now has its first ADR centre specialising in science, technology and intellectual property.

The Technology Dispute Centre (TDC) has been founded by ADR practitioners: Philip Argy of ArgyStar.com, Howard Elliott of Telemetrics, Michael Green from the NSW Bar and Gail Fulton from BarNet, in collaboration with BarNet, a not for profit entity that provides communications and technology services to barristers and others.

According to Philip Argy the TDC is one of the 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 a focus on disputes involving some kind of scientific or technological subject matter,” said Argy.

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.

Launched at the end of November, the TDC consists of Fellow and Senior Fellow mediators and arbitrators with training and aptitude in science, technology or intellectual property.

This focus on having dispute resolvers with subject matter expertise is intended to avoid learning curve issues.

Argy also acknowledged that its establishment recognises a growing international trend towards mediation and arbitration as the preferred means for resolving disputes.

The TDC will be serving Australia’s substantial ICT market. 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 \$85 billion in revenue³, according to Argy.

TDC’s practitioners will be using the ADRoIT Principles developed in response to the ACS/IAMA/PMI survey. These principles will be used to minimise the risk of disputes involving technology from occurring in the first place, said Argy.

“The ADRoIT Principles use conventional DR 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 focused on salvaging each party’s business case (and often their relationship!) rather than on who is legally in the right.”

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

² Digital Planet 2006, The Global Information Economy, 2006

³ The ICT Industry Report January 2008 Australian Computer Society.