

## Arif Hyder Ali



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### Practice Areas

- Internet Domain Names and Governance Issues
- Information and Communications Technology
- Electronic Commerce
- International Dispute Resolution

**Arif Hyder Ali** is a partner in the firm's Washington, D.C. office, and is Co-Chair of the International Dispute Resolution Group. He is also an Adjunct Professor of Law at Georgetown University, and an Honorary Lecturer at the University of Dundee.

Prior to joining the firm, Mr. Ali was Senior Counsel at the World Intellectual Property Organization Arbitration and Mediation Center (WIPO) in Geneva, Switzerland, a section chief at the United Nations Security Council's Compensation Commission and practiced law with international law firms in Washington, D.C. and Paris, France.

Mr. Ali's experience in the area of Internet governance and domain names includes:

- Representation of a consortium of technology companies and international non-governmental organizations in connection with the re-delegation of the <.org> registry.
- Coordinating the WIPO team involved in finalizing the Internet Corporation for Assigned Names and Numbers' ("ICANN") Uniform Domain Name Dispute Resolution Policy and the related procedural rules.
- Advising various national governments and regional bodies (e.g., the Central American Economic Integration Secretariat) on intellectual property and Internet governance-related matters.
- Coordinating WIPO's country-code top-level domain best practice project and working with different "cTlds" on policy-related issues.
- Advising NeuLevel in connection with drafting the start-up and other dispute resolution policies and registration guidelines for <.biz>.
- Advising Afilias in connection with and drafting the start-up and other dispute resolution policies for <.info>.

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- Advising the Global Name Registry in connection with and drafting the start-up and other dispute resolution policies and registration guidelines for <.name>
- Advising SITA in connection with and drafting the start-up and other dispute resolution policies and registration guidelines for <.aero>
- Advising Dubai Internet City in connection with a variety of domain name-related issues, including the establishment of a domain name registration service for the City and issues relating to the introduction of non-Latin character domain names.
- Advising the Waqalat.com Arbitration' and Mediation Center (a new South Asia-based on-line dispute resolution service provider associated with Sabeer Bhatia, the founder of "Hotmail") in connection with obtaining ICANN-accreditation.
- Setting up the WIPO Arbitration and Mediation Center's domain name dispute resolution case administration infrastructure, including supplemental rules, working documents, decision review, on-line databases, accreditation negotiations with ICANN, tie-out with registrars (in particular Verisign/NSI).
- Serving as a panelist in numerous single and three-panelist domain name dispute resolution proceedings under the Uniform Domain Name Dispute Resolution Policy.

Other relevant aspects of Ali's background in the area of information technology and dispute resolution include the following:

- Spearheading a joint initiative between WIPO and the Application Service Provider (ASP) Industry Consortium to develop a set of dispute avoidance and resolution guidelines for the ASP industry, as a result of which WIPO was awarded the ASPire Global Achievement Award.
- Serving as the International Adviser to the Gulf Co-operation Council's Information and Communications Technology Dispute Resolution Task Force.
- Serving as an adviser on electronic commerce and Internet conflict management and dispute resolution to the Cairo Regional Center for International Commercial Arbitration.
- Serving as a member of the start-up team of the UN Security Council's Compensation Commission (established in Geneva, Switzerland to process the 2.2 million multi-national claims arising out of Iraq's 1990 invasion of Kuwait) using computer-assisted processing claims processing methodologies, which Mr. Ali helped to design.

In addition, Mr. Ali is currently working with several political leaders and technology pioneers from around the world to establish the Digital Development Partnership, a not-for-profit corporation formed to contribute to the global effort to "bridge the digital divide."

In his dispute resolution practice, Mr. Ali has acted for public and private entities, as counselor and advocate, in institutional and ad hoc international arbitrations, as well as in various forms of alternative dispute resolution proceedings. His representations have involved a wide range of commercial, contractual and intellectual property matters, as well as issues involving Internet commerce, hardware and software product performance, systems integration, IT project management,

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outsourcing, application service providers and the “cybersquatting” of Internet domain names.

Mr. Ali’s practice also includes advising parties on appropriate dispute resolution methodologies and procedures, designing tailor-made dispute resolution schemes, developing problem escalation and resolution procedures, and negotiating and drafting dispute resolution clauses for international and domestic technology contracts in light of the parties’ underlying commercial relationship and the applicable legal regimes.

Mr. Ali is admitted to practice in the District of Columbia.

### **Professional Affiliations, Activities and Distinctions**

Mr. Ali serves as an adviser on electronic commerce and Internet conflict management and dispute resolution to the Cairo Regional Center for International Commercial Arbitration (Egypt), the GCC Commercial Arbitration Center (Bahrain), the Central American Economic Integration Secretariat (Guatemala), the Waqalat Arbitration Center (India) and the International Center for Alternative Dispute Resolution (India).

His other positions include: Chair, Dispute Avoidance and Resolution Committee and Editorial Board Member, Best Practices Committee, Application Service Provider Industry Consortium and Adviser, CPR Advisory Committee on IT Conflict Management. He is also an active member of the American Bar Association (Task Force on E-commerce and Alternative Dispute Resolution; Section of International Law and Practice), the American Society of International Law, and the International Bar Association.

Mr. Ali is a WIPO-accredited mediator, a member of the WIPO Domain Name Panel and a member of the Waqalat.com International Neutrals Panel.

Together with Traver Gruen-Kennedy (Chief Strategist and Vice-President, Strategy, Citrix Systems, Inc.), Mr. Ali is a founding member of the Digital Development Partnership (established to contribute to the global effort to bridge the digital divide) and the Global Technology Exchange (an information technology forum being set up in Boca Raton, Florida with the support of Governor Jeb Bush).

In 1991, as a result of his role in the representation of the State of Bahrain in its maritime and territorial border dispute with the State of Qatar before the International Court of Justice, Mr. Ali was decorated with *The Order of Bahrain*, one of the highest honors that can be bestowed by that country.

### **Speeches and Publications**

Mr. Ali has spoken at conferences worldwide on international commercial arbitration, dispute avoidance and resolution for the Digital Economy,

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dispute resolution guidelines for the application service provider industry, on-line dispute resolution, Internet domain names and overcoming the Digital Divide. His views on these subjects have been quoted in such publications as Legal Business, Connected, ASPNews, Wired News and Planet IT.

He is the author of *Dispute Avoidance and Resolution Best Practices for the Application Service Provider Industry* (WIPO 2001) and a contributor to the ASP Industry Consortium's *Guide to Service Level Agreements* (ASPIC 2000). Some of his recent speaking engagements and papers relating to information technology and intellectual property-related dispute resolution or Internet domain names include:

- *Institutional Arbitration under the WIPO Arbitration and Mediation Rules*, International Litigation and Arbitration Seminar organized by the International Litigation and Arbitration Committee of the Florida Bar (Miami, Florida, USA, December 2002)
- *Integrer les meilleures pratiques pour minimiser les risques et resoudre les conflits entre partenaires ASP*, Programme ASP (Paris, France, February 2001)
- *Dispute Resolution for the Knowledge Economy*, Dubai Internet City Seminar Series (Dubai, United Arab Emirates, December 2000)
- *Alternative Dispute Resolution and the Internet*, Conference on the Legal Aspects of International E-Commerce (Paris, France, December 2000)
- *ASP Dispute Avoidance and Resolution Best Practices: A Model for B2B E-Commerce Disputes*, International Conference on Dispute Resolution in Electronic Commerce (Geneva, Switzerland, November 2000)
- *Preparing for Global ASP Access*, COMDEX (Las Vegas, Nevada, November 2000)
- *ASP Dispute Avoidance and Resolution Best Practices*, Citrix iForum 2000 (Orlando, Florida, October 2000)
- *Tirer parti des avantages de l'Internet Dispute Resolution*, Conciliation, Mediation et Arbitrage (Geneva, Switzerland, September 2000)
- *Examining the Best Practice Standards Developing for ASP Services*, Global Colocation and Hosting Summit (London, England, September 2000)
- *ASP Dispute Avoidance and Resolution Best Practices*, ASP Now! The ASP Industry Conference (Frankfurt, Germany, September 2000)
- *The Use of Arbitration for Telecommunications Disputes*, Telecommunications Contracts and Dispute Resolution (London, England, May 2000)
- *ASP Supply Chain Dispute Resolution*, ASP Industry Consortium Global Member Meeting (London, England, May 2000)
- *Electronic Commerce and Intellectual Property*, SIECA-WIPO Best Practices and Guidelines for ccTLD Domain Name Administration (San Jose, Costa Rica, April 2000)
- *Domain Name Dispute Resolution*, Workshop on Intellectual Property and the Internet (New Delhi, India, March 2000)
- *The Impact of Electronic Commerce on Intellectual Property: Dispute Resolution Issues*, Cairo Conference on Electronic Commerce and Intellectual Property (Cairo, Egypt, February 2000)

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- *Internet Dispute Resolution*, Application Service Provider Industry Consortium - Tokyo Summit Preview (Tokyo, Japan, January 2000)
- *The Impact of Technology on Arbitration*, Cairo Regional Center for International Commercial Arbitration Conference on International Arbitration in Africa in the Year 2000 and Beyond (Cairo, Egypt, December 1999)

### Education

In 1986, Mr. Ali received his B.A., *summa cum laude*, from Columbia University and was elected to the Phi Beta Kappa Honors Society. In 1990 he received his J.D. from the New York University School of Law and was awarded the Vanderbilt Medal. While in law school, he was a research assistant to Professor Andreas F. Lowenfeld, a member of the Annual Review of American Law and President of the International Law Association.

### Supplemental

Mr. Ali speaks English, French, Spanish, Urdu, Hindi and Bengali. Born in Bangladesh (East Pakistan), Mr. Ali has lived or represented the interests of his clients in Bahrain, Bangladesh, Brunei, Costa Rica, Egypt, France, India, Italy, Japan, Kuwait, Malaysia, the Netherlands, Nigeria, Pakistan, the Philippines, Singapore, Sweden, Switzerland, the United Arab Emirates, the United Kingdom and the USA.