



ADR RÉSUMÉ of MELVYN J. SIMBURG

Mel has served as an arbitrator for over 30 years and a mediator for over 20 years. He now devotes most of his time to mediating and arbitrating disputes as Simburg Dispute Resolution. He has advised clients and provided dispute resolution assistance for business, real estate, intellectual property (IP), web contracts, technology and rights licenses, and international transactions. He also facilitates partnerships and organizations with formation, dissolution, change and conflict resolution issues. Related to his areas of practice, he has served on Washington State and ABA committees, chaired seminars and written several articles. He has presented on mediation issues such as fundamentals of mediation, resolution of IP disputes, psychology of mediation, effective advocacy in mediation, and mock mediation sessions.

Mel has chaired arbitration panels addressing disputes involving millions of dollars in areas such as computer system installations, banking, leases, contracts, and IP licenses. He has served as an Ombud to assist homeowners subject to eminent domain. He sits on national panels for the American Arbitration Association (Mediation; Large Complex Cases; Intellectual Property; Commercial Disputes), the International Centre for Dispute Resolution, Upwork (online freelancer-client disputes), FINRA (securities disputes), the VanIAC in Canada and CIIDRC for domain name disputes, the Rule 39.1 panel for the U.S.D.C. W.D. WA and the Mediation Panel for the Bankruptcy Court, King County Superior Court Arbitration, and KCBA LRS ADR Panel. He is also a Fellow of the Chartered Institute of Arbitrators.

For group processes, Mel facilitates communications between members and leadership, addressing conflict and potential conflicts among various constituencies. He is also a member of the International Business Law Consortium, the ABA Dispute Resolution Section and the Dispute Resolution Committee of the ABA Business Section. He is the 2020-22 Chair of the ADR Section for the Washington State Bar Association.

Mel is familiar with conducting and participating in remote hearings and online dispute resolution. He has resolved over 180 ODR arbitrations addressing copyright infringement and illegal download of entertainment media.

Recent presentations:

- 4-21-21 ABA Business Law Section Spring Meeting, "The Value of an Effective Apology in Resolving Business Disputes."
- 5-11-20 ABA Business Law Section Dispute Resolution Committee, "Tips for a More Secure Environment for Online Dispute Resolution," Co-Panelist.
- 1-09-20 King County Bar ADR Sec., "When 'Sorry' Isn't Enough: Apology in Conflict Resolution."
- 9-24-19 Environmental Consultants, "ADR and Environmental Disputes"
- 4-12-19 International Business Law Consortium, "Domain Name Disputes."
- 9-26-18 King County Law Library Seminars, "Introduction to Mediation."
- 4-25-18 King County Business Law Section, "ADR and Business Disputes."
- 4-19-18 Washington State Bar IP Institute, "Protecting IP Value in ADR."
- 3-23-18 Northwest Dispute Resolution Conf., "Use of Apology in Dispute Resolution."
- 3-22-18 Northwest Dispute Resolution Conf., "Interim Measures in Arbitration."
- 2-01-18 King County IP Section, "IP Disputes: Litigate, Arbitrate or Mediate."

Mel's law practice has focused as follows:

- 50% of practice in contract and transaction counseling and litigation, including international trade, investment, joint ventures, and technology transfer.
- 25% of practice has involved intellectual property, including licensing agreements, computer software, Internet, art, books, music, and entertainment law. Copyright work focused on software licensing and distribution; web content and usage; publishing agreements for print, video games; music and film (projects, licenses, disputes); and fair use issues. Trademark work has focused on disputes over infringement, confusion, dilution, unauthorized web tags or links, domain names, and Cybersquatting (First case in WA), in a variety of industries, goods and services (including technology, biotech, computer, medical, entertainment); advertising, importing and licenses (both U.S. and foreign). He also has represented and instructed on Personality Rights (Rights of Publicity) and addressed conflicts of law on post-mortem rights.
- 25% of practice includes other business law issues such as distribution, franchise, partnership, real estate, and creditor-debtor disputes.
- Significant representations include a music rights dispute (valued at \$75 million), real property rights dispute (\$10 million), biotech license (over \$10 million), computer system installation (\$7 million).

Mel is an avid skier and cyclist, and a fan of good wine and dark chocolate. In the summer of 2020, Mel did a fundraising ride for the Fred Hutchinson Cancer Research Institute, climbing 29,035 feet (the height of Mt. Everest) over 10 days of riding.

Melvyn J. Simburg

Simburg Dispute Resolution
"Simburg Resolves Disputes"

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