

Art and the Metaverse

Unravelling the Legal Palette

Exploring the convergence of Art and the Metaverse with legal perspectives

Programme Guide

Date: Tuesday 06 June 2023

*Venue: Bird & Bird LLP : 12 Newfetter Lane,
London EC4A 1JP*



Questions & Polls
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#ArtVerseLaw

Programme

- 1:30pm-2:00pm: Registration
- 2:00pm-2:10pm: Welcome & Introductions by Karina Albers and Shobana Iyer
- 2:10pm-2:25pm: **First Keynote by Sylvain Levy**
- 2:25pm-3:00pm: **Panel 1: Metaverse Metamorphosis
How the Metaverse Empowers Artistic Expression**
- 3:00pm-3:15pm: **Coffee Break**
- 3:15-4:00pm: **Panel 2: Metaverse Legality
Navigating the Intersection of Art and Law in the Metaverse**
- 4:00pm-4:15pm: **Tea Break**
- 4:15pm-4:30pm: **Second Keynote by Rt.Hon Sir Colin Birss,
Lord Justice of the Court of Appeal**
- 4:30pm-4:45pm: Hologram Talk by Proto Hologram
- 4:45pm-5:30pm: **Panel 3: Navigating disputes in the virtual world
Dispute Resolution in the Metaverse's Artistic Landscape.**
- 5:30pm-6:30pm: **Networking Reception**

Welcome

Karina Albers FCIarb Chair of the Ciarb London Branch Committee



Karina is a full-time commercial arbitrator and mediator based in the UK. Her profession as arbitrator and mediator has been built from her experience in derivative trading, the maritime industry and commodity trade. Her career hitherto as derivative trader, chartering manager, broker, agent, expert and consultant enables her to service an ever-increasing complex and diverse world of disputes. She has received over 60 appointments so far, participated in hearings and has published over 20 awards with claims amounting up to USD 15 million under LMAA, LCIA, SIAC and GMAA rules. The type of disputes she covers involve demurrage/despatch/laytime, liability/cost for cancelling of charter parties, speed and performance claims, allocation of port disbursements, insurance claims, bunker claims, freight and TCE, cargo claims both for dry and wet claims, Energy and Commodity disputes. Karina has acted as sole arbitrator, sole arbitrator by default and as part of a tribunal of three.

She passes on her passion for arbitration by volunteering regularly for Vis-Moot and IMLAM as well as mentoring a number of young legal professionals.

Her Expertise:

Consultancy, arbitration and expert witness services for charter market rates, OTC commodity derivative trading and broking and commercial risk management of dry and gas charter rates, fertiliser, freight derivatives (FFAs), container swaps, coal and iron ore derivatives including options as well as OTC electronic trading platforms, clearing and settlement.

An accredited Expert at the Federal Court of New York and acted as expert in leading cases in London, New York and Singapore. NGO representative at the United Nations Commission on International Trade Law (UNCITRAL).

Member of the Baltic Exchange, the GMAA, the Expert Witness Institute and ICCA, aspiring full member of the LMAA, Fellow of the Chartered Institute of Arbitrators and Chair of the London Branch, she is Freeman of the Worshipful Company of Arbitrators and a panel member of the SCMA Singapore.

Introduction

Shobana Iyer,
Swan Chambers

“Art washes away from the soul the dust of everyday life” Pablo Picasso

Arts hold immense significance for society, playing a pivotal role in shaping our collective experiences, fostering cultural identity, illustrating historic events, teaching us about humanity, and enriching human spirit and wellbeing.

*“Art is to console those who are broken by life.”
Vincent Van Gogh*

“Metaverse”

In this event, organised on behalf for the Ciarb and SCL, we seek to delve into the captivating realm of art and the Metaverse. What is the (or rather ‘a’) metaverse? Although we refer to “the Metaverse” i.e. described as a singular 'virtual universe', in present reality there exists no single Metaverse but more like “metaverses”. There is no universally accepted definition for the term “metaverse”. The word “metaverse” is a portmanteau of the prefix “meta” (meaning beyond) and “universe”; and, for many, it is simply an amorphous term used to refer to an as-yet-undeveloped future of the internet, a part of Web3.0.

The concept of the metaverse refers to a virtual universe, a collective virtual shared space that encompasses various interconnected digital platforms, virtual reality environments, and online communities. It is often described as an immersive and interactive virtual world where users can engage with each other and digital content in real-time, through avatars or virtual representation of themselves. They can explore virtual landscapes, participate in social activities, engage in commerce, create and consume content, experience events.

The metaverse holds the potential to redefine how we connect, communicate, work, learn and entertain ourselves. It offers opportunities for collaboration, creativity, artistic expression and new form of digital experiences . On this rapid and dynamic era of technological and computational advancement, the metaverse presents an exhilarating frontier for artists and creators.



We set to explore the dynamic interplay between digital landscapes and artistic expression, shedding light on the multifaceted legal challenges and opportunities that arise in this evolving virtual domain.

In addition to two short-keynote speeches by eminent speakers, we have three captivating panel discussions where we aim to give you a small taste of the immense potential and possibilities that emerge when artists venture into using these technologies as mediums to amplify artistic expression and in turn impact society; but also the flora of possible unique legal challenges it brings to the art sector and lawyers in this area.

We also have scheduled a special guest who will attend by way of a hologram from California later in the afternoon to have a conversation with two arbitrators. We are extremely grateful for Bird & Bird for hosting this event and providing all the refreshments. Thank you for joining us in these intriguing discussions I hope you enjoy the event, learn something new, and take the opportunity to get to know more people involved in this space of technology, arts, and law.

Shobana Iyer,

Barrister FCiarb
Swan Chambers
Co-Host and Convener

First Keynote

A Pro-Innovation Approach to Collecting in the 21st Century

Sylvain Lévy



Sylvain Lévy
Renowned French Collector
Co-Founder of DSLCollection
Past Court of Appeal Judge in Paris

DSL COLLECTION

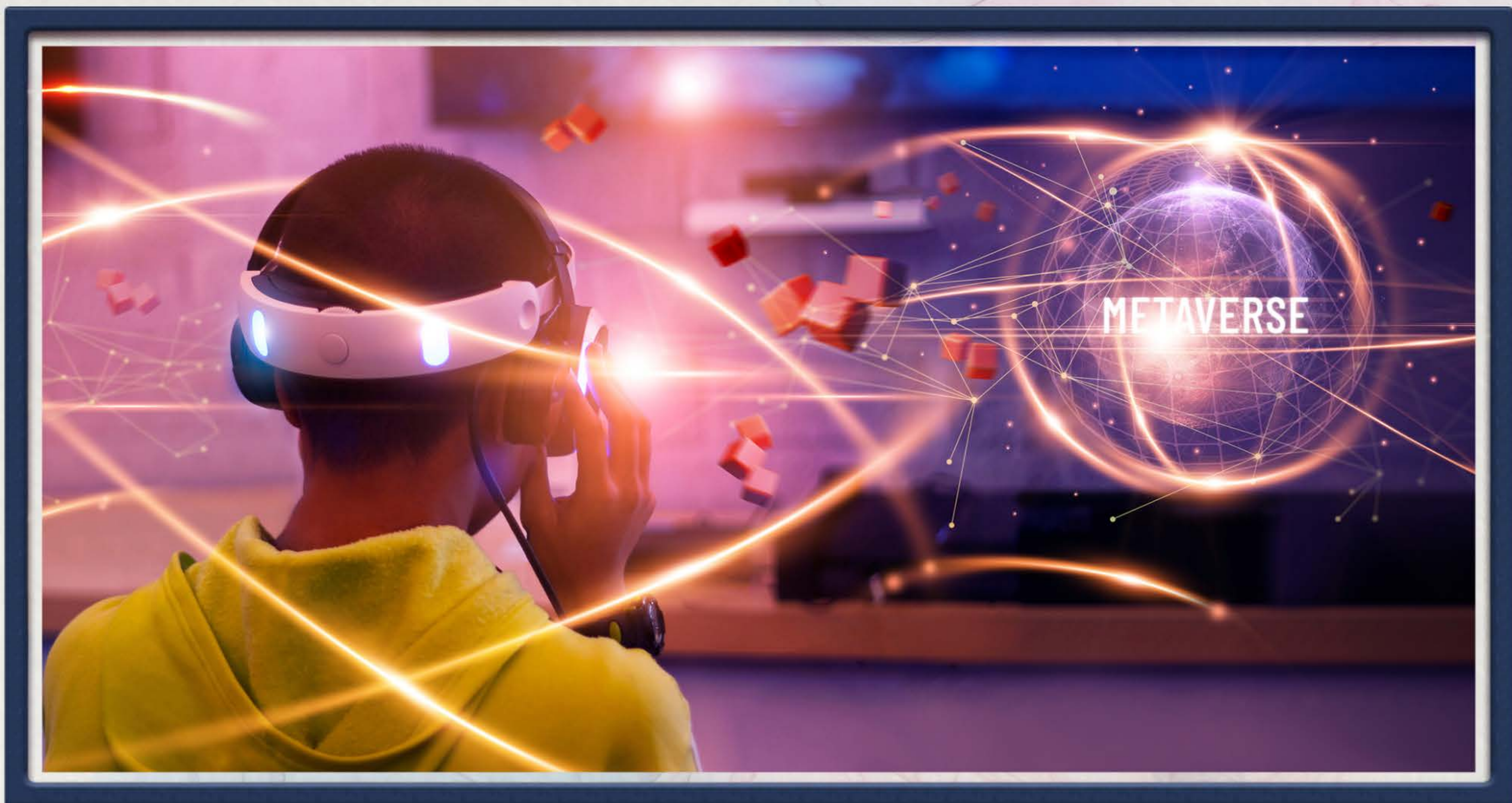
Founded in 2005, by Sylvain and his wife Dominique, the dslcollection is an ongoing cultural and entrepreneurial project that embodies a family adventure and a collection of art and science. Dslcollection want to establish a model that makes collecting art continuously active and meaningful, always moving with shifting times.

Here is a link to their latest e-book presenting the collection:
<https://www.dslbook.com/dslbook/>

PANEL 1 Metaverse Metamorphosis: How the Metaverse Empowers Artistic Expression

We embark on a journey to understand how artists harness the vast potential of the Metaverse as a boundless canvas for their imagination; but also how the art landscape is evolving with the Metaverse for the benefit of society.

Panellists will share insights into the innovative ways artists leverage immersive technologies, virtual environments, and interactive platforms to create awe-inspiring digital artworks for the wider benefit of communities.



Moderator: Shobana Iyer, Barrister FCIarb Swan Chambers

Speakers:

(1) Ernest Chrappah Founder of Ernest & Company LLC

(2) Akhil Vadehra: Founder at The Histare Group

(3) Cari Hyde-Vaamonde: AI Expert Artist, Visiting Professor
at King's College London

PANEL 1: Metaverse Metamorphosis: How the Metaverse Empowers Artistic Expression



Speaker

**Ernest Chrappah
Founder of Ernest &
Company LLC**

Ernest is a thought leader and advisor to real estate, government, transportation, and technology executives. He is known for his innovative and entrepreneurial spirit, having successfully transformed multiple government agencies and introduced game-changing technologies to shape the future of cities. After serving in the public sector, Ernest founded Ernest & Company LLC, which connects city leaders facing challenges with solutions from the private sector and vice versa. Previously, he held high-profile leadership positions in the Washington DC government, including Director of the Department of Buildings, Director of the Department of Consumer and Regulatory Affairs, Director of the Department of For-Hire Vehicles, and Chairman of the Taxicab Commission

PANEL 1: Metaverse Metamorphosis: How the Metaverse Empowers Artistic Expression

Speaker

Akhil Vadehra
Founder at The Histare Group



Akhil Vadehra is an Artistic Director and Cultural Strategist with over 12 years of experience. He has used his expertise to curate and host art confluences, design large-scale artworks, and develop the Histare Group. With a dedication to detail and a diverse skill set, Akhil has become a prominent deep generalist in the art and culture industry, working with multinational companies and family offices around the globe.

the erbe project

The Erbe Project is devoted to preserving the unique cultural heritage of India. We curate a unique assemblage of rare artifacts which are carefully chosen to be representative of India's ever-evolving diverse artistic inheritance providing our patrons a platform to contribute to an appreciation of Indian heritage.

Curated with a unique vision, it is an assemblage of the most unusual artworks finely done by master craftsmen from across the Indian subcontinent. The artworks are done in real and vernacular materials using centuries-old processes. Each artwork represents India's unique artisanship and its cultural inheritance.

The Erbe Project shall advance India's unique artisanship forms focused on bringing the stories of intergenerational Indian artisan families to the fore. We hope that by treasuring the forgotten past, we can create a more vibrant & harmonious future.

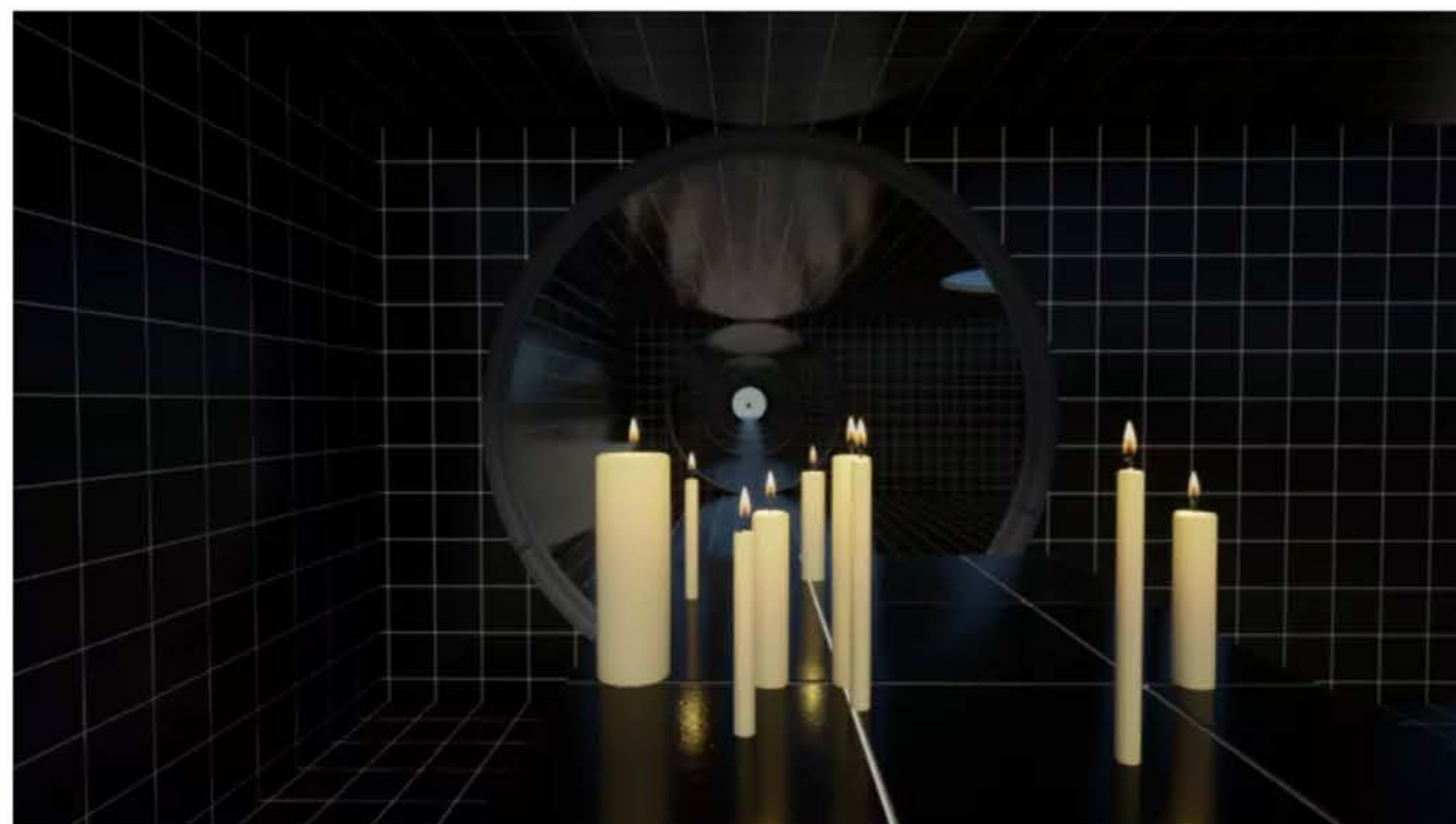
PANEL 1: Metaverse Metamorphosis: How the Metaverse Empowers Artistic Expression

Speaker

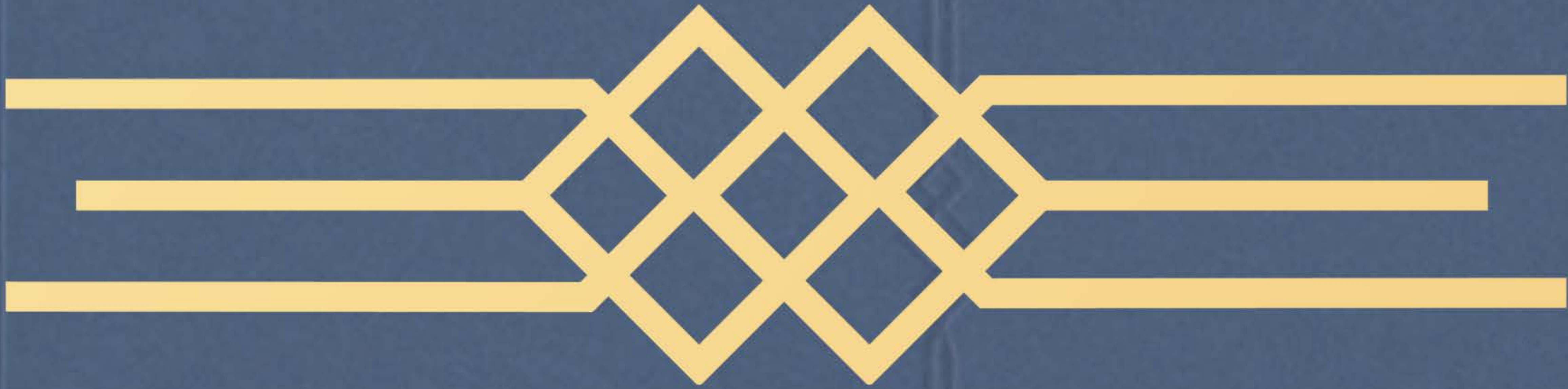
Cari Hyde-Vaamonde
AI Expert & Law
Visiting Professor at KCL



Cari Hyde-Vaamonde is an experienced lawyer and court advocate fascinated by the potential for code and AI to reform how law and justice function. She first studied Law at King's College London and, following a scholarship from the Inner Temple Society, was called to the Bar in 2006. After practising as a lawyer in diverse fields including technology, and specialising in court advocacy, she became increasingly interested in systematic analysis and research. Her focus on research in the field culminated in a UKRI 4-year award to research the impacts of AI in justice settings at King's College London. She is engaged in several interdisciplinary collaborations and has been embedded in the Alan Turing Institute for the academic year 2022-2023.



MERCY is an interactive game environment



Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse

As the virtual universe expands and gains prominence, legal frameworks have to adapt and align to accommodate these complex dynamics. Our esteemed panel of legal experts will discuss the unique legal challenges presented by the Metaverse. This immersive digital universe defies traditional legal frameworks, demanding innovative approaches to intellectual property rights, privacy concerns, jurisdictional complexities, regulatory concerns to virtual asset ownership and transactions. We discuss the legal landscape to explore the delicate balance between fostering innovation and protecting the rights and interests of artists, creators and participants within this vibrant virtual ecosystem.



Moderator: Alexia Ogden, Associate Canvas Art law

Speakers:

(1) Rebecca O'Kelly-Gillard Partner: Bird&Bird

(2) Anne-Sophie Nardon, Avocat à la Cour BORGHESE Associés

(3) Emily Gould, Assistant Director at the Institute of Art and Law.

(4) Daniel Owen: Associate Bristows LLP

Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse

Modulator

Alexia Ogden
Canvas Art Law



Alexia Ogden is an art and cultural heritage lawyer at Canvas Art Law, a bespoke international art and cultural heritage firm. Alexia advises artists, galleries, museums, collectors, auction houses and art businesses, on a wide range of work including transactions, artist commissions, exhibitions, artist representation, and NFT projects. Alexia also provides regulatory advice in relation to large-scale projects in cultural policy and review. She has a keen interest in the interface between art, heritage and technology.

Alexia also works with Art Resolve, an alternative dispute resolution centre created to resolve complex art and cultural property law disputes and the Society for the History of Collecting. She also provides ongoing support to the Blue Shield. Prior to Canvas, she worked as a researcher for several years with Professor Norman Palmer QC OBE, an art and cultural property law barrister. As an Anglo-Greek, Alexia speaks a number of European languages and is proficient in Arabic after studying in the Middle East.

Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse

Speaker

**Rebecca O'Kelly-Gillard
Partner: Bird&Bird**



Rebecca is partner in Bird & Bird's Intellectual Property Group in London and co-head of Bird & Bird's International Copyright Group, She has worked extensively with multinational organisations across various industry sectors in all areas of soft IP.

Rebecca's particular focus is helping clients solve trade mark and copyright issues that have a digital or online focus.

A major part of her practice is working with companies to set up their global brand enforcement projects: using technology to streamline processes for clients and make their anti-counterfeit programmes as cost effective as possible. This work includes developing strategies to help large global brands protect and enforce their rights from online infringement and perfect their digital footprint. As part of developing global anti-counterfeit strategies, Rebecca has worked extensively with the customs authorities; as a result she was invited to be the Irish liaison between rights holders and international customs authorities in the initial phase of the World Customs Organisations' innovative Interface Public-Members Tool project.

Rebecca's digital focus relates to all IP issues arising online, including highly complex issues regarding copyright infringement, hyperlinking and the communication of works to the public.

Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse



Speaker

Anne-Sophie NARDON
Avocat à la Cour
BORGHESE Associés

Anne-Sophie Nardon is a lawyer, Member of the Paris Bar and founding partner of the law firm BORGHESE ASSOCIES. Anne-Sophie is specialised in litigation concerning art related disputes, with an expertise in criminal law and intellectual property law. She represents auction houses, collectors, and art dealers. Her work also includes representing and advising heirs, dealers, galleries, and collectors in national or international cultural and heritage property matters. Recently she has advised start up companies and galleries on legal issues in relation to digital art and on-line sales. Since 2021, she co-chairs the Art Law Commission of the Paris Bar, as well as the Art & Cultural Heritage committee of the American Bar Association, Section of international law. She also teaches Art law to Master students at University Paris II and University Paris-Dauphine.

Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse

Speaker

Emily Gould
Assistant Director
at the Institute of
Art and Law.



Emily Gould is Assistant Director at the Institute of Art and Law. Having worked in private practice as an intellectual property and commercial lawyer, Emily now writes, teaches and presents on a range of areas pertaining to art and cultural heritage law including copyright, heritage crime, museum ethics, contracts and restitution. She teaches and serves on the programme management committee for the Art, Business and Law LLM a course offered through a collaboration between the IAL and Queen Mary University of London and is a frequent contributor on the IAL blog and to the IAL journal, Art Antiquity and Law (AAL). She has written frequent blog posts and an in-depth article in AAL on NFTs and recently contributed oral evidence to a Parliamentary Select Committee inquiry into NFTs and the blockchain in the creative industries.

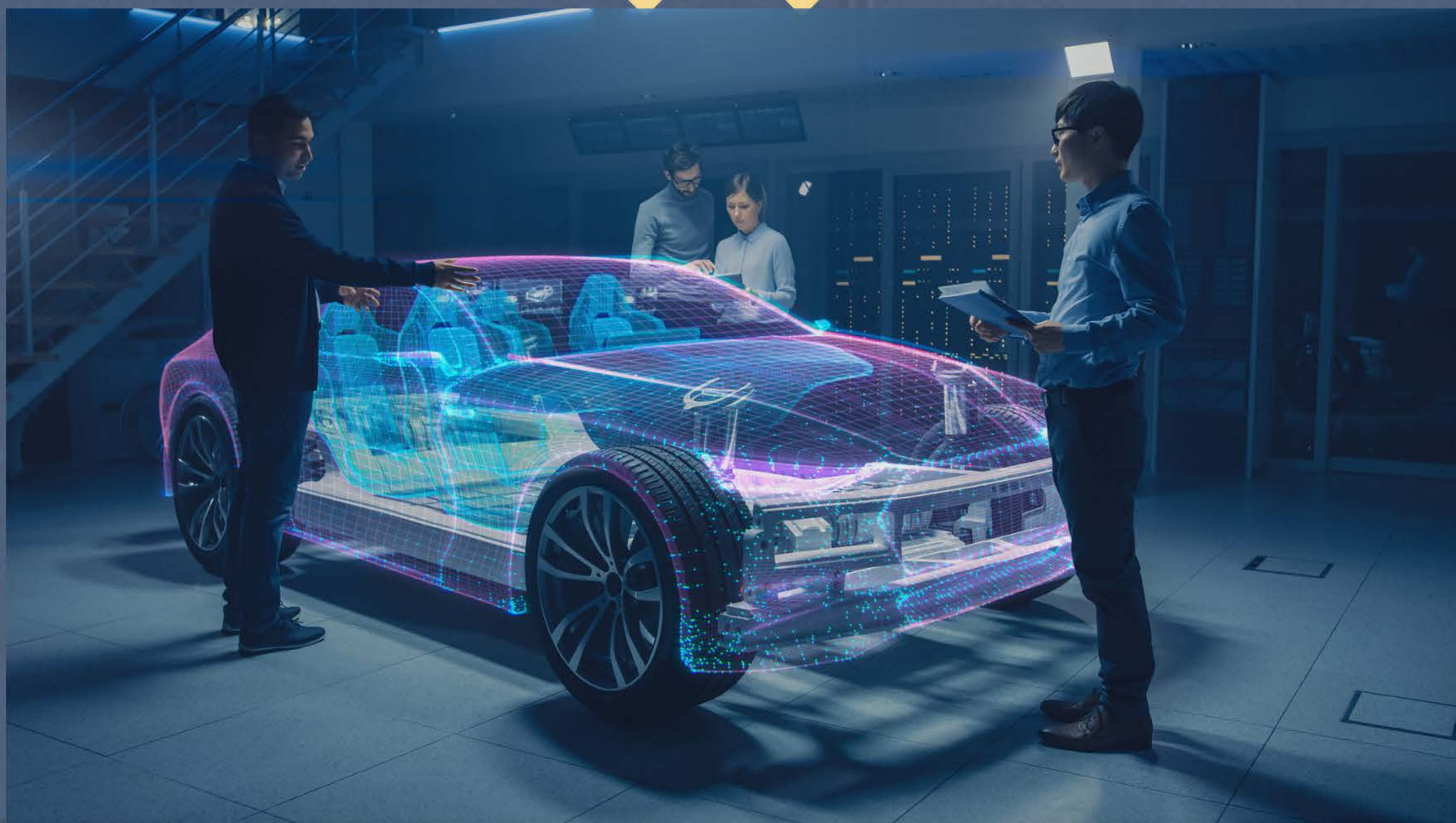
Panel 2 Metaverse Legality: Navigating the Intersection of Art and Law in the Metaverse



Speaker

**Daniel Owen
Associate Bristows LLP**

Daniel is an associate in the Commercial IP/IT/DCL team at Bristows. He advises on a broad range of transactions in the technology, media and sports sectors, and has a particular interest in the way IP and data privacy laws adapt to new technologies. He has advised clients on, and written various articles about, the legal challenges presented by the Metaverse, Blockchain and NFTs.



Second Keynote

Adaptability of English Law

Rt. Hon. Sir Colin Birss **Lord Justice of the Court of Appeal**



Rt. Hon. Sir Colin Birss
Lord Justice of the Court of Appeal
Deputy Head of Civil Justice

Lord Justice Colin Birss was called to the Bar in 1990 and practised in intellectual property law. He was Standing Counsel for the Comptroller 2003-2008. In 2008 he took silk and also became Deputy Chair of the Copyright Tribunal. In 2010 he was appointed as a Specialist Circuit Judge sitting in the Patents County Court (now IPEC). In 2013 he was appointed to the High Court, Chancery Division. He served as Supervising Judge for the Business and Property Courts on the Midlands, Western and Wales Circuits from 2017-2019 and in 2019 became Judge in Charge of the Patents Court.

He is an independent judicial member of the EPO Boards of Appeal Committee, serves on the Advisory Board of Judges for the WIPO Judicial Institute, is General Editor of Terrell on the Law of Patents, and is a Council member of the UK Foundation for Science and Technology.

He was appointed a Lord Justice of Appeal on 25 January 2021 and Deputy Head of Civil Justice from 11 January 2021.

Holographic Display By Proto Hologram Inc. Watch a discussion with a person attending via a hologram with Karina Albers and Jonathan Wood



About Proto Inc.:

Proto is the original inventor of award winning and patented hologram machines and the platform that makes global holoportation a reality. Working with Fortune 500 companies (such as PwC, Siemens, Walmart), the art world (with major museums and by helping Christie's move masterpieces from its blockbuster auctions around the world safely), and universities everywhere (including a dozen new U.S. schools in the first half of 2023). Proto is bringing people together, moving digitized objects, and reducing reliance on jet travel and the carbon damage it causes every day. Recently, Proto has been in the news for its work with William & Mary Law developing the use of Proto devices in courtrooms. The company, with offices on four continents, has been acknowledged by the BBC, WSJ, the New York Times and the Washington Post as the creator of an entirely new mode of communication. More info at www.protohologram.com.



Jonathan Wood is Chair of International Arbitration at RPC, President elect 2024 CI Arb, Chair of Board of London Chamber of Arbitration and Mediation (LCAM), and director of Legal UK. A seasoned international disputes resolver with over 40 years experience in relation to international trade, maritime, insurance, reinsurance and political risk insurance. Jonathan acted as disputes counsel for the British government Export Credit agency for over 30 years. Jonathan has a special interest in art and cultural property law and is a member of the Institute of Art and Law

Panel 3 Navigating disputes in the virtual world: Dispute Resolution in the Metaverse's Artistic Landscape.

As this transformative digital frontier expands, conflicts may arise, calling for effective mechanisms to resolve disputes in this unique context. Our distinguished panel will explore the challenges and opportunities surrounding dispute resolution within the Metaverse. From decentralised governance models and smart contracts mechanisms to virtual arbitration and blockchain based solutions, we will delve into the innovative approaches aimed at ensuring fairness, transparency, efficiency and equitable resolution of conflicts within this immersive digital realm.

Moderator: Nicholas Peacock, Partner: Bird&Bird

Speakers:

(1) Roderick Cordara KC, SC Essex Court

(2) Shobana Iyer, Barrister FCiarb Swan Chambers



Dubai International Arbitration Centre (DIAC). Image Courtesy: Dubai Chamber of Commerce & Industry

Panel 3 Navigating disputes in the virtual world: Dispute Resolution in the Metaverse's Artistic Landscape.

Modulator

**Nick Peacock
Partner: Bird & Bird**



Nick is an highly-regarded dispute resolution lawyer and advocate based in London with extensive experience of international arbitration, complex commercial litigation and ADR. He is head of the London international arbitration team and have been helping clients to solve problems, manage risk, defend their interests, and win their cases for over 20 years. He is also co-head of the firm's India group and a member of the Africa group.

An experienced solicitor-advocate and have argued cases as counsel before arbitral tribunals seated in numerous different jurisdictions, as well as appearing before the English High Court in arbitration-related proceedings. Nick sits as arbitrator under various institutional rules and ad hoc both as a sole arbitrator and as part of a panel. He is also currently serving as a director of the International Dispute Resolution Centre (IDRC) in London, a Users Council member of the Singapore International Arbitration Centre (SIAC), and a Council member for the Mumbai Centre for International Arbitration (MCIA).

Nick is recognised as a leading practitioner and thought leader in international arbitration by various directories and journals, including Chambers, Legal 500, Global Arbitration Review, Benchmark Litigation, and others. Chambers Global legal directory describes him as 'in demand as a leading arbitration lawyer', and reports client comments that 'He delivers what he says he can deliver. He's our first port of call for bet-the-company litigation.'

Panel 3 Navigating disputes in the virtual world: Dispute Resolution in the Metaverse's Artistic Landscape.

Speaker

RODERICK CORDARA KC, SC

Silk: 1994

Silk: 2002 (Australia)

Essex Court Chambers



Roderick is a Leading Counsel ('Silk') in the UK and Australia. He is admitted to practice in the Courts of the UK, Australia, Singapore (SICC), and the European Court of Justice

He is unique at the Bar in being a Leader in both commercial and tax fields, which combine both private and public law issues. He has an international practice, both in commercial and investor state arbitration, as well as appearing before supra-national judicial bodies in treaty related issues (usually tax). As a leading tax practitioner, he has amassed extensive public law experience (both domestic and international) in litigation and arbitration on tax issues involving governments and parastatal entities.

His arbitration practice focusses in particular on disputes – both private law and treaty based – relating to the oil & gas, power generation, and renewables, sectors, principally in Asia, UK Offshore, and East and West Africa. In this context, he has acted in energy-related disputes (eg production sharing, or insurance-related) in relation to fields in Central Asia, India, Africa, the Far East, and UK Offshore.

He has also great experience in shipping and ship construction disputes, involving shipyards from Asia to Europe, and vessels from super luxury yachts and warships, to bulk carriers.

<https://essexcourt.com/barrister/roderick-cordara-kc/>

Panel 3 Navigating disputes in the virtual world: Dispute Resolution in the Metaverse's Artistic Landscape.

Speaker

**Shobana Iyer
Barrister FCiarb
Swan Chambers**



Shobana is a practicing barrister with broad commercial and corporate legal experience; and presently the co-vicechair of the Legal Services Committee of the Bar Council of England and Wales and on the European Commission's List of Chairpersons for Arbitrations for EU trade agreements with third countries.

As counsel, she is often instructed to assist with specific compliance and regulatory issues, contract management (negotiating/drafting/reviewing contracts), bespoke training as well as dispute resolution (litigation and ADR). Shobana is commonly instructed as counsel on a wide range of commercial litigation in England & Wales and arbitration proceedings (both domestic & international) conducted under all major institutions (including LCIA, ICC, SIAC, SCC, WIPO, CAS, AAA, JAMS and UNCITRAL) and ad-hoc arrangements. She specialises in complex commercial cases, frequently involving issues in corporate, intellectual property (IP), technology and data protection laws. With over 20 years of practice, she has experience in a wide variety of sectors including energy (renewables), financial, insurance, retail, international trade, sports, creative (arts, film/TV, and gaming), technology, media and telecommunications (TMT). As Counsel, she commonly teams up with King's Counsels, international lawyers, law firms or directly with in-house counsel, directors, and their teams to add high-value intelligence and additional capacity to their existing teams. Shobana is a skilled negotiator and has a wealth of knowledge in commercial and corporate practice & proceedings, especially those involving emerging technologies and resolving corporate and IP disputes particularly in TMT.

<https://www.linkedin.com/in/shobanaiyerbarrister/>

The image features a dark blue background with a repeating geometric pattern. In the center, there is a large, abstract, multi-layered image. The top part shows a textured, cloud-like shape in shades of blue and purple, with golden particles scattered around it. Below this, there are more abstract, flowing shapes in similar colors. At the bottom, a cityscape at night is visible, with glowing buildings and a grid-like pattern on the ground. The word 'METaverse' is written in a bold, blue, sans-serif font across the cityscape. The text 'Thank You' is written in a white, serif font above the cityscape. The entire composition is framed by a thin, dark blue border, and the corners are decorated with golden geometric patterns.

Thank You

METaverse