

HIROKO NIHEI

A litigator specializing in cross-border dispute resolution matters, including Japanese and US litigations and investigations, with a particular emphasis on international commercial arbitrations and contentious intellectual property cases.

Represented leading Japanese, US, and Asian companies in various and complex arbitration cases concerning international contract disputes under the auspices of the ICC and JCAA. Has experience in litigation ancillary to international arbitrations, including parallel court proceedings and motions to set aside arbitral awards before the Tokyo District Court.

Expertise in intellectual property disputes ranges from defending multinational companies against Internet-related copyright infringement and defamation claims in Japanese courts to acting for Japanese and Asian clients in US patent infringement litigations.

PROFESSIONAL EXPERIENCE

O'Melveny & Myers LLP
Attorney-at-Law

Tokyo, Japan
October 2009 - Present

Mizuho Bank, Ltd. (including former Fuji Bank, Limited)
Central Branch / Human Resources Division

Tokyo, Japan
April 1999 - March 2008

EDUCATION

Waseda University, Graduate School of Law
Master of Intellectual Property Law

Tokyo, Japan
April 2018 - March 2019

University of Oxford
Magister Juris

Oxford, England
October 2013 - September 2014

The Legal Training and Research Institute of the Supreme Court of Japan
Diploma

Saitama, Japan
April 2008 - September 2009

Waseda University
Bachelor of Arts

Tokyo, Japan
April 1995 - March 1999

BAR ADMISSION

- Japan (*Bengoshi*): Dai-Ichi Tokyo Bar Association (since September 2009)

INTERNATIONAL EXPERIENCE / LANGUAGE SKILLS

International Experience

- 12 years of living experience in England, Germany, Czech Republic

Language Skills

- Japanese, English, German

PUBLICATIONS

- Hiroko Nihei, 'Japan' (2021) *Independent Film & Television Alliance 2021 Arbitration Award Enforcement Guide*, 4th Edition, 38-40.
- Hiroko Nihei, 'Case Studies on International Mediation of Intellectual Property Disputes: Key Takeaways from Actual Cases,' (2020) *JCA Journal*, May 2020 Edition, 9-16.
- Hiroko Nihei, 'Arbitrability of Patent Validity Disputes in Japan — Japan as an International IP Arbitration Hub —' (2020) *AIPPI Journal*, January 2020 Edition, 3-22.
- Hiroko Nihei, 'Arbitrability of Patent Validity Disputes: For Enhanced Use of International Arbitrations in Japan' (2019) *JCA Journal*
 - Part I - May 2019 Edition, 11 - 19.
 - Part II - June 2019 Edition, 17 - 27.
- Hiroko Nihei, 'How to Select an Arbitrator in International Commercial Arbitration: Major Considerations and Due Diligence' (2016) *Business Law Journal*, January 2016 Edition, 56 - 61.
- Desmond Ang and Hiroko Nihei, 'New Japanese Arbitration Case Law: The Osaka District Court's Pro-Arbitration Ruling' (2015) *HK45/HKIAC Newsletter*, 6th Edition, 17 - 19.
- Hiroko Nihei and Lanx Chee How Goh, 'A Comparative Study: Is the Singapore International Commercial Court a Rival of Singapore Arbitration?' (2015) *Business Law Journal*, June 2015 Edition, 52 -61.

- Desmond Ang and Hiroko Nihei, ‘A Nightmare? When You Are Caught in Parallel Proceedings: Utilization of Anti-Suit Injunctions and Anti-Arbitration Injunctions in Common-Law Jurisdictions’ (2015) *Business Law Journal*, March 2015 Edition, 50 - 59.
- Scott T. Nonaka and Hiroko Nihei, ‘A Comparison of Major Arbitration Institutions: Key Factors for Japanese Companies to Consider in Selecting an Arbitration Institution’ (2012) *Business Law Journal*
 - Part I - Arbitration Institutions in Asia (JCAA, SIAC, HKIAC and CIETAC), November 2012 Edition, 54 - 62.
 - Part II - Arbitration Institutions in Europe and the United States (ICC, LCIA and AAA), December 2012 Edition, 72 - 81.

SPEAKING OPPORTUNITIES

- “Differences in Arbitral Practice in Japan and Abroad,” Hosted by CIArb YMG Japan Chapter (May 2023)
- “Law and Culture in North Asian Arbitration,” Hosted by ICC YAF (May 2022)
- “International Arbitration Training (Intermediate Level): Practice and Key Points from the Perspective of Arbitral Institutions,” E-Learning Material of Japan International Dispute Resolution Center (April 2021)
- “Strategies for International IP Dispute Resolution During and After COVID-19,” Co-Hosted by Japan Commercial Arbitration Association and WIPO Arbitration and Mediation Center (February 2021)
- “Japan/Asia Update: Recent Developments in International Arbitration and Dispute Resolution,” Hosted by ICDR Young & International (January 2021)
- “Key Points of International Arbitration and International Mediation: What You Need to Know Before Drafting Dispute Resolution Clauses,” Hosted by Nagoya Chamber of Commerce & Industry (December 2020)
- “Basics of International Arbitration and International Mediation: Flexible Dispute Resolution Mechanisms in With / After COVID-19 Era,” Hosted by Engineering Advancement Association of Japan (October 2020)
- International Mediation Webinar, “Post COVID-19: The New Normal for International Dispute Resolution,” Co-Hosted by Japan Commercial Arbitration Association and Japan International Mediation Center (October 2020)
- “Resolving International Intellectual Property and Technology Disputes Outside of Courts: WIPO Mediation and Arbitration,” WIPO Arbitration and Mediation Center (July 2020)
- “Arbitration and Mediation: To improve commercial disputes processing by Vietnam and Japan,” Co-Hosted by Vietnam International Arbitration Center and Research Center for Sustainable Peace of The University of Tokyo (June 2020)
- “APRAG Conference 2020,” Co-Hosted by Thailand Arbitration Center and Asia Pacific Regional Arbitration Group (January 2020)
- “5th IPBA Arbitration Day,” Co-Hosted by Inter-Pacific Bar Association and Japan International Dispute Resolution Center (November 2019)
- “HKIAC Arbitration Clause Negotiation Workshop,” Hong Kong International Arbitration Centre (July 2017)
- “How to Select an Arbitral Institution and Tips for Drafting an Arbitration Clause,” In-House Seminar for a Major Japanese Chemical Manufacturer (August 2016)
- “How to Draft an Arbitration Clause,” In-House Seminar for a Major Japanese Electronics Company (November 2015)
- “The Essentials of International Arbitration Involving Japanese Companies,” Co-Hosted by the Japanese Institute of International Business Law, Inc. and O’Melveny (January 2015)
- “International Arbitration in Asia,” Co-Hosted by LexisNexis and O’Melveny (December 2012)

MEMBERSHIP

- Chartered Institute of Arbitrators (MCIArb, CIArb Accredited Mediator)
- Japan Association of Arbitrators (JAA)
- Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI)
- Japan Association of Industrial Property Law
- The Copyright Law Association of Japan
- The Law and Computers Association of Japan

LIST OF ARBITRATORS

- Japan Commercial Arbitration Association (JCAA)
- Japan Intellectual Property Arbitration Center (JIPAC) JP Domain Name Dispute Resolution
- World Intellectual Property Organization (WIPO) Arbitration and Mediation Center

OTHER

- Arbitrator, VIS Japan Moot Competition (since 2017)
- Japan Commercial Arbitration Association (JCAA), Public Relations Officer (2019-2021)
- Certified Internet Web Professional (CIW), Internet Business Associate (2022)