



ADR RÉSUMÉ of MELVYN J. SIMBURG

Mel has served as an arbitrator and a mediator for over 30 years. He provides dispute resolution assistance for business, real estate (including land use and water rights), 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. He serves on the Executive Committee of the Washington State Bar Association Dispute Resolution Section and served two years as Chair. He has served on the American Bar Association Business Section Dispute Resolution Committee, 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, effective apologies, mediating imbalanced disputes, 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 Vancouver International Arbitration Centre in Canada and CIIDRC for domain name disputes, and the Rule 39.1 panel for the U.S.D.C. W.D. WA. He is also a Fellow of the Chartered Institute of Arbitrators.

Mel is comfortable conducting remote hearings and online dispute resolution. He has resolved over 180 ODR arbitrations addressing copyright infringement and illegal download of entertainment media and has conducted many remote and hybrid-remote arbitration hearings and mediation sessions.

Before turning to arbitration and mediation full-time, Mel's law practice focused on the following areas:

- 50% in contract and transaction counseling and litigation, including international trade, investment, joint ventures, and technology transfers.

- 25% in 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 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% included other business law issues such as distribution, franchise, partnership, real estate, and creditor-debtor disputes.
- Significant representations included 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. Mel has ridden multiday fundraising rides for the Fred Hutchinson Cancer Research Institute, Cystic Fibrosis Foundation, National Multiple Sclerosis Society, and the American Lung Association, including climbing 29,035 feet (the height of Mt. Everest) over 10 days of riding.

Melvyn J. Simburg

Simburg Dispute Resolution

“Simburg Resolves Disputes”