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## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

David H. BERNSTEIN  
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Debevoise & Plimpton LLP  
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Date of Birth: March 19, 1963

Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Yale Law School, 1989;  
M.Sc., London School of Economics and Political Science, 1986;  
A.B., *Magna cum laude*, Princeton University, 1985.

Admitted to practice in New York and Connecticut, the United States Courts of Appeals for the Second, Third, Sixth, Seventh, Eleventh and Federal Circuits, and the United States District Courts for the Southern, Eastern and Western Districts of New York, the District of Connecticut, and the Northern District of Indiana.

#### **Awards/Accolades:**

Law Firm of the Year, Trademark Contentious *Managing Intellectual Property*, 2009 and 2007, Burton Award for Legal Achievement, 2007;  
INTA Volunteer Service Award 2005;  
Leading Individual (Band I), Intellectual Property, New York, *Chambers USA*;  
Litigation Star, *IFLR Benchmark Litigation Guide*;  
Highly Recommended, Intellectual Property, *Legal 500 USA*;  
Highly Recommended, Intellectual Property, New York, *PLC Which Lawyer?*;  
The Experts' Experts, United States, *World Trademark Review*.

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June 14, 2010

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**LANGUAGES**

English.

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**PRESENT POSITION**

Partner, Debevoise & Plimpton, LLP, Litigation Department, Intellectual Property Practice Group and International Dispute Resolution Practice Group;  
Professorial Lecturer in Law, George Washington University Law School.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Law Clerk, Honorable Robert E. Keeton, United States District Judge for the District of Massachusetts, 1989-1990.

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**MEMBERSHIP IN PROFESSIONAL BODIES**

Executive Committee, CPR Institute for Dispute Resolution (CPR);  
Currently, Chair, U.S. Amicus Brief Subcommittee;  
Also former Counsel and Board Member, International Trademark Association (INTA);  
Former Co-Chair, Litigation Section's Internet Law Subcommittee of the American Bar Association (ABA).

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**AREAS OF SPECIALIZATION**

Intellectual property and unfair competition matters including:  
trademark infringement and dilution, counterfeiting, Internet and domain names, false advertising, copyright infringement, right of publicity, patent infringement, unfair competition, misappropriation, and trade secrets law.

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**EXPERIENCE IN INTELLECTUAL PROPERTY**

Litigated a wide variety of intellectual property cases and also a frequent lecturer on intellectual property matters.  
Spoken at meetings of WIPO Arbitration and Mediation Center, INTA, ABA, American Arbitration Association (AAA), CPR, Practising Law Institute, Pharmaceuticals Trade Marks Group, Cosmetics Toiletries & Fragrance Association, American Intellectual Property Law Association, Intellectual Property Owners Association, Promotion Marketing Association, International Association of Defense Counsel and Luxury Marketing Council.

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**EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Has litigated and advised clients with respect to domain names since 1994. Regular speaker at WIPO Briefings for UDRP Panelists.

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**MAJOR PUBLICATIONS**

Has authored or co-authored numerous treatise chapters and articles, including:  
"Federal Circuit Misapplies Repair Doctrine to Method Patents," *IP Law 360*, 2006;  
"Trademark and Unfair Competition Issues," *Internet and Online Law*, 2004;  
"Ethics and Privilege in United States Trademark Practice," 93 *The Trademark Reporter* 1240, 2003;  
"Trademark-Related Causes of Action and Defenses," *Intellectual Property Counseling and Litigation*, 2000;

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"Advertising Review, Clearance and Challenges", *Successful Partnering Between Inside and Outside Counsel*, 2000;  
 "A Stronger Solution," *Legal Times IP*, 2006;  
 "Strategies for Success Before the NAD", 9 *The IP Litigator* 21, 2003;  
 "Educating the Trademark Community, 93 *The Trademark Reporter* 84, 2003;  
 "The Alphabet Soup of Domain Name Dispute Resolution", *Computer Law Reporter*, 2002;  
 "Do You Need a CPO?", *Directors & Boards*, 2001;  
 "Domain Name Dispute Resolution: Online and On Target", *World eBusiness Law Report*, 2001;  
 "Litigating by E-Mail with 'UDRP': Lessons From New Dispute Resolution Procedure for Domain Name Disputes", *New York Law Journal*, 2000;  
 "Das Wettbewerbsrecht in den U.S.A.," in *Heidelberger Kommentar zum Wettbewerbsrecht*, C.F. Muller Verlag, 2000;  
 "Privacy: The Achilles Heal of E-Commerce", *Sports Trend*, November 2000;  
 "Copyright and the Internet: Not Anything Goes", *Sports Trend*, August 2000;  
 "Dilution Rights v. the First Amendment: Resolving the Tension", *The Intellectual Property Strategist*, 1999;  
 "When the First Amendment Protects Trademark Parodies," *The Intellectual Property Strategist*, 1998;  
 "As Satiric As They Wanna Be: Parody Lawsuits Under Copyright, Trademark, Dilution and Publicity Laws," *85 Trademark Reporter* 239, 1995;  
 "International Enforcement of U.S. Trademark Laws," *International Commercial Litigation*, 1995;  
 "How to Cure Yourself of the Gray Market Blues," *The Intellectual Property Strategist*, 1995.

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#### **EXPERIENCE IN COURT LITIGATION**

Litigated a wide variety of cases in state and federal courts in California, Colorado, Connecticut, Florida, Indiana, Massachusetts, Michigan, New Jersey, New York, Tennessee, Texas, Virginia and Washington, D.C., in alternative dispute resolution fora under the auspices of the AAA, CPR and National Advertising Division of the Council of Better Business Bureaux ("NAD") and before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.

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#### **PROFESSIONAL TRAINING IN MEDIATION**

Participated in the WIPO Workshop for Mediation in Intellectual Property Disputes, Geneva, May 2000;  
 Participated in International Trademark Association programs on mediation in August 1995 and November 1999.

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#### **EXPERIENCE IN MEDIATION**

Served as mediator and counsel to parties in mediations.

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#### **EXPERIENCE IN ARBITRATION**

Served as arbitrator and counsel to parties in arbitrations.

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**ARBITRATION EXPERIENCE****SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA/ICDR	2				2
	LCIA HKIAC	1 1			1 1	
	CPR	2		1		1
	WIPO	175	18	98	52	7
	NAF:	39	2	14	23	
Number of cases: sub-total		220	20	113	77	10
Domestic Arbitrations	CPR	1				1
	NAD	44				44
Number of cases: sub-total		45				45
<b>TOTAL</b>		<b>265</b>	<b>20</b>	<b>113</b>	<b>77</b>	<b>55</b>

**MEDIATION EXPERIENCE****SUMMARY TABLE**

Type	Role			
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations	CPR	2		2
	Court Annexed	3	1	2
	Jams	2		2
	AAA	1		1
Number of cases: sub-total		6		7
<b>TOTAL</b>		<b>8</b>	<b>1</b>	<b>7</b>