

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Clive Lincoln ELLIOTT  
Barrister  
Shortland Chambers  
70 Shortland Street  
Auckland  
New Zealand



Telephone: +64 9 309 1769  
E-mail: [elliott@shortlandchambers.co.nz](mailto:elliott@shortlandchambers.co.nz)

Fax: +64 9 366 1599

Date of Birth: July 4, 1956  
Nationality: New Zealand/British

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M., Victoria University, Wellington, 1991;  
Registered Patent Attorney, Patent Office, Lower Hutt, 1990;  
Practising Certificate, District Law Society, Auckland, 1985;  
LL.B., University of Natal, Durban, South Africa, 1981;  
B.A. (English and Comparative African Government and Administration) - University of Natal, Durban, South Africa, 1978.

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### LANGUAGES

English.

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### PRESENT POSITION

Barrister, Shortland Chambers, Auckland, 2000-present.

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June 30, 2010

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner and Head of the Transactions and Disputes Department, Baldwin Shelston Waters, (1983-00).  
Assistant Secretary, Unilever South Africa (1981-83).

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### MEMBERSHIP IN PROFESSIONAL BODIES

Auckland District Law Society, spokesperson, information technology law issues;  
New Zealand Law Society;  
Intellectual Property Society of Australia and New Zealand (IPSANZ), New Zealand Committee;  
New Zealand Institute of Patent Attorneys, previously Convenor, Legislation Committee,  
New Zealand Society for Computers and the Law;  
Licensing Executives Society;  
Asian Patent Attorneys Association (APAA).

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### AREAS OF SPECIALIZATION

Intellectual property, with a focus on copyright, trademarks and information technology law.

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### EXPERIENCE IN INTELLECTUAL PROPERTY

Fourteen years of experience in the field of intellectual property;  
As a patent attorney, has handled all aspects of trademark and patent protection and transactional work including contract drafting;  
As Head of the Transactions & Disputes Department, Baldwin Shelston Waters, is responsible for managing the firm's litigation team comprising eight solicitors and acting as counsel in all major matters;  
Lectures in the post-graduate Master of Laws course , Auckland University;  
Appeared before a number of parliamentary select committees on various law reform issues, including the 1994 Copyright Act.

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### MAJOR PUBLICATIONS

Chapter on "Computer Contracts," in *Butterworths New Zealand Precedents* (co-author);  
*Copyright and Design in New Zealand* (co-author);  
Contributing author, Law Society's *Legal Practice Manual*, on the topic of intellectual property;  
New Zealand member of Editorial Board of International Journals: *Trademark World*, *IP Asia*,  
*Cyberspace Lawyer*;  
"Informed Discussion Name of the Game," *NZ Infotech Weekly*, December 9, 1996;  
"Infoline Names and Telephone Numbers: A New Form of Intellectual Property?" *Trademark World*, p. 13, October 1996;  
"The Design/Copyright Overlap--Update on Reform Process," *Lawtalk*, p. 7, July 22, 1996;  
"CER at the Crossroads: Business Law Harmonisation--Where to Now," *Commercial Law*, p. 47, February 1995;  
"New Copyright Act," *International News*, p. 10, February 1995;  
"Once a Copy Always a Copy," *Copyright World*, Issue 43, p. 28, September 1994;  
"The Primetime Case in New Zealand--TV3 Network Services Limited v. Television New Zealand Ltd Fisher J, HC-Auckland CP50/93; 8th February 1993. Application for Interim Injunction Regarding Television Programme Name," *Copyright World*, Issue 32, p. 44, August 1993;  
"The Common Law: Unfair Competition and *sui generis* Legislation--A Time for Reappraisal," *Copyright World*, Issue 20, p. 25, January/February 1992;  
"Crucial Issues in IP Commercialisation," *Managing Intellectual Property*, p. 13, November 1992;  
"Copyright Law--The ABC's," *Design Z*, December 1988;  
"Call for New Copyright Laws to Cover Computer Field," *Mercantile Gazette International*, August 22, 1988;

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“Service Mark Registration Arrives,” *NZ Business*, p. 6, March 1988;  
 “New Zealand--Imprudent Use of ‘Prudential’ Trademark,” *IP Asia*, p. 28, November 25, 1988;  
*Marketing Magazine*, contributing columnist on intellectual property topics (1985-1989).  
 “Domain Name Disputes in a Cross-border Contract” *EIPR* vol 21 issue 8 August 1999;  
*Infoline Names & Telephone Numbers. A New Form of Intellectual Property*, Trademark World, October 1996;  
 The Internet – A New World without Frontiers – *New Zealand Law Journal* November 1998;  
 The Oggi Case – *New Zealand Domain Grabber Dealt To* – Trademark World, August 1998.

#### **Papers/Public Speaking Engagements:**

“Making the Rules Up As You Go!”, Multimedia Agreements, Australia and New Zealand LES Conference, Rotorua, April 1996;  
 “Legal Issues for Intellectual Property and Packaging,” Intellectual Property--A Seminar sponsored by the International Trademark Association and the Packaging Industry Advisory Council;  
 “Outline of the Major Provisions of the Copyright Act 1994 as They Relate to the Computer/Communications Industry,” The New Copyright Act, New Zealand Society for Computers and the Law Inc., Wellington, March 1995;  
 “Intellectual Property Law--Understanding the Interface Between Australia and New Zealand,” Maximising Profit through Internationalising and Commercialising Intellectual Property, Sydney, November 1994;  
 “Patents Update,” Intellectual Property, University of Auckland, July 1994;  
 “Government Reform of Industrial Design and Copyright Law,” Auckland Manufacturers’ Association Inc., October 1992;  
 “Workshop II--Commercialising Research from Universities and Crown Research Institutes,” The Commercial Benefits and Realities of Intellectual Property--Protect your Assets and Profits, Auckland, June 1992;  
 “Maximising your Legal Protection, Part A: The Basic Issues, Part B: Advanced Issues in Software Copyright,” Computer and Database Law, Wellington, September 1992;  
 “The Legalities of Computer Fraud,” Combating Fraud and Improving Security, Auckland, May 1991;  
 “Market Entry Strategies,” Agents, Distributors and Licensees Seminar, Auckland Regional Chamber of Commerce, August 1991;  
 “A Licensing Success Story and a Disaster: What went Right and Wrong?”, member of the panel of commentators, Licensing and your Export Business, Licensing Executives Society Australia and New Zealand, Auckland, November 1990;  
 “Unfair Competition and *sui generis* Legislation--Necessary Evils?”, Institute of Patent Attorneys, September 1990;  
 “Aspects of Copyright and Intellectual Property in GIS,” Getting it all Together with GIS, The First National GIS Conference, Wellington, June 1989;  
 Presentation at Patents and Trademarks Seminar, Chamber of Commerce, Auckland, May 1990;  
 “Legal Protection and the New Technologies--The Need for Reform,” thesis for LL.M. degree, Victoria University.

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

Acted as solicitor or counsel in approximately 100 High Court cases in the intellectual property field. Appeared as lead counsel in approximately 50 cases. In 10 of these cases senior counsel (usually a Q.C.) has been briefed. At least eight cases have been appealed to the Court of Appeal and one to the Privy Council in London (one of only five Commonwealth intellectual property cases to reach the Privy Council). The disputes concerned trademarks and passing off (40), copyright (30), patents (20) and contracts (10);  
 Acted as a consultant or independent witness in approximately five cases;  
 Lead counsel in three domain name disputes before the New Zealand High Court (as at November 1999): *Cadbury Confectionery & Ors v. The Domain Name Company Ltd*, *Oggi Advertising v. McKenzie* and *NZ Post v. Leng*.

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**PROFESSIONAL TRAINING IN MEDIATION**

Auckland Mediation Workshop and Accreditation, Lawyers Engaged in Alternative Dispute Resolution (LEADR), July 1996.

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**EXPERIENCE IN MEDIATION**

Involved in at least 30 structured dispute settlement procedures in New Zealand. Acted as counsel in formal mediation in two cases and as mediator in the other cases. The disputes concerned trademarks (20), copyright (7) and information technology and other contracts (3).

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**EXPERIENCE IN ARBITRATION**

Appeared as counsel in an arbitration involving a copyright dispute.

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