

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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Date of Birth: July 17, 1968

Nationality: Irish

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Diploma in International Arbitration, National University of Ireland, Dublin. January – June 2002;  
Master of Laws (LL.M.) *with distinction*: EU & International Trade Law, University of Amsterdam, The Netherlands. August 1997 – May 1998;

Diploma, Dublin Institute on International & Comparative Law, University of San Diego at Trinity College, Dublin, Ireland. July - August, 1990;

Bachelor of Civil Law (BCL), and Bachelor of Laws (LL.B.), National University of Ireland, Cork (including research for LL.B. dissertation at the University of Modena, Italy). October 1987 – May 1991.

#### **Bar Admissions:**

Solicitor, Republic of Ireland – 1994;

Solicitor, England & Wales – 2007.

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June 28, 2011

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## LANGUAGES

English (mother tongue), French (intermediate proficiency), Italian (basic proficiency).

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## PRESENT POSITION

Partner, *Donegans Solicitors*, Cork, Ireland, 2010.

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## PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Senior Associate, *Freshfields Bruckhaus Deringer LLP*, Paris, France, Specializing in International Arbitration, 2009-2010;

Partner, *O'Flynn Exhams*, Ireland: Specializing in arbitration, and advisory work, April 2008-September 2009;

Associate, *Skadden, Arps Slate, Meagher & Flom (UK) LLP*, London, England: Specializing in International Arbitration and Litigation, July 2007 – March 2008;

Partner, *O'Flynn Exhams*, Ireland: Specializing in Litigation and Arbitration, General Corporate/Commercial, Competition, Energy & Natural Resources, and IT/IP, August 2003 – June 2007;

Associate, and later, Partner, *William Fry Solicitors*, Dublin, Ireland: Specializing in EU Law, Competition, Regulation, Energy, Public Procurement, in respect of both contentious and non-contentious matters. December 1999 – July 2003;

Associate Legal Officer with the Corporate Claims Section, Construction and Engineering Claims, *United Nations Compensation Commission*, Geneva, Switzerland. June 1998 – November 1999;

Part-time Lecturer, *National University of Ireland*, Cork, Ireland (lecturing on Construction and Engineering Law), October 1995 – June 1997;

Apprentice Solicitor and Assistant Solicitor, *O'Flynn Exhams & Partners*, Solicitors, Cork. April 1991 – August 1997.

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## AREAS OF SPECIALIZATION

International & Domestic Arbitration; IP/IT; EU & Competition and Regulation; Commercial Energy & Natural Resources.

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## MEMBERSHIP IN PROFESSIONAL BODIES

Associate Faculty at Law School, Law Society of Ireland;  
Associate Editor, *Transnational Dispute Management*;  
Associate Editor and Contributor, *Investment Claims*;  
Contributor (for YIAG), *Kluwer Arbitration Blog*;  
Young Practitioner, International Arbitration Institute, Paris;  
Member, International Law Association; and  
Member, Law Society of Ireland.

### Membership Of Arbitration Panels:

China International Economic and Trade Arbitration Commission (CIETAC) Panel of Arbitrators for International Cases;

WIPO Domain Name Panelists for the “.ie” domain;

WIPO AGICOA Panel of Neutrals;

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WIPO Film/Media Panel of Neutrals;  
Law Society of Ireland Panel of Arbitrators.

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### EXPERIENCE IN INTELLECTUAL PROPERTY

Advised leading Irish third level education provider on:

- breach of copyright issue involving alleged web-piracy issue;
- software assignment/licencing to third party developer;
- roll out of internet-based student email system;
- protocol for dealing with suspected breaches of a Computer Systems Acceptable Usage Policy;
- various sponsored research agreements with third parties;
- development of sponsored research and confidentiality agreements;
- artworks exhibition agreement;
- IT security policy;
- IPR agreements.

Advised Irish vocational educational body on alleged breach of copyright claim by software developer;

Advised UK leisure group on Irish trade mark application;

Advised international developer on development of website terms and conditions and privacy policy;

Advised Irish state natural gas undertaking on:

- Systems Access Agreement;
- Electronic Contracting.

Advised leading Irish brewer on a significant trademark issue;

Led Firm's website development;

Advised a number of companies on EU and Irish e-commerce law and regulations;

Drafted e-commerce terms of use, privacy policy and conditions of sale for leading Irish and international companies' websites;

Advised leading Irish ISP on legal and regulatory aspects of establishing an e-commerce B2B portal and drafted and negotiated contractual documentation with software partner;

Member of legal team advising industry consortium on the competition aspects of establishing a B2B portal;

Advised international PC manufacturer on Irish digital signature laws;

Advised biometrics company on aspects Irish, European and US law relevant to its activities, including data protection law and met with Irish Data Protection Commissioner on its behalf;

Advised international law firm on aspects of Irish telecommunications regulation;

Advised international satellite broadcasting company on Irish competition, broadcasting, gambling and data protection law.

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### EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Member of the tribunal in WIPO disputes;

Advised leading Irish investment company on the transfer of domain names in the UK and undertook transactional work to that end;

Advised leading Irish multinational on a dispute concerning a .com domain name with particular reference to WIPO procedures and case law;

General advice to clients on domain name issues.

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### MAJOR PUBLICATIONS

#### Books:

Chapter on 'Ireland' in Transnational Litigation: A Practitioner's Guide, (ed. John Fellas) (co-author with A. Collins and P.A. McDermott) (2006).

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Chapter on 'Enforcement' in *Practical Aspects Of Arbitrating EC Competition Law* (Schulthess, Zurich) (co-author with S. Wade) (2007).

Chapter entitled 'Going to Pieces without Falling Apart: Wälde's Defence of 'Specialisation' in the Interpretation of Investment Treaties' to *Liber Amicorum: Thomas Walde, Law Beyond Conventional Thought*, edited by Thomas Wälde, Jacque Werners and Arif Hyder Ali (2009)

**Recent Articles:**

"West Tankers: Fuelling the Debate on the Position of Arbitration (co-author with Colm P. McInerney), *The International Litigation Quarterly*, Vol. 25, Issue 3 (Summer 2009).

"ECJ in *West Tanker* shocker: London anti-suit injunctions fall foul of EC law", *Kluwer Arbitration Blog*, February 2009;

"The New York Convention: A Basis For The Enforcement By National Courts Of A Justiciable Liberty Of Decision Of The Arbitral Tribunal," in *The New York Convention: 50 Years Of Experience*, Mealey's Executive Summary (Oct. 2008);

"Precedent in the United Nations Compensation Commission," 5(3) *TDM* (May 2008);

"The 'Effective Ordinary Meaning' of BITs and the Jurisdiction of Treaty-Based Tribunals to Hear Contract Claims," 8(1) *J. World Inv.* 5 (Mar. 2007)(with J. L. Loftis);

"Jurisdiction *ratione temporis* of ICSID Tribunals: Lucchetti and Jan De Nul considered," 3(5) *Transnational Dispute Management* (2006);

"Immunity of arbitrators from suit," *IBA Committee D Newsletter*, Vol. XI, No. 1, at 26 (Feb. 2006)(with P. Griffin);

"European Community Law and International Arbitration: A recent OGEMID discussion," *Transnational Dispute Management*, Vol. 2, No. 5 (Nov. 2005);

"*Salini v. Jordan* - An Important Contribution To ICSID Jurisprudence on Jurisdictional Issues," 20(4) *Int'l Arb. Rep.* 35 (2005);

"Ireland- Scope of arbitration clause," 9(2) *Arb. & ADR* 62 (2004);

"The Group of Companies Doctrine and the Law Applicable to the Arbitration Agreement," 19(6) *Int'l Arb. Rep.* 47 (2004);

"Confidentiality in International Arbitration: A Recent English Decision," 18(5) *Int'l Arb. Rep.* 18 (2003);

"Ex Parte Measures in International Arbitration," 17(11) *Int'l Arb. Rep.* 39 (2002);

"Evidentiary privileges in international arbitration – Ireland," 7(2) *Arb. & ADR* 36 (2002);

"The Bay Hotel Case: Accommodating the Parties' Wishes," 17(1) *Int'l Arb. Rep.* 31 (2002)(with D. Rosenblum);

"International, Foreign and Domestic Arbitrations and the Granting of Interim Relief in Ireland", 16(9) *Int'l Arb. Rep.* 37 (2001)(with O. O'Sullivan).

**Recent Conferences, Lectures, and Seminars:**

Speaker, UCC Annual Law Conference, Cork, Ireland, on "The Impact of European Community Law in Irish Litigation", November 2008;

Panelist, Arbitration and ADR Section, International Bar Association Annual Meeting, Singapore, October 2007;

Panelist, International Arbitration Seminar, Association International de Jeunes Avocats (AIJA) Congress, Geneva, 23 August 2006;

Lecture on EC and Arbitration Law, Law Society of Ireland, 2005, 2006, 2008, and 2009;

Guest Speaker at Annual Conference organized by University College Cork Law Society on "The Role of Community Law in the Irish Legal System", 2005 and 2008;

Guest Speaker at Annual CPD Conference organized by University College Cork on "Pleading EC Law in Irish Litigation", November 2005;

Guest Speaker at presentation organized by University College, Cork for students of the Franklin Pierce Law Center on "The role of Community Law in the Irish Legal System", July 2005.

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### EXPERIENCE IN COURT LITIGATION

Civil and Criminal Litigation in District Court, Civil Litigation in Circuit and High Court, including representation of: two partners in High Court proceedings against another partner concerning a construction project;

International developer in defending a High Court challenge to planned five star hotel development (resulting in a withdrawal of the challenge), and subsequently advising on regulatory issues associated with the project;

Irish chemicals company in relation to breach of contract/negligence proceedings brought against it in New York State;

International ground-handling company in its successful appeal to the national regulator against the former national airport managing body;

An electricity supply company in the first ever judicial review of the national energy regulator.

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### PROFESSIONAL TRAINING IN ARBITRATION

Diploma, International Arbitration, National University of Ireland, 2002;

Chartered Institute of Arbitrators International Arbitration Course, Paris, 1999.

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### EXPERIENCE IN ARBITRATION

*As Arbitrator:* Member of the tribunal in WIPO disputes; Administrative secretary in proceedings before the United Nations Compensation Commission (UNCC);

*As Counsel:* Acting solely or as a member of legal team representing and/or advising:

- A French multinational in a multi-billion ICC construction arbitration seated in Stockholm;
- A Russian investment bank in a set of four concurrent LCIA proceedings related to an investment in Ukraine;
- A US multinational in a multi-million ad hoc construction arbitration seated in London;
- US insurer in an ad hoc arbitration seated in London with an Asian state entity;
- A leading Irish civil engineering/construction firm in disputes with Irish state entities;
- A leading Irish construction firm in a construction dispute with employer;
- A consulting engineering firm in the initial stages of an arbitral dispute with an Irish state body;
- A Dutch company in connection with potential construction claim against a leading Irish contractor;
- An Irish luxury goods manufacturer in an international arbitration concerning a commercial agency agreement;
- On the drafting of arbitration clauses in various commercial contracts.

*Recent Honors:* Included in the International Who's Who of Arbitration 2010 for Ireland.

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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					
	ICC	1				X
	LCIA	4				X
	Ad Hoc	2				X
Number of cases: sub-total		7				
Domestic Arbitrations	AAA					
	Ad Hoc	6		1		X
Number of cases: sub-total		6				
<b>TOTAL</b>		<b>13</b>		<b>1</b>		

**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
	Ad hoc			
Number of cases: sub-total				
Domestic Mediations (Estimates)	AAA			
	IEI	1		X
	RIAI	2		X
	Court-annexed			
	Ad Hoc			
Number of cases: sub-total		3		
<b>TOTAL</b>		<b>3</b>		