

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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United Kingdom



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Email: fleur.hinton@yahoo.co.uk

Date of Birth: December 1, 1956

Nationality: Australian

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Master of Laws, University of Sydney, 1987;  
Bachelor of Laws, University of New South Wales, 1980;  
Bachelor of Arts, University of New South Wales, 1980.

Trade Marks Attorney, 2000;

Solicitor, 1981;

Admitted to the Supreme Court of New South Wales and the High Court of Australia;

Admitted to the Supreme Court of England and Wales.

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### LANGUAGES

English, French, German.

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July 13, 2010

34, chemin des Colombettes, 1211 Geneva 20, Switzerland  
T +41 22 338 82 47 F +41 22 740 37 00 E [arbitrator.neutrals@wipo.int](mailto:arbitrator.neutrals@wipo.int) W [www.wipo.int/amc](http://www.wipo.int/amc)

### **PRESENT POSITION**

Private Practice, United Kingdom.

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### **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Denton Wilde Sapte, January 2009-January 2010;

Principal, Guy & Hinton, Sydney, 2003-2008;

Speciality is intellectual property, particularly with respect to trade marks, copyright and licensing of intellectual property. Advises clients on strategic issues relating to all intellectual property including domain names, integrating intellectual property into business, negotiating agreements and settlements in litigious matters as well as preparing them for court where settlement proves impossible, presenting argument before the Registrar of Trade Marks in issues involving trade mark disputes;

Spruson & Ferguson Sydney 1986-1996, Sydney, solicitor specialising in trade marks and trade mark licensing issues, running litigious matters before the Registrar of Trade Marks in relation to trade marks;

Freehills Sydney office 1996-1999, Senior Solicitor in intellectual property department in trade marks and related areas including advising on corporate mergers and acquisitions in relation to intellectual property issues including licensing and domain name issues as domain name registration became more prevalent, representing clients before the Registrar of Trade Marks, preparing disputes in intellectual property for hearing in the Federal Court and Supreme Court as necessary;

PricewaterhouseCoopers Legal 2000-2003, Head of intellectual property department – supervising all areas of intellectual property and developing the domain names dispute practice, corresponding with AuDA in the early days in relation to policy making, advising on the overlap between trade mark/passing off law and domain name principles as well as the tensions between the two; working with clients to solve these problems and taking them through the Australian Domain Name (“AuDA”) dispute resolution process when not, advising on licensing and franchising issues for patents, trade marks, copyright (including software), passing off and Trade Practices issues (both fair trading and competition).

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### **AREAS OF SPECIALIZATION**

Intellectual property: trade marks, domain names, copyright, passing off, licensing of intellectual property generally; parallel importing and piracy as well as competition issues.

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### **MEMBERSHIP IN PROFESSIONAL BODIES**

Intellectual Property Association of Australian and NZ/member of the NSW Committee;

Licensing Executives Society of Australia and New Zealand;

International Trade Mark Association;

Copyright Council of Australia;

The Law Society.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Has 20 years of practice in the field of intellectual property and has worked at several of the largest firms in Australia advising clients in relation to all aspects of intellectual property. From the planning involved in starting up with intellectual property, licensing as a means of exploiting intellectual property, protecting intellectual property and enforcing intellectual property rights.

In recent years has assisted in various disputes both for domain names and trade marks in Australia and in negotiations for international settlements.

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### **EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Experience dealing with issues involving domain names and negotiating settlements in disputes for organisations during the early days of domain name registration; provision of advice on the overlap between trade mark and domain name rights and the negotiation of settlements where both parties believe they have a right to the name; three of these were in relation to top level domain names;  
Advising clients on protection issues and the fundamental differences between trade marks (and related types of protection) on the one hand and domain names on the other, and the inherent difficulties in reconciling the two in certain circumstances;  
Managed several domain name disputes through e-Resolution and AuDA. Has advised clients on the differences between the various top level domains and their requirements for registration.

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### **MAJOR PUBLICATIONS**

Author, CCH Loose Leaf commentary on trade marks.

A regular contributor of articles on Intellectual Property to publications, "Trade Mark World" and "IP Asia". Has written also articles on various IP issues for the International Centre for Legal Studies in Salzburg.

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### **EXPERIENCE IN COURT LITIGATION**

Acted for clients in disputes over trade mark rights in hearings before the Australian Registrar of Trade Marks for 18 years as well as acting in and instructing counsel in disputes involving both registered and unregistered trade marks, passing off and copyright in the Federal and Supreme Courts in New South Wales and Victoria; acted in a High Court of England matter in 1985 involving a claim for proprietorship of the colours of cigarette papers.

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### **PROFESSIONAL TRAINING IN MEDIATION**

Courses offered in-house by Freehills as well as two courses offered by LEADR.

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### **EXPERIENCE IN MEDIATION**

Has acted in Alternative Dispute Resolutions in approximately 10 matters by agreement with the parties to contracts.

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### **PROFESSIONAL TRAINING IN ARBITRATION**

Extensive negotiations in relation to passing off/trade mark/trade practices issues; both with and without domain name issues; negotiations in corporate matters generally.

Has experience in filing complaints in relation to domain name disputes in this relatively new field which raises interesting issues in relation to trade marks, domain names, reputation generally and misrepresentation.

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