

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

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Date of Birth: February 14, 1949

Nationality: United Kingdom

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

M.A., University of California, Los Angeles, 1973;

M.A., University of St Andrews, 1972.

Bar Admissions:

Bar of England and Wales by Lincoln's Inn, July 1977.

Fellow of the Chartered Institute of Arbitrators 1992;

Accredited mediator of the Chartered Institute of Arbitrators 2002.

LANGUAGES

English, French (draft communications and understand conversation and oral testimony), German (draft communications and read).

PRESENT POSITION

Barrister (England and Wales), mediator and arbitrator

February 15, 2012

Practised as a barrister continuously since 1977 except for one year as the first in-house legal advisor to VISA International Service Association for Europe, the Middle East and Africa between August 1983 and September 1984.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Research consultant and specialist editor, Economist Intelligence Unit Ltd., London, specializing in the automotive, tyre and engineering industries, 1973 -74;
City Divisional Office, Williams & Glyn's Bank Ltd (now part of the Royal Bank of Scotland plc), London, 1974-75;
Investment analyst, stockbrokers, Vivian, Gray & Co., London, for the automotive, tyre and engineering industries, 1975-76.

AREAS OF SPECIALIZATION

Intellectual property: Patents (mainly mechanical), Community and national registered and unregistered designs, Community and national trade marks, passing off, copyrights (particularly software and database rights), related rights, confidential information;
Information Technology: Computer supply contracts, escrow instruments, (*particular knowledge of escrow or source code deposit instruments*) electronic commerce, data protection and privacy;
Entertainment and Media;
EC and national competition law (in so far as it impacts on intellectual property).

MEMBERSHIP IN PROFESSIONAL BODIES

Intellectual Property Bar Association;
Chancery Bar Association;
Licensing Executives Society;
Chartered Institute of Arbitrators;
Association of Northern Mediators;
British Computer Society.

EXPERIENCE IN INTELLECTUAL PROPERTY

Acted and advised almost continuously since 1978 in appellate, trial and interlocutory proceedings before the Supreme Court (Court of Appeal and High Court), Patents County Court, Technology and Construction Court, Patent Office and other courts and tribunals as well as in arbitrations, mediations and other dispute resolution procedures all of which related to all the above areas of specialization (including domain name disputes under the UDRP and Nominet procedures).

Advised and drafted contracts and other instruments relating to assignment and licensing of all kinds intellectual property rights, computer supply contracts, data protection, internet access and privacy codes, terms and conditions of business, source code and other escrow.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Acted as counsel and advised in several passing off and trade mark infringement proceedings relating to domain names since 1996 including some under the UDRP and Nominet procedures.

Very familiar with gTLD and the UDRP (having published one of the first articles of the subject in 1997) and also the Nominet ccTLD and DRS. Good knowledge of US and French general law relating to domain names.

Has followed and written submissions on behalf of CIArb on extending success of UDRP and DRS to other e-commerce disputes.

Member of the WIPO domain name dispute resolution panel since 2003 and resolved several references including one as a joint panelist.

MAJOR PUBLICATIONS

Most recent publications include

"Merck & Co v Generics (UK) Ltd. published by Sweet & Maxwell in the EIPR in August 2004;

"The Proposed Patents Act 1977 (Amendment) Bill" published by Sweet & Maxwell in the EIPR in December 2003 and *"Intellectual Property Litigation after Woolf"* in the EIPR September 2003;

Contributed to many other law journals, collected works and other publications since 1984 in print and other media (including the EIPR, ELR, Computer Law and Practice, Computer Law Association Bulletin, the Encyclopedia of Forms and Precedents and Atkin's Court Forms);

Gower Publishing Ltd. Enforcing Intellectual Property Rights: A Guide for Businesses and Creative Individuals. To be published January 2009.

EXPERIENCE IN COURT LITIGATION

Advised and acted as counsel in England and Wales almost continuously since 1978 in appellate, trial and interlocutory proceedings before the Senior Courts (Court of Appeal and High Court), Patents County Court, Technology and Construction Court, UK Intellectual Property Office and other courts and tribunals.

Also, mini-pupillage in Scotland under Richard Aird, advocate in 1997 and directed outside legal advisors or otherwise assisted in litigation in Portugal, Belgium, Kenya, USA and several other countries when legal advisor to VISA International.

PROFESSIONAL TRAINING IN MEDIATION

Trained by Colin Wall and Robyn Hooworth of Global Mediation Services Ltd of Hong Kong SAR (China) in December 2000 and accredited by Chartered Institute of Arbitrators in March 2002.

EXPERIENCE IN MEDIATION

Nominated for 3 mediations (giving directions in each) 2 of which settled).

Mediated successfully and in record time complex computer supply dispute between large regional firm of solicitors and suppliers of practice management software in Manchester, England in August 2003.

Mediated franchise and distribution dispute in Manchester in December 2003.

Mediated an artistic copyright dispute over title, licensing and payments for use of a large portfolio of photographs between a national sporting federation and a sports photographer supported and funded by his trade union in Leeds in February 2005.

Mediated successfully and in one day trade mark dispute between a manufacturer and distributor (both of whom had purchased their businesses from the same vendor) proceeding in the Trade Marks Registry of UK Patent Office in Leeds in August 2005.

Acted as counsel in several mediations since 2001 in IP, technology and other commercial disputes involving copyright, database rights, breach of confidence and other matters.

PROFESSIONAL TRAINING IN ARBITRATION

Chartered Institute of Arbitrators special fellowship course in December 1992 with subsequent pupilages in construction, consumer and commodities trading disputes (one at appellate level) as well as documents only arbitrations.

Member of the Patents County Court ADR and Mediation Panel in 1996
NCC's Panel of Neutrals (of which there are only two members).

EXPERIENCE IN ARBITRATION

Appeared as counsel in several arbitrations as listed below.

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			
	CEDR	1		January 2001 (mediation on my application in an action for infringement of database rights, breach of covenant, breach of confidence and passing off)
	Consensus Mediation		August 2003: Mediated successfully and in record time complex computer supply dispute between large regional firm of solicitors and suppliers of practice management software	
	Court-annexed	4	July 2001: Appointed and gave directions in mediation from Manchester County Court which subsequently settled	January 2001 (see above) March 2002 (mediation by agreement in sensitive unregistered design right infringement dispute in Liverpool)
	Ad hoc	3	December 2003: Nominated and mediated commercial agency dispute which appears to have settled	
Number of cases: sub-total		8		