

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

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Date of Birth: July 26, 1960

Nationality: British

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

City of London Polytechnic, Law Society Finals, London, U.K., 1983;
City of London Polytechnic, (Common Professional Examination), London, U.K., 1982;
BSc, University of Liverpool, (Geology and Industrial Studies), Class 2:1, Liverpool, U.K., 1981.

Admitted as a solicitor, April 1986.

LANGUAGES

English

PRESENT POSITION

Independent Commercial Mediator, since May 2005.

August 3, 2010

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, White & Case, London, 1999-April 2005;
 Partner, Llewelyn Zeitman, London, 1996-99;
 Solicitor, McKenna & Co, London, 1988-96;
 In-house counsel, London International Financial Futures & Options Exchange, LIFFE, 1987-88;
 Solicitor, Elborne Mitchell, London, 1986-87.

AREAS OF SPECIALIZATION (WHILST IN PRIVATE PRACTICE)

Contentious technology/IT: telecommunications/satellite; defence & aerospace/government contracting; information technology; data protection/privacy; outsourcing; automotive e.g. acting for the claimant in *LuK Leamington Ltd v Whitnash, Commercial Court 2002 1 Lloyd's Rep.6* (a case about the ownership and exploitation of motor transmission technology).

Contentious intellectual property: acting in confidential information/trade secrets, copyright, database right, design right, passing-off and trade mark disputes in a variety of areas e.g. acting for *DaimlerChrysler in DaimlerChrysler AG v Alavi 2001 R.P.C. 42*.

Defamation: acting in a number of corporate and individual defamation actions.

Data protection/technology/e-commerce related advisory work: general advice on transborder data flows; product development e.g. reverse engineering/decompilation/circumvention of technological protection measures; jurisdictional issues arising on the internet.

Litigation, international arbitration and mediation in a variety of other fields, for instance, general contractual, banking (e.g. constructive trust, guarantee/indemnity claims); M&A (e.g. misrepresentation claims, minority shareholder actions, underwriting agreements); financial services (e.g. disputes between authorised persons and their regulator); commodities, FX and share trading disputes, some involving fraud; international trade (e.g. letters of credit, sale of goods); supply, agency and distribution agreements; publishing; professional negligence; judicial review (e.g. *British Security Industry Association v West Midlands Police Authority, 20 June 2002*); oil & gas (e.g. refining, area of mutual interest 'AMI' agreements); insurance and reinsurance; pensions.

Financial services: advised on regulator and exchange investigations and whilst in-house counsel at LIFFE, had responsibility for disciplinary matters and arbitrations, and advised generally on the regulatory regime set up under the Financial Services Act 1986.

MEMBERSHIP IN PROFESSIONAL BODIES

Chair, Mediation Committee of the IBA;
 Member, WIPO's Panel of Neutrals;
 Member, CPR's Panel of Distinguished Neutrals;
 Vice Chair, Mediation Committee of the International Bar Association (and former editor of the IBA Mediation Newsletter);
 Member, Court of Appeal Mediation Scheme (CAMS) panel of mediators;
 Law Society (and Law Society accredited civil and commercial mediator);
 Member, Chartered Institute of Arbitrators (CI Arb) and its Panel of Mediators;
 Member, London Court of International Arbitration (LCIA);
 Member, Society for Computers and Law;
 Member, Intellectual Property Lawyers' Organisation (TIPL O);
 Member, INTA's Panel of Neutrals.

EXPERIENCE IN INTELLECTUAL PROPERTY

Several copyright, trade mark, passing off, design right, database right and trade secrets disputes. Licensing and outsourcing disputes. Technology related disputes arising out of engineering and IT projects.

MAJOR PUBLICATIONS

Author of the book, 'A Practical Guide to Mediation in Intellectual Property, Technology and Related Disputes', published by Sweet & Maxwell in October 2006;

"The Resolution of IPR disputes in Asia: Litigation, Arbitration or Mediation?", paper given at Fordham University's Annual Conference on Intellectual Property Law and Policy, April 2006;

"Mediation – the framework in England and Wales", paper given at the IBA's conference in Prague, 25 to 30 September 2005;

"Breaks, Delays, Terminations, LD's and Force Majeure in MoD Contracts", seminar for The Defence Manufacturers Association, (half-day seminar), London 2005;

"European Regulatory Review", BNA's Privacy & Security Law Report, July 2004;

"Sweet talk – Should warring parties be forced to mediate (PDF)", The Lawyer 23 February 2004;

"The Legal and Contractual Protection of Know-How", paper given to Computer Law Association Conference, Munich 2003;

"IP Rights as a Business and Legal Tool", paper given to the European Company Lawyers Association (ECLA) Conference, September 2003;

"Intra-Group Transfers", transcript of talk published in BNA Privacy & Security Law Report - July 2003;

"The Protection of Commercial Trade Secrets", European Intellectual Property Review (2003) E.I.P.R. Issue 10;

"Commercial Trade Secrets", The European Intellectual Property Review Conference, London 2002;

"Delay and Termination of Ministry of Defence Contracts", seminar for The Defence Manufacturers Association, (half-day seminar), London 2002;

"The Protection of Know-how", paper given to the Computer Law Association Conference, Paris 2002;

"Secrets, Strategies and Proposals for Reform in the UK", Computer and Telecommunications Law Review, Vol. 8, Issue 8, (2002), CTRLR;

"Internet Relation Litigation in the EU", paper given to the Computer Law Association, Conference Lisbon 2001;

"Consumer Protection in E-commerce-An EU Perspective", paper given to the Computer Law Conference Association – Milan 2000;

"Arbitration Agreements – Avoid the pitfalls", Trading Law and Trading Law Reports, Nov/Dec 1997, Vol. 16, No. 6.

EXPERIENCE IN IP/IT COURT LITIGATION

Has acted on behalf of manufacturers/IT services companies in a variety of sectors but particularly the defence & aerospace, automotive, healthcare and telecommunications/satellite sectors. Has acted for clients in a number of High Court actions many of which have been reported, e.g. *Daimler Chrysler Ag v. Alavi. 2001, R.P.C. 42.* (a trade mark action) and *LuK Leamington Ltd. v. Whitnash 2002 1 Lloyd's Rep.6* (a dispute concerning the licensing of a large patent portfolio in the field of automated clutch and transmission systems). Has also acted in several commercial matters.

PROFESSIONAL TRAINING IN MEDIATION & ARBITRATION

CEDR Accredited and Registered Mediator; ADR Group Registered Mediator; Advanced Mediator Training Course; Attended Workshop for Arbitrators run by the Arbitration and Mediation Center of WIPO; Member of Chartered Institute of Arbitrators.

EXPERIENCE IN MEDIATION

More than 100 mediations (*added JS 03/03/09, information provided by Jon Lang to IDC*)

CEDR accredited independent commercial mediator. In May 2005, after almost twenty years as a solicitor in private practice, the last six as a partner in the disputes group of White & Case in London, set up own mediation practice.

Has acted regularly as a mediator for a number of years and is recommended by both the Chambers and Partners and Legal 500 guides to the legal profession. Has acted as an expert in mediation and regularly teaches on mediation training programmes. A panel member of the Court of Appeal mediation scheme, Vice Chair of the Mediation Committee of the International Bar Association and a member of CPR's Panel of Distinguished Neutrals. Also the author of the book, 'A Practical Guide to Mediation in Intellectual Property, Technology & Related Disputes' published by Sweet & Maxwell in 2006.

Has mediated many disputes, both in the U.K. and overseas, in a wide variety of fields including IP, IT, telecoms, defamation and media. Examples include:

IP (including competition) disputes:

Dispute between owners of a 'split' trade mark arising out of a co-existence agreement, with infringement proceedings, and revocation and opposition registry proceedings taking place in several jurisdictions;

Trade mark and passing-off dispute arising out of alleged 'switch selling' in the 'on-sale' drinks sector;

Parallel imports/exhaustion of rights case raising a variety of competition issues;

Dispute concerning the proper method of calculating an account of profits on a trade mark infringement case;

Groundless threats actions – patents, design right, trade marks;

Passing-off dispute in the electronic games sector involving both High Court and Nominet appeal proceedings;

Disputes in the electronic games sector giving rise to a variety of IP issues;

Dispute between a software house and a distributor concerning allegations of trade mark infringement and counterfeiting of discs, manuals and certificates of authenticity;

Dispute arising in the FMCG sector raising issues of patent infringement, design right infringement and trade mark infringement;

Dispute concerning the development of an electronics product raising issues of patent infringement and breach of confidence;

Dispute concerning the ownership and commercial exploitation of medical diagnosis software;

Dispute between a software house and a client concerning the ownership in code and artwork for an internet portal;

Dispute concerning the works of a major rock star involving alleged infringement of sound recording copyright, music/literary copyright and performers' rights;

Dispute in the consumer products field concerning the licensing of manufacturing rights and the assignment/licensing of unregistered and registered design right;

Several disputes concerning registered and unregistered U.K. and Community design right in a wide

variety of sectors raising issues of ownership, validity, infringement, substantial similarity, commonplace designs, methods or principles of construction, technical function and licences of right;

Breach of confidence dispute in which an exercise verifying deletion of allegedly infringing material from a large database was undertaken, alongside the mediation;

Several other disputes in which allegations of breach of confidentiality obligations have been raised, particularly in the IT, and creative media and design sectors;

Various disputes concerning the development of printed circuit boards;

Various disputes concerning database rights;

Several other trade mark, passing-off, copyright and design right disputes in a variety of sectors.

IT & telecoms disputes:

Dispute arising out of a master licence agreement and its scope following a merger, involving issues of interpretation of numerous terms such as 'licensed users', 'site licences' and 'named user licences';

Number of disputes in the telecoms sector involving network providers and service providers and concerning such issues as 'churn' rates, allegations of 'spinning', the operation of account management software, software development and new product development;

Dispute arising out of a development project for a new telecommunications service;

Dispute concerning satellite broadcasting rights to major sporting events;

Dispute between an IT consultancy and an insurance company arising out of the design and build of a replacement core computer system, with argument focusing on the scoping proposal, requirements specification, user acceptance procedures as well as functionality, data migration and issues of recoverable loss and damage;

IT outsourcing disputes;

Dispute concerning a software licence and a master software, services and training agreement arising out of a takeover in the financial services sector;

Dispute concerning the design, supply and authorisation of computer games for use on various consoles;

Dispute between technology companies over compliance with express/implied specification requirements of several hundred items of computing equipment, their compatibility with other components and their 'epidemic' failure in the market place;

Dispute between an IT company and a financial services business concerning the design and build of an internet site for the processing of financial transactions;

Various product development disputes in the electronics and communications sectors;

Dispute concerning an IT component supply and distribution agreement, including the precise scope of a 'life of requirements' provision;

Dispute in relation to the functionality of a computerised filing system;

Dispute concerning a large scale e-commerce database project in the auto sector involving issues of appropriate choice of programming language and compatibility;

Dispute concerning the functionality of certain safety critical components of passenger aircraft;

Dispute concerning the amalgamation of databases and the rights that exist in the combined database;

Dispute arising out of the design, installation and operation of a vehicle telematics system;

Dispute concerning the development and implementation of smart card technology;

Dispute arising out of the design, installation and operation of a ticketing/CRM system for a major public venue;

Various IT systems development and/or integration disputes in the banking, life & pensions, insurance & reinsurance and healthcare sectors;

Variety of disputes between IT suppliers and public authorities;

Several software related disputes.

Defamation (and malicious falsehood):

Dispute arising out of allegations posted on a number of websites;

Dispute arising out of allegations of professional misconduct;

Dispute arising out of a radio broadcast;

Dispute arising out of publication in a newspaper.

Media:

Dispute between a bank and a media agency concerning a long term planning and media buying

contract;
Number of disputes concerning the level of activity and publicity generated pursuant to media campaigns;
Dispute arising out of the termination of an agency agreement in the field of radio advertising;
Dispute arising out of a joint venture concerning a TV 'shopping' programme;
Number of disputes arising out of the making of films.

Also regularly acts as a mediator in general commercial disputes and in those arising in various other sectors, for instance:

Engineering/construction, (for example, disputes concerning quality of work and delay, and a dispute concerning the management of, and overspend in relation to the design and build of a food processing plant with change control provisions, alleged extra-contractual variations and issues of ostensible authority being at the core of the controversy);

Banking and insolvency (for example, a dispute involving the operation of a large number of sale and leaseback agreements and a dispute between a liquidator and former directors of an insolvent company);

Professional negligence (for example, a dispute concerning the development value of a property, a dispute concerning a number of specialist surveys carried out on a property portfolio and a dispute concerning the flow down of an overage provision in a series of property transactions);

Miscellaneous (for example, a dispute concerning the constitution of a union, a dispute between executive search consultants in relation to client relationships and commissions, a dispute concerning the management of a regulatory body, a dispute arising out of a public procurement project, a number of boardroom disputes, property disputes, agency disputes and personal injury disputes).

EXPERIENCE IN ARBITRATION

Has acted in a number of ICC, LCIA and ad hoc international arbitrations in a variety of fields, including the automotive industry, the oil & gas sector, the banking sector, the defence and aerospace sector and the telecommunications industry. Has also acted in commodity exchange arbitrations (e.g. under the London Metal Exchange "LME" rules); and acted as the "secretariat", running the disciplinary proceedings and arbitration schemes at "LIFFE" (the London International Financial Futures Exchange) arbitrations while in-house counsel.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA (or other institutional bodies)	4				4
	ICC	2				2
	LCIA	2				2
	Ad Hoc	9				9
Number of cases: sub-total		17				17
Domestic Arbitrations	AAA					
	Ad Hoc					
Number of cases: sub-total		17				17

MEDIATION EXPERIENCE**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations (estimates)	WIPO	1	1	
	CEDR	15+	15+	
	ADR Group	10+	9+	1
	Ad hoc	50+	44+	6
Number of cases: sub-total		76+	69+	7
Domestic Mediations (Estimates)	CEDR	20+	20+	
	ADR Group	15+	14+	1
	City Disputes Panel	1	1	
	Court-annexed	3	3	
	Ad Hoc	50	47	3
Number of cases: sub-total		89	85	4
TOTAL		165	154	11