

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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Date of Birth September 25, 1945  
Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., University of Maine School of Law, 1976;  
M.A., Hons. (International Relations/International Economics/European & Russian Studies),  
Johns Hopkins University, Paul Nitze School of Advanced International Studies, Washington, D.C. and  
Bologna, Italy, 1969;  
B.A., (Russian Studies), Yale University, 1967.

August 22, 2011

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**Admitted to Bar:**

Massachusetts and Maine Bars.

"Affiliate member, Florida Bar International Law Section and Co-founder/former Vice-Chair, International Litigation and Arbitration Committee".

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**LANGUAGES**

English, Portuguese, Spanish, Russian and French.

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**PRESENT POSITION**

International Counsel, Commercial Arbitrator and Mediator, since 2001;  
Of Counsel, Veirano Advogados, Rio de Janeiro, São Paulo, Brasília and Porto Alegre.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

International Commercial Lawyer, Arbitrator and Mediator, Diaz Reus (Miami) and Bastos-Tigre Advogados (Brazil), 2004-11;  
International Commercial Lawyer, Arbitrator and Mediator, Miami, Florida, 2001-04;  
Director, Legal & External Affairs, Latin America & Canada, 3COM/Palm Corporation, Santa Clara, California, 1999-01;  
Legal Director-United States, Módulo Consultoria e Informática (leading Brazilian network security software company), Rio de Janeiro, Brazil & San Rafael, California, 1996-99;  
President and member, Board of Directors, Commercial Dispute Resolution Center of the Americas, Miami, Florida, 1996-99;  
Director, External and Legal Affairs, Latin America Division, Oracle Corporation, Redwood Shores, California, 1994-95;  
Director, External and Legal Affairs, Latin America/Caribbean and Senior Attorney/Trade Advisor, Russia Project, Digital Equipment Corporation, Maynard, Massachusetts, 1988-94;  
Attorney-Consultant, International Group, Law Department, Bank of Boston, Boston, Massachusetts, 1986-87;  
International Attorney, International Law Collaborative, Cambridge, Massachusetts, 1985-88;  
Legal Consultant, United Nations/Harvard Law School, Cambridge, Massachusetts, 1977-85;  
*Pro Bono* Attorney, Environmental Protection Division, Massachusetts Department of the Attorney General, Boston, Massachusetts, 1981-82;  
Program Associate, The Asia Society, New York, New York, 1972-73;  
University Teacher, Pontifícia Universidade Católica, Rio de Janeiro, Brazil, 1969-72.

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**MEMBERSHIP IN PROFESSIONAL BODIES**

## Member:

AAA/ICDR Panels of Commercial Arbitrators;  
AAA/ICDR Panel of Mediators;  
ICC Arbitrator and Mediator;  
Brazil Arbitration Committee;  
Commercial Arbitrator, ARBITAC, Curitiba;  
Commercial Arbitrator, CAMARB, Belo Horizonte;

## Former member:

American Electronics Association;  
Computer Law Association International Committee;  
Brazil-U.S. Business Council;  
Brazil & Mexico *Ad Hoc* Groups on Intellectual Property Law;  
Council of the Americas;  
Venezuela-U.S. Business Council;

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The Forum (a U.S.-Russian/NIS professional exchange organization), Chair, Commissions on Technology & Trade for conferences in Moscow/St. Petersburg, Irkutsk, Kiev/Talinn, and New England.

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### **AREAS OF SPECIALIZATION**

Trademarks, commercial law, computer contracts, computer law, computer software, confidentiality, consulting service agreements, contract, distribution, distributorships, domain names, high technology, information technology, international commercial law, international trade, Internet, joint ventures, licensing, market access, manufacturing projects, software, software protection, strategic alliances, technology transfer, transfer of technology, wine and spirits, telecommunications, M. & A, energy, alternative energy and biofuels.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Extensive experience in negotiating and preparing software licensing, confidentiality and technology transfer agreements – U.S. and Latin America;  
Copyright and trademark litigation, dispute settlement negotiations – Argentina, Brazil, Venezuela.

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

Decided over 50 domain name cases for the WIPO Arbitration and Mediation Center since 2001, with parties from Brazil, Canada, Denmark, France, Germany, Malaysia, Russian Federation, Spain, Switzerland, Ukraine, U.K., U.S.A., and other countries;

Presentations on “Crossing Parallel Lines: The U.S. Federal Courts and the UDRP Process for Domain Name Dispute Resolution”, for the IBA Annual Meeting/Cancun/2001; ASIPI (Inter-American Association of Industrial Property) Annual Meeting/Mexico City/2003; and 1st Annual International Arbitration Congress/Rio de Janeiro/2004;

Expert witness for U.S. domain name litigation, 2002;

Investigated domain name issues in Latin America for 3COM, 1999 - 2001.

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### **MAJOR PUBLICATIONS**

“The Arbitrator as Mediator, and Mediator as Arbitrator”, Journal of International Arbitration (The Hague), December 2011 issue (forthcoming).

International Commercial Arbitration Practice in the 21st Century (General Editor with Horacio Grigera-Naón), Lexis-Nexis book published in October 2010 containing over 50 chapters including two chapters written by the WIPO Arbitration and Mediation Center.

“Multidimensional Mediation”, Alternatives to the High Cost of Litigation, CPR/New York, February 2010. A shorter version focusing on International Mediation can be found on the CPR website’s International Practice column (November 24, 2009) at:  
<http://www.cpradr.org/tabid/45/articleType/ArticleView/articleId/547/Default.aspx>

Interviewed for and comments published as part of several articles in “A Closer Look at Arbitration in Brazil”, Special Issue of Global Arbitration Review (London), Vol. 4, Issue 6 (January 2010)

Guest lecturer on “Combining Mediation and Arbitration (Medi – Arb) to Resolve International Commercial Disputes: Western vs. Chinese Perspectives and Experiences”, graduate law course on Latin American Commercial Arbitration, University of Miami Law School, Miami, November 2008.

Moderator for Panel on “Protection of Intellectual Property Assets in Latin America”, JURIS Conference on Legal Aspects of Risk Management in Latin America, Miami, October 2008.

"The New York Convention and the Enforcement of Foreign Arbitral Awards in Brazil", *Mealeys International Arbitration Report – Special Edition Commemorating the 50th Anniversary of the New York Convention*" (co-authored with Fernando Eduardo Serec and Antonio M. Barbuto Neto, Tozzini Freire Advogados, Sao Paulo).

Speaker, "The Latest Legal Developments Related to Arbitration in Brazil", 6th Annual ICDR Arbitration Conference, Miami, April 2008.

**Expert Commentaries on International Arbitration for Lexis-Nexis Legal Publishers as from October 2007:**

1. "Hall Street Associates v. Mattel" (on the U.S. Supreme Court's last word to decide whether contractual arbitration clauses or agreements calling for expanded judicial review of arbitration awards are enforceable or not).
2. "Premium Nafta Products Limited" (on the decision by the United Kingdom's highest court, the House of Lords, to widen the straits that had narrowed the role of arbitrators and independence of arbitration clauses).
3. "Société SNF – SAS v. Chambre de Commerce International" (French court decision on the question of which set of rules of the arbitral institution are applicable when the arbitration clause is silent on the matter).
4. "The Perils of Mixing: Whether Arbitration Rules Should be Applied Without Administration by the Issuing Arbitral Institution".
5. "Reasoned Awards/Preliminary Decisions in International Arbitration".
6. "Problems Arising from a 'Dual System' Arbitration Clause: Americatel El Salvador v. Cia. de Telecomunicaciones de El Salvador" (How the benefits of international arbitration can be diluted by multi-state litigation).
7. "Arbitration in International Tax Treaties" (co-author).
8. "Unclear Arbitration Clauses Leading to Unwanted Court Intervention".
9. "Overview of Key Brazilian Arbitration Law Developments in 2007-2008".
10. "Availability of Foreign Arbitral Forums: A Tale of Two Countries with Opposite Views - Chile and Ukraine" (May 2008).
11. "Arbitration in Chains of Contracts – France and Switzerland" (May 2008).

"New Keys to Arbitration in Latin America", co-author, *Journal of International Arbitration* (The Hague), February 2008 issue;

"Visualizing a Settlement – Videoconferencing to Resolve International Commercial Disputes", *Global Arbitration Review* (London), October 2006, and *Revista Brasileira de Arbitragem* (The Brazilian Journal of Arbitration, published by the Brazilian Arbitration Committee), No. 11/2006 (July-September 2006);

"Telecommunications Arbitration in Latin America", co-author,, *Latin Lawyer* (London), April 2005;

"Seven Keys to Arbitration in Latin America", in *Mealey's International Arbitration Report*, February 27, 2004 issue (published by Lexis-Nexis), with a Portuguese version to be published in *Revista Brasileira de Arbitragem* (the Brazilian Journal of Arbitration), No. 2/2004;

"Resolution of Conflicts in E-Commerce", for the Plenary session of the Inter-American Association of Industrial Property (ASIPI), Mexico City, November 2003;

"Crossing Parallel Lines: The U.S. Federal Courts and the UDRP Process for Domain Name Dispute Resolution", International Bar Association's Business Law International Conference, Cybercourt 1 Session on Domain Name Litigation, Cancún, Mexico, October 2001;

"Eight Trends in International Commercial Arbitration Affecting Latin America", co-author, in the *Latin American Law & Business Report*, August 1998;

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- "Arbitration in the United States: Background, the American Arbitration Association and a Comparison of AAA and other International Rules", "chapter in *Arbitragem na Era de Globalização* (Arbitration in the Era of Globalization), (co-author), J.M. Garcez, ed., Editora Forense, Rio de Janeiro, Brazil, September 1997;
- "The New Brazilian Arbitration Law: Help for Your Business", *Brazilian-American Chamber of Commerce of Florida newsletter*, March 1997;
- "International Alternative Dispute Resolution for High Technology Companies", Computer Law Association, International Retreat Conference, Monterey, California, October 1996;
- "Arbitration in Latin America: A Practitioner's Perspective", *Latin American Law & Business Report* (World Trade Executive, Inc.), Vol. 4, No. 6, May 1996;
- "International Commercial Arbitration: A Corporate Counsel's View", ACCA Docket (American Corporate Counsel Association), *summer 1995 Issue* and *Dispute Resolution Journal* (American Arbitration Association), summer 1994;
- "International Joint Ventures in the Latin American Computer Market: Business and Corporate Cultural Challenges", *Latin American Law & Business Report*, January 1994;
- "International Protection of Computer Software: The Japanese Experiment", (co-author), *Boston Bar Journal*, Vol. 29, 1985;
- "U.N. Mediation: More Effective Options", (co-author), *SAIS Review*, Vol.5, No. 2, 1985.
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### EXPERIENCE IN COURT LITIGATION

Expert witness for U.S. domain name litigation, 2002.  
 Managed court litigation for various cases in Latin America and Puerto Rico, including intellectual property cases (software and trademark issues).

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### PROFESSIONAL TRAINING IN MEDIATION

"*Técnicas Alternativas de Resolução de Conflitos*" ("Techniques for Alternative Resolution of Conflicts"), Catholic University of the State of Minas Gerais (PUC-MINAS), Brazil, September 2002 and June 2001 (course given by Professor Maria de Nazareth Serpa, a certified US Mediator/Brazilian Mediator and Law Professor with a Ph.D. in mediation).  
 Advanced Mediation Skills Training, American Arbitration Association, Miami, Florida, July 2002.

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### EXPERIENCE IN MEDIATION

Cases:

Mediated settlement to dispute in ICDR arbitration between Central American travel company and U.S. charter aircraft company, 2011;

Mediated settlement to dispute between Russian and U.S. companies in shipping sector, successfully reaching a settlement to preserve companies' ongoing business relationship, 2010. Mediation conducted primarily in English with some Russian and Ukrainian language documents.

Mediated settlement to complex multi-party dispute in ICC arbitration between Central American wholesale energy company and U.S. & European insurers and reinsurers, 2009. Mediation conducted in Spanish and English with 11 participants from six countries.

Mediated partial settlement to large ICDR case with Brazilian mining Company and U.S. energy multinational, Rio de Janeiro, 2007 Mediation conducted in English and Portuguese;

Mediated settlement to reinsurance dispute between Argentine and U.S. companies for the U.S. Federal Court, Miami, Florida, 2005. Mediation conducted in English and Spanish.

As party counsel, initiated and took part in one of the first successful international mediations by

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videoconference between parties from Brazil and the U.S., 2005;

Mediated numerous internal corporate disputes between U.S. parent company and Latin American, European and Russian business groups for Digital Equipment, Oracle, and 3COM/PALM.

Certification: Certified Mediator by the International Mediation Institute, The Hague ([www. IMImediation.org](http://www.IMImediation.org))  
Only IMI-certified Mediator in Brazil.

Mediation Courses and Presentations Given:

Taught intensive post-graduate workshops in Mediation at the MFUA, Russia's largest private university, and the Federal University of St. Petersburg, 2011;

Provided mediation training in English and Spanish for the Quito, Ecuador Chamber of Commerce's Center for Conciliation and Arbitration, October 1996;

"Benefits of Mediation and Arbitration for Latin American Oriented Business", presentation to the Economist Latin America Regional Managers Club, Coral Gables, Florida, October 1998;

"Mediation Trends in Latin America", Hispanic Bar Association 21<sup>st</sup> Annual Convention, Miami, October 1996;

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### **PROFESSIONAL TRAINING IN ARBITRATION**

Award Writing - Safeguarding, Deciding and Writing Arbitration Awards (AAA, 2006);  
AAA Panel Chair Program, Miami, September 2005;  
ICDR International Case Management Program, New York, 2005;  
AAA Arbitrator II (Advanced Case Management Techniques), Miami, January 2004;  
American Arbitration Association Arbitrator I Training Program, Atlanta, Georgia, March 2003;  
AAA International Arbitration Course, Coral Gables, Florida, 1993.

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### **EXPERIENCE IN ARBITRATION**

Cases:

Arbitrated first AAA international case in 1986 on panel with Willem Vis. Currently on Panel of Arbitrators of the International Centre for Dispute Resolution (ICDR) of the AAA. Arbitrated ICDR cases from Brazil (financial sector), Canada (patent assignment rights in medical laser technology), China (financial services), India (outsourcing of information technology services), Mexico (telecom), Panama (steel industry), the U.K. (aerospace) and the United States, 2005 – 2011;

Arbitrated ICC products distribution case between Brazilian and U.S. companies, 2010.

Counsel for Scandinavian party in large Brazilian oil & gas arbitration, and for Brazilian party in energy sector arbitration, 2005 - 2006;

Arbitrator for two Brazilian Chambers, ARBITAC (Curitiba) and CAMARB (Belo Horizonte);

Arbitrator and mediator, Centre canadien d'arbitrage commercial (Canadian Commercial Arbitration Centre/CCAC), 2004;

Arbitration Courses and Presentations Given:

Taught arbitration module of post-graduate ADR course for Brazilian judges and lawyers, PUC- Minas Law School, Belo Horizonte – MG, Brazil, 2001 and 2002.

Numerous presentations on international arbitration to bar associations, chambers of commerce and law schools in the U.S. and Latin America.

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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	WIPO	47		39	8	
	AAA	9	2	2	4	1
	ICC	1			1	
	LCIA	1				1
	Ad Hoc					
	Others:	1			1	
Number of cases: sub-total		57	2	41	14	2
Domestic Arbitrations	AAA	2			2	
	AAA Domestic consumer arbitrations	102		102		
Number of cases: sub-total		104		143	2	
<b>TOTAL</b>		<b>161</b>	<b>2</b>	<b>143</b>	<b>16</b>	<b>2</b>

**MEDIATION EXPERIENCE****SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations	WIPO			
	AAA/ICDR ICC	3 1	2 1	1
	Others (U.S. Federal Court)	1	1	
	Ad hoc	22	22	
Number of cases: sub-total		27	26	1
Domestic Mediations (Estimates)	AAA			
	Court-annexed			
	Ad Hoc			
Number of cases: sub-total				
<b>TOTAL</b>		<b>27</b>	<b>26</b>	<b>1</b>