



## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

John SWINSON  
Partner  
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Australia



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Date of Birth: 1965

Nationality: Australian

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Masters of Law, Harvard Law School, 1991;  
LLB (First Class Honors), University of Queensland, 1988;  
BA (Computer Science), University of Queensland, 1986;  
US Court of Appeals for the Federal Circuit;  
US District Court for the Southern District of New York;  
US District Court for the Eastern District of New York;  
US District Court for the Northern District of New York.

#### Bar Admissions:

New York;  
Queensland;  
Australian Capital Territory;  
New South Wales;  
High Court of Australia.

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September 20, 2006

## **LANGUAGES**

English.

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## **PRESENT POSITION**

Partner, Mallesons Stephen Jaques, Intellectual Property & Technology Team, Brisbane, Australia (1997 to present);  
Adjunct Professor of Law, Queensland University of Technology, (1999 to present), current course: Legal Regulation of the Internet;  
National Committee Member, Intellectual Property Society of Australia and New Zealand (IPANZ).

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## **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Associate, Kenyon & Kenyon, New York, (1991-1996);  
Associate to Hon. Mr. Justice C. W. Pincus, Federal Court of Australia, 1989;  
Part-time Lecturer, Queensland University of Technology, Course: Introduction to Computer Science (1986-1988).

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## **MEMBERSHIP IN PROFESSIONAL BODIES**

Member:

International Technology Law Association;  
Intellectual Property Society of Australian and New Zealand;  
American Bar Association;  
American Intellectual Property Law Association;  
Copyright Society of the United States;  
Queensland Law Society;  
Harvard Law School Association.

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## **AREAS OF SPECIALIZATION**

Intellectual Property, Technology law, Patent litigation (computer, software, Internet), Trademark litigation, Multijurisdictional litigation, Nationalisation and government expropriation of intellectual property assets, Domain names, Copyright, Licensing, e-commerce and Internet legal issues, Litigation involving software licensing and failed computer implementations, Outsourcing, Technology joint ventures, Fund raising for technology companies, International intellectual property protection.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Worked as attorney and solicitor for since 1991 specializing in intellectual property issues.

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

Member of eResolution & WIPO panels (UDRP and auDRP).

Acted as counsel for numerous clients in resolution of domain name disputes since 1995.

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### **MAJOR PUBLICATIONS**

“Security Interests in Intellectual Property in Australia” published in Knoff, *Security Interests in Intellectual Property*, Carswell 2002

“Patents in Cyberspace: electronic commerce and business method patents” in *Going Digital 2000: legal issues for e-commerce, software and the internet*, Prospect Media, February 2000;

“Security Interests in Intellectual Property” published in *Security Interests in Personal Property*, Butterworths, 1998;

“Confidentiality on the Superhighway” *The American Lawyer*, December 1995;

“Recent Software Patent Developments in the United States” 5 *Journal of Law and Information Science*, 1994;

“Software Patents in the United States” 4 *Journal of Law and Information Science* 116, 1993;

“Copyright or Patent or Both: An Algorithmic Approach To Computer Software Protection” 5 *Harvard Journal of Law & Technology* 145, Fall 1991;

“The Idle Creditor” (with Mr. Justice Pincus) 18 *Australian Business Law Review* 129, April 1990;  
Country Correspondent to *Computer and Telecommunications Law Review*, Sweet & Maxwell, London;

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### **EXPERIENCE IN COURT LITIGATION**

U.S. and Australian litigation experience. Cases include:

- Microsoft v. Intertrust (patent litigation concerning digital rights management);
- SPI Spirits (Cyprus) Limited v. Diageo Australia Limited (trademark ownership and breach of distribution agreement);
- WinZip Computing v. ProSoft (copyright piracy);
- The Syndicate Club v. State of Queensland (Internet lotteries);
- Brisbane City Council v. MITS Technology (computer software not complying with contract specifications);
- Orica v. Novartis (patent litigation);
- Henley Homes v. Tamawood Homes (copyright infringement);
- Wrangler Apparel Corp. v. Australian Professional Rodeo Association (trademark opposition);

- Brisbane TV Limited v. Queensland Television Ltd (copyright infringement);
- Computer Associates v. First Fidelity Bank (copyright and trade secret litigation);

Acted as counsel in numerous intellectual property matters subject to mediation.

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### **PROFESSIONAL TRAINING IN MEDIATION**

Attended Harvard Law School program on negotiation and dispute resolution, 1990.

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### **EXPERIENCE IN MEDIATION**

Acted as panelist on eResolution domain name dispute panel. Represented numerous clients in intellectual property related mediations conducted in accordance with S.D.N.Y. and Federal Court of Australia court rules.

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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					
	LCIA					
	Ad Hoc					
	Others:			3		
Number of cases: sub-total				3		
Domestic Arbitrations	AAA					
	Ad Hoc					
Number of cases: sub-total						
<b>TOTAL</b>				<b>3</b>		

**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Type		Role		
		Name	Number of Mediations	Mediator
International Mediations	AAA			
	ICC			
	LCIA			
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations	AAA			
	Ad Hoc			
	Other			5
Number of cases: sub-total				5
<b>TOTAL</b>				<b>5</b>