



**WIPO LIST OF NEUTRALS**

**BIOGRAPHICAL DATA**

William Albert VAN CAENEGEM  
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Date of Birth: December 11, 1961

Nationality: Belgian, Australian.

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

PhD, University of Cambridge, United Kingdom, 2005;  
LL.M., University of Cambridge, United Kingdom, 1984-85;  
Licences in Law, University of Leuven (KUL), Belgium, 1981-84;  
Candidature in Law, University of Antwerp (UFSIA), Belgium, 1979-81.

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**LANGUAGES**

Dutch, French, German, English;  
Working knowledge of Russian

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November 11, 2008

### PRESENT POSITION

Professor of Law, Bond University.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Barrister of the Supreme Court of Queensland.

#### Consultancies:

Consultant, Criminal Justice Assistance Project, AUSAID, Phnom Penh, Cambodia.

Development and delivery in-country of course of introduction to civilian criminal procedure for AUSAID project managers in Cambodia;

Consultant, Law Reform Commission of Western Australia, Reform of the Civil and Criminal Justice System. Research and development of paper on the advantages and disadvantages of the present adversarial system of conducting criminal proceedings. Published as a Consultation Paper of the Commission, February 1999 (see above; 30 pages);

IWT (Department of Science and Technology in Industry), Brussels, Belgium (2 day short course: September 3-4, 1999) 'Intellectual capital and intellectual property rights', Development and delivery of materials and modules concerning intellectual property management;

LRD (Leuven Research and Development), University of Leuven, Belgium, (December 12, 2000), Intellectual Property law and Intellectual Capital in the Knowledge Economy, Course for R&D managers. Development and delivery of materials and modules concerning intellectual property management;

Consultant, Department of Foreign Affairs and Trade Australia, Geographical Indications workshops in SE Asia (2003).

#### Intellectual Property Law Subjects Developed and Taught

Intellectual and industrial property law;

Copyright and entertainment law;

Technological innovation and the law;

Global issues in intellectual property law (PG).

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### MEMBERSHIP IN PROFESSIONAL BODIES

Centre for Intellectual Property Studies (CIPS), Executive Committee Member;

Bar Association of Queensland;

Intellectual Property Society of Australia and NZ (IPSAANZ);

Law Council of Australia;

(Intellectual Property Committee, Business Law Section);

(Intellectual Property Committee, Copyright Law Review Sub-Committee).

Member of the International Association of Procedural Law (General Reporter - Illegally

Obtained Evidence, World Congress 2007, Brazil)

Associate of the Centre for Governance of Knowledge and Development, RSSH, ANU, Canberra.

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### **AREAS OF SPECIALIZATION**

Intellectual property law and policy;  
Intellectual property, innovation and technological change;  
Copyright policy;  
International and comparative intellectual property law;  
Comparative law;  
Comparative criminal and civil procedure.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

#### **Fellowships, Scholarships and Funded Research Relevant to IP:**

Stipendiary Research Fellow, Max-Planck Institute for Comparative and International Intellectual Property Law, Munich, Germany, (research and residency funded by MPI and DAAD), 1993;  
Visiting Scholar, Centre for Commercial and Property Law, Queensland University of Technology, Brisbane, 1995;  
CAL/ANU Inaugural Copyright Fellow, Faculty of Law, Australian National University, Canberra, (travel, research and residency funded by Copyright Agency Limited – CAL), May-June, 1995;  
Visiting Fellow, Centre for Comparative and International Law, Boalt Hall School of Law, UC Berkeley, California, June – July 2000;  
National Social Science Visiting Fellow, Research School for Social Sciences, ANU, Canberra, (research, residency and travel funded by RSSH), August 2002;  
Research into the international trade issues related to the protection of geographical indications of origin: travel to and research at WIPO Geneva partially funded by Bond University Research Fund, 2002 – 2003;  
Visiting Professor, Sorbonne University (Pantheon-Assas, Paris II), January-February 2005 (stipendiary);  
Visiting Professor, University of Ghent LLM Program, Comparative Intellectual Property law (Preparation and delivery of module on comparative patents law, with focus on common law/civil law divide), December 2006;  
Chief Investigator, Australian Research Council funded Research Project, 'Nothing Can Be Created Out of Nothing': Workers, Their Know-How and the Employment Relationships that Support Them (2009-2011).

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## EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Lecturing and research in relation to overlap of domain names and trademarks.

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## MAJOR PUBLICATIONS

### Books

- “Intellectual property law in Australia,” Monograph in the *International Encyclopaedia of laws*, Kluwer Law and Taxation Publishers, The Hague, 176 pp., 1997;  
 “Intellectual Property Law,” *Butterworths Tutorial Series*, 380 pp., 2001 (2<sup>nd</sup> edition forthcoming, 2005/2006).  
 “Intellectual Property Law and Innovation”, Cambridge University Press, 2007.

### Major Papers and Chapters:

- “Different Approaches to the Protection of Celebrities Against Unauthorised use of their Image in Advertising in Australia, the US and Germany,” *European Intellectual Property Review*, Vol. 12 Issue 12, 452-458, December 1990;  
 “Inventions in Russia: From Public Good to Private Property,” *Australian Intellectual Property Journal*, Vol. 4 No 4, 232-258, November 1993;  
 “The Patent Law of the Russian Federation”; Chapter in: *Intellectual Property in the Russian Federation, A System in Transition*, Malfliet K and Elst M (eds), 50-84, 1994;  
 “Communications Issues in Copyright Reform,” *Copyright Reporter*, Vol. 13, No 3, 322-347, November 1995;  
 “Copyright, Communications and New Technologies,” *Federal Law Review*, Vol. 23 No 2, 72-88, 1995;  
 “The technicality requirement, patents scope and patentable subject matter in Australia”, *Australian Intellectual Property Journal* 13, 309 – 327, 2002;  
 “The public domain: scientia nullius”, *24 European Intellectual Property Review* 6, 324 – 330, 2002;  
 “Intellectual property and intellectual capital”, *48 Intellectual Property Forum*, 10 – 25, 2002;  
 “Intellectual property and the idea of progress” (2003) *Intellectual Property Quarterly*, 3, 237;  
 “Striking a balance between protecting commercial reputation and promoting competition” (2003) 77 ALJ 598;  
 “Registered Geographical Indications: Between Intellectual property and rural policy”, Part I: (2003) *Journal of World Intellectual Property*, Vol 6 No 5, 699;  
 “Registered Geographical Indications: Between Intellectual property and rural policy”, Part II: (2003) *Journal of World Intellectual Property*, Vol 6 No 6, 861;  
 “Registered GI’s: Intellectual property, agricultural policy and international trade” (2004) *EIPR* Vol 26, Iss 4;  
 “Inter-firm migration of tacit knowledge: law and policy”, *Prometheus*, Vol 23, No 3 (2005);  
 ‘The Mobility of Creative Individuals, Trade Secrets and Restraint of Trade’ (2007) 14(2) *Murdoch University E-Law Journal*, 265-279;  
 Pervasive incentives, disparate innovation and intellectual property law’, in Arup & van Caenegem eds, *Intellectual Property Policy Reform*, Edward Elgar UK (forthcoming).

### Other Papers

- “Anton Piller Orders, Some Recent Australian Cases”, in: Gotzen F (Ed), *Anton Piller Orders, CIR-Story/Scientia*, 95-101, 1991;
- “The Protection of Technical Know-How in Australia”, in: Turner C (Ed), *Intellectual Property Law: Trends and Tensions*, 77-87, 1991;
- “Product Placement in Australia and New Zealand”, *Communications Law Bulletin, Vol. 11 No 2*, Winter, 15-17, 1991;
- “Russia Goes Public with Proposed New Patent Law”, *Patent World*, Issue 44, with M. Elst, 18-23, July/August 1992;
- “The Transition to Private Ownership of Intellectual Property in the Russian Federation: Law and Control of Technology”, Papers of the IPIG, ALTA Conference, Christchurch, New Zealand, 1-7, September 1993;
- “The Relationship Between Intellectual Property Law and the Rate and Direction of Technological Change”, *European Journal of Law, Philosophy and Computer Science, Vol 5*, 440-447, 1995.

### Case notes, Comments and Book Reviews:

- Book Review, McKeough and Stewart, “Intellectual Property in Australia”, 3, *Bond Law Review*, 145-146, 1991;
- “Russia: A New Patent Law Finally Enacted”, *Patent World*, Issue 49, with M. Elst, 21-23, February 1993;
- “The New Patent Law of the Russian Federation”, *World Patent Information*, Vol. 15 No 3, 153-155, 1993;
- “Patent Law - A City Council is an ‘Authority of a State’,” *The Queensland Law Society Journal*, Vol. 25, No 6, 555-559, 1995;
- “Copyright liability for the playing of music on hold: Telstra Corporation Ltd. v Australasian Performing Rights Association Ltd.”, *High Court Review Vol. 2*, 1996;
- “Case note: Data Access v Powerflex”, *High Court Review Vol. 4*, 1998;
- “Fair use in the Digital Age”, *CCH Law and Technology*, Issue 19, 3, March 2000;
- “Napster and Gnutella: is distributed file-swapping legal in Australia”, *CCH Law and Technology*, Issue 25, 6, September 2000.

### Conference and Seminar Papers Relating To IP:

- “Anton Piller Orders: some recent Australian cases”, Conference of the Centre for Intellectual Property Rights (CIR), Brussels, Belgium, June 6, 1990;
- “The Protection of Technical Know-How in Australia”, Intellectual Property Law: Trends and Tensions Conference, August 18, 1991;
- “Encouraging Technical Innovation Through Appropriate Legal Protection”, Whither Innovation Conference, May 23, 1992;
- “Intellectual Property in the Russian Federation”, Intellectual Property Law Teachers Conference, Murdoch University, Perth, December 1992;
- “The Transition to Private Ownership of Intellectual Property in the Russian Federation: Law and Control of Technology”, ALTA Conference, Christchurch, New Zealand, October 1993;
- “Development of Intellectual Property Regulations: the Bond Experience”, Intellectual

- Property Law Teachers Conference, Wollongong University, February 1994;  
 “Policy Issues in the Development of University Intellectual Property Regulations”, Faculty of Law, University of Tasmania, October 1994;  
 “Issues in Copyright Law Reform”, Faculty of Law, ANU, Canberra, May 1995;  
 “Intellectual Property in Universities”, ALTA Conference, Melbourne, October 1995;  
 “Copyright and Communications”, ALTA Conference, Melbourne, October 1995;  
 “Appropriating Knowledge: What is Patentable Subject Matter?”, Faculty of Law, QUT, 5 September 1995;  
 “Blurring the Boundaries - Intellectual Property/Trade Practices Overlap”, National Workshop of the Intellectual Property Committee of the Law Council of Australia, Canberra, March 9-10, 1996;  
 “A Modern Copyright Law for Australia - Recent Proposals”, Intellectual Property Teachers Workshop: The Challenge of Change, University of Queensland, February 5, 1996;  
 “Law and technology”, Masters Class in Technology Change and Forecasting, University of Queensland, Technology Management Centre, December 12, 1996;  
 “Intellectual property and the ideology of progress”, Intellectual property law teachers conference, Murdoch University, Perth, February 12-14, 1997;  
 ‘Clever but poor? Innovation, commercialisation and IP law in Australia.’ Intellectual Property Society of Australia and New Zealand, October 29, 1997, Brisbane;  
 “Integrated strategies to protect intellectual capital: a holistic approach to the various intellectual property regimes”, CLE Seminar, Brisbane, May 19, 1999;  
 “Copyright and the Internet: the Napster aftermath”, CLE Seminar, Brisbane, September 19, 2001;  
 “Use of geographical indications in the wine industry in Australia”, Bond University Law School Academic Retreat, September 13, 2002;  
 “Should patents reward investment or invention: inventiveness and technicality in a changing research environment”, REGNET Seminar, ANU Canberra, December 2, 2002. ACIPA (Australian Center for Intellectual Property in Agriculture, ANU, Canberra), ‘Registered Geographical Indications: Between Intellectual Property and Rural Policy’, August 2003.  
 ACIPA, Brisbane, Registered Geographical Indications: Intellectual Property, Agricultural Policy and International Trade, December 2003, Brisbane.  
 CIP (Centre for Intellectual Property Studies), Gothenburg University, CIP Seminar: ‘Employee Mobility - Law and Innovation’, October 16, 2003, Gothenburg, Sweden.  
 Chalmers University of Technology/Gothenburg University, Centre for Intellectual Property (CIP), Symposium ‘The entrepreneurial University’, 1-3 June 2004: ‘Tacit knowledge, employee mobility and innovation’.  
 ACIPA, Canberra ‘Intellectual Property and Farmers’ Rights Conference, 12 November 2004: ‘GI’s: now and forever’;  
 Public Sector IP Governance and Knowledge Commercialisation, Canberra, 14-15 May 2008, ‘Protecting Your IP and Restrictions You Might Face in Doing So’.
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## **PROFESSIONAL TRAINING IN MEDIATION**

### **Law Conferences And Short Courses Organised:**

**WIPO ARBITRATION AND MEDIATION CENTER  
W. VAN CAENEGEM**

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“Intellectual Property Law, Trends and Tensions”, Bond University, August 1991;

“Whither Innovation”, Bond University, May 1992;

“Exploiting Intellectual Property”, Bond University, August 1993;

LES (Licensing Executives Society)/Bond Law School Workshop, Mediating an international licensing dispute, Bond University, November 8, 1998;

A&NZ Intellectual Property Academics Conference, Bond University, July 2003.

WIPO Arbitration Workshop, October 21-22, WIPO Geneva.

Attended mediation lectures and workshops.

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