



## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Mark A. A. WARNER  
Legal Director  
Ministry of Economic Development  
Ministry of International Trade & Investment  
Ministry of Research and Innovation  
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Date of Birth: April 24, 1964

Nationality: Canadian

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

L.L.M., Georgetown University Law Center, 1993;

L.L.B., Osgoode Hall Law School, 1991;

M.A., (Economics), University of Toronto, 1988;

B.A., McGill University, 1986.

Admitted to Bar: Ontario, Canada, 1994;  
New York, 1995.

Adjunct Professor, International Antitrust Law, University of Leiden, Faculty of Law,  
Netherlands, 1998-00;

Visiting Professor, Regional Integration and Competition Law, International Law Institute,  
Uganda, August 2000;

May 5, 2009

Visiting Professor, International Business Transactions, University of the Western Cape,  
South Africa, Summer 1996.

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### **LANGUAGES**

English.

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### **PRESENT POSITION**

Legal Director, Ministries of Economic Development, International Trade & Investment and  
Research and Innovation, Toronto, ON, Canada.

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### **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Counsel, Fasken Martineau DuMoulin LLP, Toronto;  
Partner, Stanbrook & Hooper, Brussels;  
Special Counsel, Hughes Hubbard & Reed, LLP., New York;  
Legal Advisor, O.E.C.D. Trade Directorate, Paris;  
Assistant Professor and Assistant Director, University of Baltimore School of Laws, Center  
for International & Comparative Law, Baltimore;  
Associate, Curtis, Mallet-Prevost, Colt & Mosle, Washington, D.C.;  
Research Associate, Institute for International Economics, Washington D.C.;  
Articling Clerk, (Junior Associate), Davies, Ward & Beck, Toronto.

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### **AREAS OF SPECIALIZATION**

Antitrust/Competition Law, International Trade Law, Intellectual Property Law, International  
Investment Law.

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### **MEMBERSHIP IN PROFESSIONAL BODIES / PROFESSIONAL RECOGNITION**

Listed in 2006 Euromoney IFLR Guide to the World's Leading Competition and Antitrust  
Lawyers;  
Chair, ICC Competition Commission Working Party on E-Commerce and Competition  
Policy, since 2001;  
Member, ICC Joint Working Party on Trade and Competition, since 2001;  
Chair, International Antitrust Sub-Committee, ABA Business Section, International  
Committee, since 2001;  
Chair, International Committee, ABA Antitrust Section, 1997-99;  
Vice Chair, International Committee, ABA Antitrust Section, 1995-97;  
Member, ABA Antitrust Section, Standing Committee on Antitrust in the Global Economy,  
1997-99;  
Member, ABA Antitrust Section Task Force on Competition Policy and NAFTA, 1993-95;

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Member, Property Institute Task Force on Information Exchange and Financial Privacy,  
2001-02.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Had responsibility for the OECD Joint Group on Trade and Competition work on trade, competition and intellectual property rights, including implications of TRIPs for a multilateral competition agreement; issues of exhaustion of intellectual property rights; and implications of GATS Basic Telecoms Agreement for trade and competition rule-making;

As Chair, ICC Task Force on E-commerce and Competition, including review of domain name governance issues;

Giving advice concerning application of EU Technology Transfer Block Exemption and U.S. Antitrust-Intellectual Property Guidelines in connection with multinational licensing agreements;

Advising foreign state-owned energy conglomerate concerning patent litigation in the United States;

Giving advice concerning patent pooling arrangement among universities on three continents;

Advising a major pharmaceutical firm on competition, IP and trade issues on HIV/AIDS drug distribution in Africa.

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

Has handled some domain name arbitration cases.

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### **MAJOR PUBLICATIONS**

“Trade and Competition: Options for Greater Coherence” (*OECD*), 2001;

“Aids Drugs in the Developing World: The Role of Patents in the Access to Medicines” in 2001 Symposium, *Global Intellectual Property Rights: Boundaries of Access and Enforcement*, *Fordham Intellectual Property, Media and Entertainment Law Journal*, 2001;

“After Seattle: Is there a future for Trade and Competition Policy Rule-making”, 6 *International Trade Law and Regulation* 66, June 2000;

“Trade and Competition Policies for Tomorrow”, (*OECD*), 1999;

“Restrictive Trade Practices and The Extraterritorial Application of U.S. Antitrust and Trade Legislation”, 19 *Northwestern J. International Bus.* 330, 1999;

“International Aspects of Competition Policy – Possible Directions for the FTAA”, 22 *World Competition* 1, 1999;

Co-author with Hon. William C. Graham, Minister of Foreign Affairs, Canada, “The Canadian Law and Practice of International Trade”: Second Edition”; (Emond Montgomery Press, Toronto, 1997);

“Efficiencies and Merger Review in Canada, the European Community and the United States: Implications for Convergence and Harmonization”, 26 *Vanderbilt J. of Transnational L.* 1059, 1994;

“Competitiveness: An Emerging Strategy of Discrimination in U.S. Antitrust and R&D Policy?”, 25 *L. & Pol. International Bus.*, with Alan M. Rugman, 1994.

**EXPERIENCE IN ARBITRATION**

Has involvement with some high profile international arbitration cases.

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