

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Professor Frederick M. ABBOTT
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Date of Birth: July 29, 1952

Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M., University of California, Berkeley, School of Law, 1989;

J.D., Yale Law School, 1977;

B.A., "With Highest Honors" (Summa Cum Laude) and "With Great Distinction in the Major", University of California, Berkeley (Major: International Trade and Development), 1974.

LANGUAGES

English, German, Spanish

January 31, 2018

PRESENT POSITION

Edward Ball Eminent Scholar Professor of International Law, Florida State University College of Law, Tallahassee (teaching subjects Patent & Trademark Law, International Aspects of Intellectual Property Law, International Trade Law, Global Regulation of the Pharmaceutical Sector).

Visiting Faculty, Central European University, Budapest, Hungary, Master of Laws in International Business Law Program.

Visiting Faculty, World Trade Institute, Berne, Switzerland, Masters in International Law and Economics (MILE) Program.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Visiting Professor of Law, University of California at Berkeley, School of Law, 1998-2002;

Visiting Professor of Law, University of California, Hastings College of Law, San Francisco, 1999-2000;

Professor of Law, Chicago-Kent College of Law, Chicago, 1989-2000;

Visiting Professor and Weickert Fellow, Institute for European and International Economic Law, University of Berne, Switzerland, 1997;

Jean Monnet Professor, Center for European Economic Law, University of Bonn, Germany, 1996;

Visiting Fellow, Max-Planck-Institute for Comparative Public Law and International Law, Heidelberg, Germany, 1993;

Partner, Pillsbury, Madison & Sutro [now Pillsbury Winthrop Shaw Pittman LLP], San Francisco and San Jose, 1984-89; Associate, 1977-84:

Law School Externship and Clerkships:

Externship, Judge Joseph Sneed, U.S. Court of Appeals for the Ninth Circuit, San Francisco, Fall 1976;

Clerkship, Office of the Legal Adviser, U.S. Department of State, Washington, D.C., Summer 1976;

Clerkship, Office of the General Counsel, U.S. Overseas Private Investment Corporation (OPIC),

Washington, D.C., Summer 1975.

MEMBERSHIP IN PROFESSIONAL BODIES

Member, Board of Editors, *Journal of International Economic Law*, Oxford University Press;

Rapporteur, Committee on International Trade Law, International Law Association;

Project Advisor, Program on the Settlement of Disputes in International Trade, Investment and Intellectual Property, U.N. Conference on Trade and Development (UNCTAD);

American Association of Law Schools: Chair, Section on International Law, 1994-95;

Member, American Society of International Law:

Chair, Book Award Committee, 2010-11;

Project Director, American Society of International Law Research Project on Human Rights and International Trade, 2000-04;

Chair, Intellectual Property Law Interest Group, 1999-2002;

Active Member, California State Bar; since 1977;

International Law Association:

Rapporteur, Committee on International Trade Law, since 1993;

Member, American Branch.

AREAS OF SPECIALIZATION

As scholar, areas of specialization are international economic law and international aspects of intellectual property law, with attention to institutions, norms and dispute settlement. Subject matter of intellectual property research and writing includes patent, trademark, copyright and other forms of intellectual property, including domain names. Specialized expertise also in public health-related regulatory matters.

In law practice, specialized in negotiation of international business transactions; advice regarding compliance with international trade regulation, including corporate governance and internal controls compliance; advice regarding structuring of distribution arrangements, including compliance with relevant competition laws. Five years Silicon Valley practice specialized in drafting of technology development and licensing agreements, acquisition and maintenance of intellectual property rights, and enterprise financing.

EXPERIENCE IN INTELLECTUAL PROPERTY

As scholar, have undertaken extensive research and writing regarding international system for development, distribution and use of intellectual property, and have lectured on this subject before a wide range of audiences (including students, academicians, private law practitioners, business managers, and government officials). Has engaged in expert consultations for multilateral and regional organizations, national governments, private-sector groups and foundations. Has advised national governments in IP-related dispute settlement processes before domestic courts and international dispute settlement bodies.

In law practice, advised multinational clients regarding acquisition, maintenance and licensing of intellectual property, principally in fields of trademark and copyright. In Silicon Valley practice, advised small and large technology-based clients, primarily in computer and software sector, regarding development, maintenance and licensing of technology, as well as protection of trademarks and related interests.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Served as domain name administrative panelist for WIPO Arbitration and Mediation Center since 2000. Appointed panelist in several hundred dispute settlement proceedings under the UDRP (and related specialized procedures). Attended and made formal presentations regarding legal issues under the UDRP at annual meetings of WIPO panelists. Followed development of domain name dispute settlement rules since inception of first WIPO domain name process.

MAJOR PUBLICATIONS

Selected Books:

International Intellectual Property in An Integrated World Economy, with Thomas Cottier and Francis Gurry, 2d ed., Aspen Publishers (2011);

Global Pharmaceutical Policy: Ensuring Medicines for Tomorrow's World (with Graham Dukes), Edward Elgar Publishing 2009;

China in the World Trading System: Defining the Principles of Engagement (ed. 1998) (Kluwer Law International);

Public Policy and Global Technological Integration (ed. with David Gerber) (1997) (Kluwer Law International);

Law and Policy of Regional Integration: The NAFTA and Western Hemispheric Integration in the World Trade Organization System, Kluwer/Martinus Nijhoff Publishers, 1995;

Parliamentary Participation in the Making and Operation of Treaties: A Comparative Study (ed. with Stefan Riesenfeld) (1994) (Martinus Nijhoff Publishers)(awarded American Society of International Law Certificate of Merit for Technical Achievement).

Selected Articles:

Intellectual Property and Public Health: Meeting the Challenge of Sustainability, Global Health Programme Working Paper No. 7/2011, November 15, 2011;

An International Legal Framework for the Sharing of Pathogens: Issues and Challenges, ICTSD Programme on IPRs and Sustainable Development, Issue Paper No. 30, October 2010;

Intellectual Property, International Protection, Max Planck Encyclopedia of Public International Law, www.mpepil.com (Oxford 2010);

The Doha Round's Public Health Legacy: Strategies for the Production and Diffusion of Patented Medicines Under the Amended TRIPS Provisions, 10 J. Int'l Econ. L. 921 (2007) (Oxford) (with Jerome H. Reichman);

Intellectual Property Rights in World Trade in Research Handbook in International Economic Law 444-84 (A. Guzman & A. Sykes) (Edward Elgar 2007);

Are the Competition Rules in the WTO TRIPS Agreement Adequate?, 7 J. Int'l Econ L. 687 (2004);

WTO Dispute Settlement Practice Relating to the Agreement on Trade-Related Intellectual Property Rights, in *The WTO Dispute Settlement System 1995-2003*, at 421-53 (F. Ortino & E.-U. Petersmann eds. 2004) (Kluwer Law International);

Chapter 3.14 – TRIPS – United Nations Conference on Trade and Development (UNCTAD), Course on Dispute Settlement in International Trade, Investment and Intellectual Property (United Nations Publication 2003);

“Distributed Governance at the WTO-WIPO: An Evolving Model for Open-Architecture Integrated Governance,” 3 *Journal of International Economic Law* 63, Oxford Univ. Press, 2000;

“The Enduring Enigma of TRIPS: A Challenge for the World Economic System,” 1 *Journal of International Economic Law* 497, Oxford Univ. Press, 1998;

“First Report (Final) to the International Trade Law Committee of the International Law Association on the Subject of Parallel Importation,” June 1997, 1 *Journal of International Economic Law* 607, Oxford Univ. Press, 1998;

“WTO Dispute Settlement and the Agreement on Trade-Related Aspects of Intellectual Property Rights,” in *International Trade Law and the GATT/WTO Dispute Settlement System* 415, Ernst-Ulrich Petersmann Ed., 1997 (Studies in Transnational Economic Law, Kluwer Law International);

“The WTO TRIPS Agreement and Global Economic Development,” in *Public Policy and Global Technological Integration* 39 (Frederick Abbott and David Gerber eds., 1997 (Kluwer Law International) and in 72 *Chi-Kent L. Rev.* 385, 1997;

“Protecting First World Assets in the Third World: Intellectual Property Negotiations in the GATT Multilateral Framework”, 22 *Vanderbilt J. of Transnational L.* 689, 1989.

Selected Activities and Awards:

Co-Organized Conference on Emerging Markets and the World Patent Order, and Presentation, Florida State University College of Law, Tallahassee, USA, April 13-14, 2012;

Appointed *Rapporteur*, Expert Working Group on Public Health and Intellectual Property for the World Intellectual Property Organization Framework for Designing National Intellectual Property Strategies for Development (March 2012);

Trends in local production of medical products in developing countries: integrating public health and industrial development, Local Production for Access to Medicines – Presentation at Stakeholder Meeting, World Health Organization, Geneva, February 9, 2012;

Trends in Local Production of Medicines and Related Technology Transfer, Presentation at seminar on local production and access to medical products, World Health Organization and European Parliament Working Group on innovation, access to medicines and poverty related diseases, European Parliament, Brussels, Dec. 7, 2011;

Intellectual Property and Public Health: Meeting the Challenge of Sustainability, Presentation at 5th High-Level Symposium on Global Health Diplomacy, 10 Years after the Doha Declaration: The future agenda at the interface of Public Health, Innovation and Trade: An outlook on the next ten years, Geneva, Nov. 23, 2011;

Cybersquatting v Trademark Infringement – Reflections on Scope of the UDRP, WIPO Domain Name Panelists Meeting, Geneva, October 10, 2011;

Report on Developments in the Field of Trade and Intellectual Property, Committee on International Trade Law, International Law Association, WTO Headquarters, Geneva, Switzerland, July 1, 2011;

Elements for a Future International IP System, Max Planck Institute Workshop on Economic Partnership Agreements of the EU: A Step Ahead in Reforming International IP Law? Munich, Germany, June 25-27, 2011;

IP and Innovation Policy: Paradigms for Development, Conference on Rethinking Intellectual Property and Development after 15 Years of the WTO TRIPS Agreement, Centre for WTO Studies, New Delhi, India, April 28-29, 2011;

Global Trends in Intellectual Property Enforcement: Implications for India, at meeting hosted by FICCI (Federation of Indian Chambers of Commerce and Industry), October 22, 2010, New Delhi, India

Nominative Fair Use and Its Equivalents under the UDRP, at Domain Name Panelist Meeting, WIPO Arbitration and Mediation Center, October 18, 2010, Geneva, Switzerland;

Pathogens Materials: coherence as an operational challenge for WHO, the CBD ABS regime and TRIPS, at the WTO Public Forum 2010, Geneva, Switzerland, September 17, 2010;

Participated as patent licensing expert at Workshop on Licensing Terms and Conditions for the Medicines Patent Pool Initiative, Jointly organized by the World Intellectual Property Organization (WIPO) and UNICEF, Geneva, Switzerland, September 14 and 15, 2010;

Innovation as Imperative to Sustainable Development: Meeting the New Challenges, presentation at Citenel V Congress on Technological Innovation in Electrical Energy, June 22, 2009, Belem, Brazil;

The China Enforcement Case and Trends in International IP Protection, presentation at Ninth Annual WTO Conference, British Institute of International and Comparative Law (in association with Institute of International Economic Law, Journal of International Economic Law and Society of International Economic Law), London, May 20, 2009;

Industrial Policy, Innovation and Economic Stress: opportunities and risks, presented at 200 years of Intellectual Property in Brazil: Seminar on Intellectual Property as an Instrument of Industrial Policy: Lessons and Challenges, Brazil Ministry of External Relations, in partnership with the World Intellectual Property Organization (WIPO), the Alexandre de Gusmão Foundation (FUNAG) and the National Institute of Industrial Property (INPI), Brasilia, April 29-30, 2009;

Innovation and Technology Transfer to Address Climate Change: lessons from global policy development on intellectual property and public health, ICTSD Dialogue Climate Change, Transfer of Technology and IPRs: The Challenge of Evidence-based Policy, WIPO, Geneva, 27 March 2009;

Unweaving Our Tangled Patent Web: Negotiating a Framework for the Sharing of Influenza Viruses with Human Pandemic Potential, Presentation at Swiss Federal Institute of Intellectual Property, Berne, March 26, 2009.

Selected Essays and Reports:

Report on Trends in Local Production of Medicines and Related Technology Transfer for Developing Countries, World Health Organization (WHO) 2011 (December)(193 pp.)(ISBN 978 92 4 150234 4)
http://www.who.int/phi/publications/local_production_trends/en/index.html;

Comparative Study of Selected Government Policies for Promoting Transfer of Technology and Competitiveness in the Colombian Pharmaceutical Sector, September 17, 2007, USAID-Programa MIDAS.

EXPERIENCE IN COURT LITIGATION

Have advised national governments in civil litigation involving health and intellectual property regulatory matters. Have served as expert consultant/witness in civil litigation regarding intellectual property matters.

PROFESSIONAL TRAINING IN ARBITRATION

Participated in advanced intellectual property arbitration workshop at WIPO Arbitration and Mediation Center.

EXPERIENCE IN ARBITRATION

Served as counsel to national government involved in World Trade Organization dispute settlement process (formal consultations and interim settlement). Represented multinational clients in ICC arbitration.
