
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

André R. BERTRAND
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Date of Birth: November 18, 1952

Nationality: French

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M., Faculty of Law, University of Dijon, 1975;
Ph.D., Islamic Law, EHESS, Paris, 1977;
LL.M., University of California, Berkeley, 1978;
Ph. D., Intellectual Property Law, University of Paris XIII, 1995.

LANGUAGES

French, English, good background in German.

PRESENT POSITION

Founder and Sole Partner, André Bertrand & Associés, SELARL.

January 4, 2013

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PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Associate, Cleary Gottlieb Steen & Hamilton, Paris, 1979;
 Counsel, La Quinoleine SA, an agrochemical subsidiary of the Roche Group, 1980-83;
 Area Counsel Europe, NCR Corp, 1984-88;
 Resident partner and founder, French offices of the German Patent and Rechtsanwalt firm Bardehle Pagenberg & Co., 1992-95.

AREAS OF SPECIALIZATION

Copyrights, trademarks, patents, unfair competition and computer related matters.

MEMBERSHIP IN PROFESSIONAL BODIES

Founder & First President, French Computer Law Association (AFDI), 1984-88;
 Founder, International Federation of Computer Law Association (IFCLA);
 Lecturer, *droit d'auteur* (copyrights), University of Paris I, Sorbonne, 1988-;
 Attorney, Member, Paris Bar Association, 1989-;
 Advisory Board Member or former ABM of several IP and computer law reviews, i.e., *The World Intellectual Property Review (WIPR)*, *The Measley's Report on IP Litigation*, *The Cyberspace Lawyer*, *The Software Law Journal*, *The International Computer Lawyer*, the French *Revue du Droit de la propriété intellectuelle (RDPI)* and *Derecho de la Alta Tecnologia (DAT)*;

Member:

International Association for the Protection of Industrial Property (AIPPI);
 International Literary and Artistic Association (ALAI)

EXPERIENCE IN INTELLECTUAL PROPERTY

In-house counsel for nine years in agrochemical company and later for a hardware and software manufacturer negotiating contracts and licence agreements;
 Litigated extensively as a barrister over a period of 12 years in the field of copyrights, trademarks, patents, unfair competition, etc., one third being transnational litigations;
 Copyright lecturer, University of Paris I, since 1988;
 Frequently lectures in seminars on intellectual property related matters.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Argued 12 domain name litigations before French Courts, and 9 domain name litigations as counsel to a plaintiff or to a respondent before the WIPO Arbitration and Mediation Center;
 Panelist in 15 WIPO domain names cases between 2001 and 2012
 Written extensively on this matter and taught a course on domain names at the French Judge School.

MAJOR PUBLICATIONS

European Computer Law, ed. Transnational Publishers Inc., 1995;

Le droit à la vie privée et à l'image ("The right to privacy and publicity in France"), ed. Litec 1999;
Le droit français de la concurrence déloyale ("The French law on unfair competition"), ed. CEDAT 1998, 184p.;

La Mode et la loi ("Fashion and the law"), ed. CEDAT 1998, 256p.;

La propriété intellectuelle Livre II: brevets, marques et dessins et modèles ("Industrial Property: patents, trademarks and designs"), Masson 1995, 555p.,

Droit d'auteur et droits voisins ("Copyrights and neighbouring rights"), ed. Masson Paris, 1991, 795p;
2nd ed. Dalloz 951p;

La protection juridique du logiciel (Software protection), ed. PUF Paris, 1994;

Le droit des cartes et des systèmes électroniques de paiement ("The law of credit cards and EFT systems"), Ph. Le Clech, 2nd ed. Banque, 1989;

Les protections juridiques des logiciels ("The legal protections of software"), ed. des Parques, 1984, 293p;

Contrats Informatiques ("Computer contracts"), ed. Des Parques 1983, 223p;

Le droit de l'Internet ("The law of Internet"), ed. PUF 1999;

Internet et la loi ("Internet and the Law), Dalloz 1997;

Author of over 100 articles in the field of computer law and intellectual property published since 1982.

EXPERIENCE IN COURT LITIGATION

Litigated, as a plaintiff and defendant between 1989 and 2000, more than 30 patent cases, 200 trademark cases and approximately 300 cases in the field of copyright, designs and unfair competition, mostly in the fields of fashion and information technology.

PROFESSIONAL TRAINING IN MEDIATION

Learned the principles of mediation when undertaking a course on arbitration.

EXPERIENCE IN MEDIATION

Involved in several mediations in France and Algeria, as General Counsel for NCR France and European Counsel for NCR Corp.

PROFESSIONAL TRAINING IN ARBITRATION

Undertook a course on arbitration in France;

Has written short notes on the subject in various books.

EXPERIENCE IN ARBITRATION

Involved in three arbitrations as in-house Counsel, and arbitrator in three ICC arbitration in Paris between 1999-2005.

ARBITRATION EXPERIENCE

SUMMARY TABLE

| Type | Administering Institution | | Role | | | |
|----------------------------|---------------------------|------------------------|----------------------|-----------------|---------------|----------|
| | Name | Number of Arbitrations | Presiding Arbitrator | Sole Arbitrator | Co-arbitrator | Counsel |
| International Arbitrations | AAA | | | | | |
| | ICC | 3 | 1 | | 2 | |
| | LCIA | | | | | |
| | Ad Hoc | | | | | |
| Number of cases: sub-total | | 3 | | | 3 | |
| Domestic Arbitrations | AAA | | | | | |
| | Ad Hoc | 3 | | | | 3 |
| | | | | | | |
| Number of cases: sub-total | | 3 | | | | 3 |
| TOTAL | | 7 | 1 | | 3 | 3 |

MEDIATION EXPERIENCE

SUMMARY TABLE

| Type | Administering Institution | | Role | |
|---------------------------------|---------------------------|----------------------|----------|----------|
| | Name | Number of Mediations | Mediator | Counsel |
| International Mediations | | | | |
| | | | | |
| | Ad hoc | 1 | | 1 |
| Number of cases: sub-total | | | | |
| Domestic Mediations (Estimates) | AAA | | | |
| | | | | |
| | | | | |
| | Court-annexed | | | |
| | Ad Hoc | 3 | | 3 |
| Number of cases: sub-total | | 3 | | 3 |
| TOTAL | | 4 | | 4 |