

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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Date of Birth: May 19, 1949  
Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

B.A., (*cum laude*) University of Pittsburgh, 1971;  
M.A., University of Pittsburgh, 1972;  
J.D., Dickinson School of Law, 1975.

**Bar Admissions:**

New Jersey, New York, Pennsylvania, Florida (State and Federal Courts).

**Awards/Accolades:**

Honors: Master--Morris Pashman Inns of Court;  
Bergen County 1995-2002.

Past Member, Editorial Advisory Board-The Software Law Journal (The John Marshall Law School and Center for Computer Law).

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**LANGUAGES**

English.

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**PRESENT POSITION**

Partner, Kaufman, Bern Deutsch & Leibman, LLP, New Jersey, USA.

A significant portion of work is devoted to the practice of Employment Law for both employers and employees as well as Computer Law, including transactional work in licensing of software, software acquisition, protection of intellectual property and related litigation in both state and federal courts. Representation of government entities, zoning and land use, commercial litigation and transactional work, unlawful discharge litigation, sexual harassment litigation, real estate, plaintiffs' and defense personal injury law and other areas of general practice.  
Representation of businesses in commercial litigation.  
Planning Board Attorney Township of River Vale.  
Appearances in behalf of applicants before Municipal Planning Boards.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Partner, Ferrara Turitz Harraka & Goldberg, P.C., New Jersey, USA, 1992-2005;  
Adjunct Professor, Computer Law, Fordham University School of Law, 1989-2003;  
Adjunct Professor, Computer Law, Rutgers University School of Law-Newark, N.J, 1997-2003;  
Associate, Gallo Geffner Fenster, Private Practice of Law;  
Solo Practitioner, Englewood Cliffs and Englewood, N.J., 1980-1992;  
Assistant Director, Florida Legal Services, 1975-1979.

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**AREAS OF SPECIALIZATION**

Computer and Internet Law;  
Employment Law.

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**MEMBERSHIP IN PROFESSIONAL BODIES**

Computer Law Association;  
New Jersey State Bar Association;  
Bergen County Bar Association;  
American Trial Lawyers' Association.

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**EXPERIENCE IN INTELLECTUAL PROPERTY**

Twenty five years experience in Computer Law in transactional work and litigation;  
National lecturer on software licensing and related topics, practical on all aspects of computer law and internet law;  
Lecturer New Jersey Institute for Continuing Legal Education 1980's;  
Adjunct Professor of Computer Law - Rutgers & Fordham Law Schools, 1990's.

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**EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Very familiar with domain names since their inception and has followed their interaction with trademark law and international development.

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## MAJOR PUBLICATIONS

**Books:**

*Protect Yourself: The Guide To Understanding And Negotiating Contracts For Business Computers And Software*, John Wiley & Sons, Inc. 1984.

"Legal Considerations" in *How To Start a Word Processing Business at Home*, John J. Branson III, Prentice Hall, Englewood Cliffs, N.J., 1985.

**Law Review Articles:**

Fenster and Deutsch, "Computer and EDP Claims: Risk Management, Coverage and Potential Liabilities," *Software Law Journal*, Vol. IV, April 1991, No. 2 (Center for Computer Law).

Deutsch, "Litigate and Arbitrate: A Hybrid Method of Alternative Dispute Resolution," *Computer Law Journal*, Vol. X, December 1990, No. 4 (Center for Computer Law).

"An Introduction to Current Issues in Computer Law," *Journal of Paralegal Education And Practice*, American Association of Paralegal Education, Vol. 5 #1, October 1988.

"Risk Management for Computer Software Errors and Omissions," *The Risk Report*, International Risk Management Institute, Vol. XI, No 4, December, 1988 (Deutsch & Fenster).

Member, Editorial Advisory Board, *The Software Law Journal*, 1987.

"The 'Demo' as the Basis of the Fraud and Breach of Contract Claim," *The Computer Lawyer, Law & Business, Inc.*, Vol. 8, Number 5, May, 1991.

"When a Vendor Files for Bankruptcy," *Computerworld*, Vol. XXV, No. 11, March 18, 1991.

"Protect the Source Code of Software Investments," *Computerworld*, Vol. XXV, No. 12, March 15, 1991.

"Litigate and Arbitrate: A Hybrid Method of Alternative Dispute Resolutions," *Computer/Law Journal*, University of Southern California, Vol. X, Number 4, December, 1990.

"Computer and EDP Claims: Risk Management, Coverage and Potential Liabilities," *Software Law Journal*, The John Marshall Law School, Vol. IV, Number 2, April, 1991.

"An Introduction to Current Issues in Computer Law," *JOURNAL OF PARALEGAL EDUCATION AND PRACTICE*, American Association of Paralegal Education, Vol. 5 #1, October, 1988.

"How to Avoid the Pitfalls of Computer Contracting," *INC.*, June, 1981.

"A Legal Primer for the OEM," *DATAMATION (OEM Ed.)* March, 1984.

"Time Considerations and Computer Purchase Litigation", *New Jersey Lawyer; Journal of the New Jersey Bar Association*, May, 1986, Spring Issue, No. 115.

"Key Elements of Information Technology System Acquisition" *CyberSpace Camp*, Sponsored by the Computer Law Association and The Santa Clara University School of Law, September, 1998.

"Limitation of Liability Clauses: Will they Ever Be Effective Again?", *The Computer Lawyer, Law & Business, Inc.*, Vol. 3, No. 1, January, 1986.

"Contracts" *Computer Negotiations Reports*, Vol. 7, Issues 12 and 13, August and September 1984.

"Preparing the Breach of Contract Computer Law Case," *Trial Diplomacy Journal*, Northbrook, Ill., Vol. 8, No. 2, Summer, 1985.

"Computers and Medical Malpractice," *Medical Electronics*, April, 1986.

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“Simple Yet Savvy: Four Adjustments Add More Flexibility to Your Software Site Licenses,”  
ComputerWorld, Vol. 28, No. 40, October 3, 1994, Page 121.

“How Vendors Increase Their Profits in Today’s Marketplace,” Data-Tech News, Winter 1995, Volume 1  
Number 1, Page 3.

“Typical Contract Clauses in Web Site Agreements”, Drafting Web Site Agreements, New Jersey Institute for  
Continuing Legal Education, September 23, 1999.

“A Policy to Protect Against Improper Employee Computer Use”, New Jersey Municipalities: Magazine of the  
New Jersey State League of Municipalities, October 2000.

“A Policy to Protect Against Improper Employee Computer Use”, Pennsylvanian: The Magazine for Local  
Governments, November 2000.

“Standard Clauses for Website Development Agreements,” Gigalaw, www.gigalaw.com, 2001.

“A Proposal: Serving Process by E-mail”, New Jersey Lawyer, May, 20, 2002, Page 7.

#### **Seminars/Lecturers:**

“Understanding and Negotiating Contracts for Business Computers LECTURER and Software;” “Software  
and the Law;” “Buying and Selling Rights to Software, Hardware and Services,” “Software Licensing  
Agreements,” Data-Tech Institute, Nutley, New Jersey.

#### **Video Tape Seminars:**

“Software Licensing Agreements”, Summer 1995. A two hour video tape seminar on software licensing and  
protection issues. Technology Interchange Group, Inc., Clifton, N.J.

“Negotiating Effective Software Contracts”, Summer 1998, Computer Channel, Inc., Syosset, N.Y.

Has also written extensively for ComputerWorld, Datamation, and other miscellaneous publications.

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### **EXPERIENCE IN COURT LITIGATION**

Has been an active litigator for over twenty years. In that time has litigated hundreds of cases including  
many substantial computer law matters relating to all aspects of computer law from copyright infringement of  
software to licensing issues to Y2K litigation.

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### **EXPERIENCE IN MEDIATION**

Participated as litigant’s counsel numerous times in both court ordered mediation as well as private,  
voluntary mediation.

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### **PROFESSIONAL TRAINING IN ARBITRATION**

Received arbitrator training from the American Arbitration Association for PIP arbitrations.

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### **EXPERIENCE IN ARBITRATION**

Served as litigants’ council in probably one hundred court ordered arbitrations as well as arbitrations through  
the American Arbitration Association;

Served in well in excess of one hundred arbitrations as the arbitrator through the American Arbitration  
Association PIP panel.

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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	5				x
	ICC					
	LCIA					
	Ad Hoc					
Number of cases: sub-total						
Personal Injury Protection Domestic Arbitrations	AAA	200+		200+	4	
	Ad Hoc					
Number of cases: sub-total						
<b>TOTAL</b>		<b>200+</b>		<b>200+</b>	<b>4</b>	