

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Jacques de WERRA
Professor at the School of Law
University of Geneva
Geneva



Nationality: Canadian and Swiss

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Vice-rector, University of Geneva (in charge of technology transfer, digital strategy, relationships with international organizations, etc.), 2015 – 2019;
Professor of contract law and of intellectual property law, University of Geneva; since 2006;
Visiting professor / invited lecturer at various Universities (including Stanford Law School, Harvard Law School, Columbia Law School, Renmin Law School, City University of Hong Kong, Nagoya University, Université Catholique de Louvain, University of Lausanne);
Lecturer (for intellectual property law), University of Geneva, 2003 – 2006;
LL.M., Master of Laws, Columbia University School of Law, 2001;
Doctorate in Law (Ph.D), University of Lausanne, 1996;
Degree in Swiss Law, University of Lausanne, 1993.

Admission to:
New York Bar, 2002;
Geneva Bar, 1999.

LANGUAGES

French, English, German

May 25, 2020

PRESENT POSITION

Professor of contract law and of intellectual property law, University of Geneva.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Associate, Lenz & Staehelin, Zurich/Geneva, Switzerland, 2002 – 2006;
Intern, Fross, Zelnick, Lehrmann & Zissu P.C., New York, 2002;
Trainee / associate, de Pfyffer & Partners, Geneva, 1997 – 1999;
Intern, Morrison & Foerster, LLP, Brussels, 1996;
Research assistant, Law School of the University of Lausanne, 1993 – 1996.

AREAS OF SPECIALIZATION

Intellectual property (IP) law including transactional IP (IP-based agreements including licensing, franchising, research and development agreements and technology transfer agreements)
Information technology (IT) law / digital law;
Contract law (business contracts, including agency, distribution, joint venture, M&A, shareholder agreements).

MEMBERSHIP IN PROFESSIONAL BODIES

Association Littéraire et Artistique Internationale (ALAI), Swiss Group;
International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP);
Comité français de l'arbitrage;
International Association for the Protection of Intellectual Property (AIPPI), Swiss Group;
Licensing Executives Society (LES), Swiss Group;
Swiss Arbitration Association (ASA);
Swiss Forum for Communication Law;
Swiss Sports Law Association.

EXPERIENCE IN INTELLECTUAL PROPERTY

Former member of the Swiss Federal Arbitral Commission for the Management of Copyrights and Neighbouring Rights (2012-2015);
Arbitrator/counsel/expert activity in judicial and arbitral proceedings in intellectual property / IP transactional / contractual disputes since 2002;
Academic activities (teaching and research) in intellectual property law and in contract law (including the organization of the international annual IP conference at the University of Geneva, "Journée de Droit de la Propriété Intellectuelle", www.jdpi.ch);

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Arbitrator/counsel/expert activity in numerous disputes relating to domain names (gTLDs and ccTLD for ".ch") since 2002;
Academic activities (teaching and research) in domain name law / internet law / digital law;
Founder and organizer of the Geneva Internet law summer school, now the Digital Law Summer School (www.digitallaw-geneva.ch) and of the Geneva Digital Law Research Colloquium (www.digitallawcolloquium-geneva.ch).

MAJOR PUBLICATIONS

Using Arbitration and ADR for Disputes about Personal and Non-Personal Data: What Lessons from Recent Developments in Europe?, *American Review of International Arbitration* 2019, vol. 30, no. 2, p. 195-217;
<https://archive-ouverte.unige.ch/unige:134313>

Swiss Commercial Contracts: Review of Recent Case Law, in: *Jusletter*, 9 December 2019;
<https://archive-ouverte.unige.ch/unige:128163>

Can exclusive licensees sue for infringement of licensed IP rights? a case study confirming the need to create global IP licensing rules, in: *Harvard Journal of Law & Technology* 2017 (Special issue), p. 189-209;
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2907655

Annual review of Swiss contract law, in: *Journal des Tribunaux*¹ since 2011; last published review: *Droit des contrats : Partie générale et contrats spéciaux*, *Journal des Tribunaux II (Droit civil, poursuite pour dettes et faillites et procédure civile)* 2019, vol. 9, p. 339-348 ;
<https://archive-ouverte.unige.ch/unige:135631>

Commentary of art. 75 – 80 of the WIPO Arbitration Rules, in: *Arbitration in Switzerland: The Practitioner's Guide* (Manuel Arroyo ed.), 2nd edition, Wolters Kluwer 2018, p. 2123-2153;

Scientific co-editor (with Prof. Irene Calboli) of *The Law and Practice of Trademark Transactions: a Global and Local Outlook* (Edward Elgar 2016);

Scientific co-editor (with Prof. Philippe Gilliéron) and author of the *Commentaire romand de droit de la propriété intellectuelle* (approx. 2500 pages) commenting the four main Swiss intellectual property laws (i.e. copyright, patent, trademark and design laws), (Helbing & Lichtenhahn Basel 2013)

Scientific editor of the *Research Handbook on Intellectual Property Licensing* (Edward Elgar 2013):
www.ip-licensing.info;

Founder and editor of the intellectual property book series: *Propriété Intellectuelle – Intellectual Property* (www.pi-ip.ch):

- Vol. 1 : *Sport et propriété intellectuelle / Sport and Intellectual Property* (2010) ;
- Vol. 2 : *La résolution des litiges de propriété intellectuelle / Resolution of Intellectual Property Disputes* (2010) ;
- Vol. 3 : *Marques notoires et de haute renommée / Well-Known and Famous Trademarks* (2011) ;
- Vol. 4 : *La propriété intellectuelle dans l'industrie pharmaceutique / Intellectual Property in the Pharmaceutical Industry* (2012) ;
- Vol. 5 : Yaniv Benhamou (thèse de doctorat), *Dommmages-intérêts sous l'angle de la méthode des redevances suite à la violation de droit de propriété intellectuelle en droit suisse et comparé* ;
- Vol. 6 : *La protection des secrets d'affaires / The Protection of Trade Secrets* (2013) ;
- Vol. 7 : *Défis du droit de la concurrence déloyale / Challenges of Unfair Competition Law* (2014) ;
- Vol. 8 : *Le droit du design / Design law* (2015) ;
- Vol. 9 : *Indications géographiques: Perspectives globales et locale / Geographic Indications: Global and Local perspectives* (2016) ;
- Vol. 10 : *Droit d'auteur 4.0 / Copyright 4.0* (2017) ;
- Vol. 11 : *Accords de technologie / Technology transactions* (2018)
- Vol. 12 : *Marques 3D et autres marques non-traditionnelles = 3D trademarks and other non-traditional trademarks* (2019)

Alternative Dispute Resolution Mechanisms for Solving Trademark Disputes (Mediation, UDRP, Arbitration), in: Irene Calboli & Jacques de Werra (eds), *The Law and Practice of Trademark Transactions: a Global and Local Outlook* (Edward Elgar 2016), p. 293-322;
<https://archive-ouverte.unige.ch/unige:82027>

¹ Leading Swiss legal review (in French language).

New Developments of IP Arbitration and Mediation in Europe: The Patent Mediation and Arbitration Center Instituted by the Agreement on a Unified Patent Court, in: *Revista Brasileira de Arbitragem* 2014, p. 17-35;

<https://archive-ouverte.unige.ch/unige:39878>

The Expanding Significance of Arbitration for Patent Licensing Disputes: From Post-Termination Disputes to Pre-Licensing FRAND Disputes, in: *ASA Bulletin* 2014, vol. 32, no. 4, p. 692-706;

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2773720

Euro-Korean Perspectives on the Use of Arbitration and ADR Mechanisms for Solving Intellectual Property Disputes, in: *Arbitration International*, 2014, vol. 30, no. 1, p. 91-123 (co-authored with Gyooho Lee and Keon-Hyung Ahn);

<https://archive-ouverte.unige.ch/unige:33421>

Arbitrating International Intellectual Property Disputes: Time to Think Beyond the Issue of (Non-) Arbitrability, in: *International Business Law Journal*, 2012, Issue 3, p. 299-317;

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2149762

Can Alternative Dispute Resolution Mechanisms Become the Default Method for Solving International Intellectual Property Disputes? in: *California Western International Law Journal*, Vol. 43, No. 1, 2012, p. 39-75;

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2195968

How to Protect Trade Secrets in High-Tech Sports? An Intellectual Property Analysis based on the Experiences at the America's Cup and in the Formula One Championship, in: *European Intellectual Property Review* 2010 (volume 32, issue 4), p. 155-164;

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2149767

EXPERIENCE IN COURT LITIGATION

Counsel/expert/consultant in judicial proceedings (including expert legal opinions) in Switzerland / other countries for various issues of IP / contract law / Internet & digital law.

EXPERIENCE IN ARBITRATION

Experience as arbitrator (chairman, sole arbitrator, party-appointed arbitrator), counsel and expert in arbitration proceedings (institutional arbitration governed by various rules, including WIPO Rules, ICC Rules, Swiss Rules of International Arbitration, rules of the Court of Arbitration for Sport; and ad hoc arbitration proceedings) relating to a variety of contracts (share purchase agreements (M&A), licensing, technology transfer, distribution, franchising, publishing agreements, etc.), in many industries and business sectors (including pharmaceutical, medtech (medical technologies), transportation, construction, IT, telecommunication, music, etc.).

EXPERIENCE IN MEDIATION

Counsel in a commercial mediation relating to an intellectual property related agreement (patent license agreement); participation to various seminars in commercial mediation.

ARBITRATION EXPERIENCE**SUMMARY TABLE**

Type	Administering Institution		Role (without listing activities as expert / consultant)			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA	1				1
	ICC	8	2	1	3	2
	Swiss Rules	1	1			
	Ad Hoc	3			1	2
	Court of Arbitration for Sport	4				4
Number of cases: sub-total		17	3	1	4	9
Domestic Arbitrations	AAA					
	ICC	1			1	
	Ad hoc					
Number of cases: sub-total		1			1	
TOTAL		18	3	1	5	9

MEDIATION EXPERIENCE**SUMMARY TABLE**

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