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**WIPO LIST OF NEUTRALS**

**BIOGRAPHICAL DATA**

Christian GASSAUER-FLEISSNER  
Gassauer-Fleissner Rechtsanwälte GmbH  
Vienna  
Austria



Nationality: Austrian

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

Dr. jur., University of Vienna, 1980;  
Admission, Bar Association of Vienna, 1985.

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**LANGUAGES**

German, English, French (except drafting).

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**PRESENT POSITION**

Partner, Gassauer-Fleissner Rechtsanwälte GmbH.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Partner, Weiss-Tessbach, Attorneys-at-Law (now DLA Piper Weiss-Tessbach).

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**MEMBERSHIP IN PROFESSIONAL BODIES**

Member:

AIPPI (International Association for the Protection of Intellectual Property);  
APEB (Association des Practiciens Européens des Brevets);  
APRAM (Association des Praticiens du Droit des Marques et des Modèles);  
Austrian Association for Arbitration;  
Austrian Association for Industrial Property and Copyright;  
Bar Association of Vienna;

November 10, 2025

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ECTA (European Communities Trademark Association);  
 EPLAW (European Patent Lawyers Association), Member of the Board 2009-2014, Deputy Chairman 2010-2011, President 2011-2014, Member of Advisory Board since 2015;  
 Federation of Austrian Private Foundations;  
 IBA (International Bar Association);  
 INTA (International Trademark Association);  
 IPBA (Inter-Pacific Bar Association);  
 LIDC (International League of Competition Law and Copyright);  
 LES (Licensing Executives Society);  
 MARQUES (Association of European Trademark Owners);  
 Member of the Law Committee of the Austrian Federation of Industry;  
 UIA (Union Internationale des Avocats).

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### **AREAS OF SPECIALIZATION**

Intellectual property:

Trademarks, patents (except prosecution), copyright, industrial designs and software, domain names, know-how, trade secrets, litigation and contract drafting in all such areas;

Commercial law:

License, distribution and other agreements (also concerning any kind of exploitation of reputation and goodwill) related to intellectual property (patents, trademarks and copyright, including software and know-how) and related areas (sport, culture and entertainment). Advice on integrating corporate and IP aspects in corporate and business law to optimize IP-exploitation.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

More than twenty years experience, first as associate and as partner with Weiss-Tessbach, and since October 2002 as partner with Gassauer-Fleissner Attorneys-at-Law. Practice concentrates on negotiating and drafting contracts concerning intellectual property matters and related areas, as well as litigating.

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### **MAJOR PUBLICATIONS**

- Le Tribunal d'arbitrage de la Chambre Fédéral d'Economie de Vienne: Les dispositions les plus essentielles, en meme temps un essai de confrontation avec les normes d'arbitrage de la Österreichische Zivilprozessordnung (Code de Procédure Civile Autrichien) Gazette International Arbitration Arbitrage International 1991/1 (1991) [French];
- Musterschutz für Teile (1993); ecolex 1993, S 323, [German];
- Austrian section in: "International Intellectual Property Law", Center for International Legal Studies (1995) [English];
- Co-Author with Barbara Kuchar: Austrian contribution in: Olson/Manialis "Trade Marks: World Law and Practice", FT Law & Tax [English];
- Geheimhaltung, Offenbarung und Veröffentlichung von Daten in Informationsnetzwerken, ecolex 4/1997, [German];
- Co-Author with Michael Wolner: Recent Developments in Austrian Copyright Law, IPBA Journal March 1998 [English];
- Co-Author with Michael Wolner: Der Einwand der Nichtigkeit des Patents im Provisorialverfahren, ÖBI für gewerblichen Rechtsschutz und Urheberrecht 2000 [German];
- Co-Author with Alexander Cizek: Recent IP-Related Legislative Developments in Austria, IPBA Journal

- December 2001 [English];
- Co-Author with Rainer Schultes: Der Patentanwalt ist trotzdem zur zweckmäßigen Rechtsverfolgung notwendig, ÖBI 6/2002 [German];
  - Co-Author with Rainer Schultes: Commentary on decision OGH 40b 134/04s relating to the validity of Swiss Type patent claims, ÖBI 2/2005 [German];
  - Aufgaben und Grenzen des Sachverständigengutachtens bei Fragen der Patentverletzung, ÖBI 6/2005 [German];
  - Co-Author with Michael Wolner: The Austrian Practice in Cornish/Pagenberg "Interpretation of Patents in Europe. Application of Article 69 EPC", Heymanns 2006, 12 ff [English];
  - Patent- und Know-How-Lizenzverträge, in Petsche/Vartian "Wiener Vertragshandbuch" vol. 2, Manz 2006, 411 ff [German];
  - Die Rolle Österreichs in multinationalen Patentverletzungsfällen, Pagenberg-FS, 263, Carl Heymanns Verlag, 2006 [German];
  - Der Patentstreit in Österreich – heute, Mitteilungen der deutschen Patentanwälte 7/2007 [German];
  - Austrian Section in Kluwer: EU Patent Case Reporter; Database of Patent Decisions from EPC countries, beginning with 2008 [English];
  - Co-Author with Rainer Schultes and Robert Rittler: Patentrechtliche Verantwortlichkeit der Sozialversicherungsträger und des Hauptverbandes ÖBI 3/2008 [German];
  - Gründen mit Substanz, transkript Nr. 1-2/2009 [German];
  - Die Rechte mehrerer Berechtigter an Immaterialgüterrechten, Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht, 4/2009 [German];
  - Co-Author with Dominik Göbel: Patents 2011, A practical cross-border insight into patent work, ICLG to Patents 2011 Chapter 4 [English];
  - Copying: Forbidden – Allowed – Desirable – Required?, in *Hansen/Schüssler-Langeheine* (Eds), Patent Practice in Japan and Europe, Liber Amicorum for Gun-tram Rahn, Kluwer Law International 2011, 187;
  - Patent- und Know-How-License-Agreements, in Hausmaninger/Petsche/Vartian "Wiener Vertragshandbuch" vol. 2, 2nd Edition, Manz 2011 [German];
  - The feasibility of family private foundations for sustainable economic activity, Zeitschrift für Unternehmensnachfolge und Steuerplanung 4/2012 [German];
  - Innovation and Financing, in: *Fitz/Kalss/Kautz/Kucsko/Lukas/U. Torggler* (Hrsg), Festschrift für Hellwig Torggler, 2013 [German];
  - New EU-Directive on the Protection of Trade Secrets, *Ecolex - Fachzeitschrift für Wirtschaftsrecht*, 8/2016 [German];
  - Co-Author with Dominik Göbel and Valerie Eder: Chapter on Austria in Patent Litigation, A Global Guide From Practical Law, in Thomson Reuters 2016;
  - Co-Author with Dominik Göbel: Commentary on decision OGH 4 Ob 141/16p relating to call-back of infringing products in PI proceedings, Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht 5/2017 [German];
  - Co-Author with Sabine Agé: Too much and too little? The implementation of the Enforcement Directive in France and in Austria as far as measures for preserving evidence are concerned, Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht 4/2017 [German];
  - Co-Author with Dominik Göbel and Valerie Eder: Law and Practice in Austria, in: Chambers Global Practice Guides, Trademarks 2017;
  - The Draft of an amendment of the unfair competition law for the implementation of the trade secrets directive - Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht, 5/2018 [German];
  - The last secrets of the implementation of the trade secrets directive are revealed - Österreichische Blätter für gewerblichen Rechtsschutz und Urheberrecht, 2/2019 [German];
  - Trade secrets and PI proceedings – ipcompetence journal for intellectual property 2019, vol 21, 37;
  - Patent- und Know-How-License-Agreements, in Hausmaninger/Petsche/Vartian "Wiener Vertragshandbuch" vol. 1, 3rd Edition, Manz 2019 [German];

- The Trade Secrets Directive – Austria, les Nouvelles Special Issue, September 2019;
  - Co-Author with Manuel Wegrostek: Patent enforcement in Europe - A country-by-country overview, European Patent Office 2019.
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### **EXPERIENCE IN COURT LITIGATION**

Since 1981 acted in numerous court cases in Austria, as counsel to both plaintiff and defendant. In many cases the subject matter has involved international elements such as international conventions and/or laws of foreign countries, with clients mostly from multinational companies. Cases cover most areas of intellectual property law, including patent, trademark, copyright and domain infringement, and unfair competition law, as well as disputes arising from contracts.

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### **EXPERIENCE IN ARBITRATION**

International arbitration experience includes disputes relating to software performance, cooperation agreements related to patent exploitation, mergers & acquisitions and commercial trade. The procedures were based on ad hoc arbitration agreements, ICC Rules, the Rules of the Economic Commission for Europe of the United Nations, Statutes of the Arbitration Court of the Vienna Stock Exchange, and the Rules of Arbitration of the Arbitral Center of the Federal Economic Chamber of Vienna.

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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	WIPO Domain Name panelist	21		19	2	
	ICC	4		1	2	1
	Ad Hoc	4	2	1		1
	Others:	14			10	4
Number of cases: sub-total		43	2	21	14	6
Domestic Arbitrations						
		6			5	1
Number of cases: sub-total		6			5	1
<b>TOTAL</b>		<b>55</b>	<b>2</b>	<b>21</b>	<b>24</b>	<b>8</b>

In addition: Ethics Commission of Vienna bar (approx. 50 cases)