

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

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Nationality: Austrian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

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

LANGUAGES

German, English, French (except drafting).

PRESENT POSITION

Gassauer-Fleissner Rechtsanwälte GmbH.

May 3, 2017

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Weiss-Tessbach, Attorneys-at-Law.

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 Comparative Law;
Austrian Association for European Law;
Austrian Association for Industrial Property and Copyright;
Bar Association of Vienna;
ECTA (European Communities Trademark Association);
EPLAW (European Patent Lawyers Association), Member of the Board of Advisors;
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).

AREAS OF SPECIALIZATION

Intellectual property:

Trademarks, patents (except prosecution), copyright, industrial designs and software, domain names, know-how, goodwill, unfair competition, litigation in all such areas;

Commercial law:

License, franchise, 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).

EXPERIENCE IN INTELLECTUAL PROPERTY

More than twenty years experience, first as associate and as partner with Weiss-Tessbach, 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.

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];
- 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];
- with Michael Wolner: Recent Developments in Austrian Copyright Law, IPBA Journal March 1998 [English]
- with Michael Wolner: Der Einwand der Nichtigkeit des Patents im Provisorialverfahren, ÖBI für gewerblichen Rechtsschutz und Urheberrecht 2000 [German];
- with Alexander Cizek: Recent IP-Related Legislative Developments in Austria, IPBA Journal December 2001 [English];
- with Rainer Schultes: Der Patentanwalt ist trotzdem zur zweckmäßigen Rechtsverfolgung notwendig, ÖBI 6/2002 [German];
- 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];
- 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];
- 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];
- 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 Guntram 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];
- Various lectures in regard to issues of industrial property rights, corporate law and private foundation law.

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.

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.

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	12		10	2	
	ICC	2			1	1
	Ad Hoc	4	2	1		1
	Others:	11			7	4
Number of cases: sub-total		29	2	11	10	6
Domestic Arbitrations						
		5			5	
Number of cases: sub-total		5			5	
TOTAL		34	2	11	15	6

Ethics Commission of Vienna bar (approx. 50 cases)