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## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Matthew KENNEDY  
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University of International Business and Economics  
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People's Republic of China



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Date of Birth: February 14, 1965

Nationality: Australian

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Doktor der Rechtswissenschaft (Ph.D. in Law) *summa cum laude*, University of Bern, Switzerland;  
Master of International and Comparative Law with great distinction, Free University of Brussels;  
Bachelor of Arts, Bachelor of Laws (Hons), University of Sydney, Australia.

Solicitor of the Supreme Court of New South Wales;  
Solicitor of the Supreme Court of the Northern Territory of Australia.

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### LANGUAGES

English, French, Spanish and Chinese

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### PRESENT POSITION

Professor, Faculty of Law, University of International Business and Economics, Beijing.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

WTO Secretariat, Geneva (1997-2010) Intellectual Property Division and Legal Affairs Division;  
Northern Land Council, Darwin (1997) Legal officer;

July 23, 2019

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Private legal practice, Sydney (1990-1996);  
Freehill, Hollingdale & Page (1990-1992);  
Clayton Utz (1992-1996).

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### MEMBERSHIP OF PROFESSIONAL BODY

Fellow of the Chartered Institute of Arbitrators.

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### AREAS OF SPECIALIZATION

International intellectual property law;  
International trade law.

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### EXPERIENCE IN INTELLECTUAL PROPERTY

Counselor to WTO dispute settlement panels in intellectual property matters;  
Former Secretary of the WTO Council for TRIPS;  
Provided technical cooperation on implementation of the TRIPS Agreement to governments in Africa, Latin America, Asia and the Pacific;  
Drafted and prosecuted Australian trade mark applications to grant;  
Negotiated and drafted trade mark, patent and copyright licences and information technology agreements;  
Advised on intellectual property infringement and unfair competition for both right holders and users;  
Negotiated protection of traditional knowledge in a medical research contract.

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### EXPERIENCE WITH RESPECT TO DOMAIN NAMES

WIPO panelist in over 180 proceedings under the Uniform Domain Name Dispute Resolution Policy and country code Top-Level Domain dispute resolution policies.

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### MAJOR PUBLICATIONS

*WTO Dispute Settlement and the TRIPS Agreement: Applying Intellectual Property Standards in a Trade Law Framework* (Cambridge University Press, 2016);  
'Sources of International Trade Law' in D. Bethlehem et al. (eds.) *Oxford Handbook of International Trade Law* (2<sup>nd</sup> ed.) (Oxford University Press, forthcoming);  
'The Adverse Effects of Technological Innovation under WTO Subsidy Rules', *World Trade Review* 18 (2019) (forthcoming);  
'The Brexit Wine and Spirit Agreements', *Jus Vini - The Journal of Wine and Spirits Law* 2 (2019) (forthcoming);  
'Las Reclamaciones Sin Infracción en las Diferencias Relativas a la Propiedad Intelectual en la OMC', *Revista Española de Derecho Internacional* 71: 125-43 (2019);  
'Sober reflection on traditional terms for wines', *Queen Mary Journal of Intellectual Property* 8: 114-35 (2018);  
'Avoiding Barriers to Legitimate Trade: Objectives and Obligations' in A. Kamperman Sanders et al. (eds.) *Intellectual Property Rights as Obstacles to Legitimate Trade?* (Wolters Kluwer, 2018) 3-30;  
'Export Restrictions in Plant Breeder's Rights', *Journal of International Economic Law* 20: 883-903 (2017);  
'Legal Options for a Sustainable Energy Trade Agreement' in G. C. Hufbauer et al. (eds.) *The Law and Economics of a Sustainable Energy Trade Agreement* (Cambridge University Press, 2016) 390-457;  
'Overseas Territories in the WTO', *International and Comparative Law Quarterly* 65: 741-61 (2016);  
'Enforcing the WTO Rulings on Trade Marks and Trade Names in *Havana Club*', *Queen Mary Journal of Intellectual Property* 5: 430-48 (2015);  
'Blurred Lines: Reading TRIPS with GATT Glasses', *Journal of World Trade* 49: 735-55 (2015);  
'The "Three-Step Test" and the Burden of Proof in Disputes under the TRIPS Agreement', *IIC – International Review of Intellectual Property and Competition Law* 45: 161-177 (2014);

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'The Integration of Accession Protocols into the WTO Agreement', *Journal of World Trade* 47: 45-76 (2013);  
 'China's role in WTO dispute settlement', *World Trade Review* 11: 555-589 (2012);  
 'Two Single Undertakings: Can the WTO Implement the Results of a Round?', *Journal of International Economic Law* 14: 77-120 (2011);  
 'Why Are WTO Panels Taking Longer? And What Can Be Done About It?'. *Journal of World Trade* 45: 221-253 (2011);  
 'When Will The Protocol Amending the TRIPS Agreement Enter Into Force?', *Journal of International Economic Law* 13: 459-473 (2010);  
 'WTO Dispute Settlement and Copyright: The First Seven Years' in *Copyright - Internet World*, Association Littéraire et Artistique Internationale (2002);  
 'Services Join GATT: An Analysis of the General Agreement on Trade in Services', *International Trade Law and Regulation* 1: 11-20 (1995);  
 'Hollow Ring to Merger Control Regulation Exception', *European Competition Law Review* 5: 267-269 (1995);  
 'Rights to Inspect Competitors' Property in Australia', *International Company and Commercial Law Review* 4: 259-263 (1993).

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### EXPERIENCE IN COURT LITIGATION

Solicitor in proceedings in the Supreme Court of New South Wales and the District Court of New South Wales.

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### PROFESSIONAL TRAINING IN ARBITRATION

Diploma in International Arbitration, Chartered Institute of Arbitrators;  
 Advanced course on Arbitration and Mediation Procedure under the WIPO Rules.

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### EXPERIENCE IN ARBITRATION

Panelist in proceeding under WTO dispute settlement rules and procedures:

- *United States – Use of Facts Available*, DS539 (ongoing).

Counsellor to panels in proceedings under WTO dispute settlement rules and procedures:

- *China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights*, DS362;
  - *European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs*, DS174 & DS290;
  - *United States – Measures Affecting Internet Gambling Services – Recourse to Article 21.5 of the DSU by Antigua and Barbuda*, DS285;
  - *United States – Subsidies on Upland Cotton*, DS267;
  - *Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches*, DS238;
  - *Canada – Term of Patent Protection*, DS170.
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### PROFESSIONAL TRAINING IN MEDIATION

Advanced course on Arbitration and Mediation Procedure under the WIPO Rules.

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### EXPERIENCE IN MEDIATION

Solicitor in one commercial dispute in the Supreme Court of New South Wales referred to mediation.

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**ARBITRATION EXPERIENCE**  
**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-Arbitrator	Counsel (Secretariat)
International Arbitrations	WTO	7			1	6
	Ad Hoc					
<b>Number of Cases: Sub-Total</b>		7				
Domestic Arbitrations						
<b>Number of Cases Sub-total</b>						
<b>TOTAL</b>		7				

**MEDIATION EXPERIENCE**  
**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Mediations	Mediator		Counsel	
International Mediations						
	Ad Hoc					
	Others					
<b>Number of Cases:</b>						
<b>Sub-Total</b>						
Domestic Mediations						
	Court Annexed	1			1	
	Ad Hoc					
<b>Number of Cases</b>						
<b>Sub-total</b>						
<b>TOTAL</b>		1			1	