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**WIPO LIST OF NEUTRALS**

**BIOGRAPHICAL DATA**

Pierre Olivier KOBEL  
Athena Avocats Attorneys-at-law  
Geneva



Nationality: Swiss

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

LL.M., Trade Regulations, New York University School of Law, New York, United States of America, 1991;  
D.E.S., Diplôme d'Etudes Supérieures, Geneva University, Switzerland, 1986;  
J.D., Geneva University, Switzerland, 1983.  
Admitted to the Geneva Bar, 1988.

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**LANGUAGES**

French, English, spoken written  
German and Italian, spoken

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**PRESENT POSITION**

Founding partner, Athena Avocats Attorneys-at-law, since October 2021;

Deputy Judge with the Geneva Appellate Civil Court (Cour de justice) (prev. with Tribunal de Première instance, 2011-2014).

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Principal, Kobel Avocat Attorney-at-law, June 2016-Sept 2021;  
Partner, De Weck, Zoells & Kobel, Geneva, January 2015-May 2016;  
Partner, Hirsch Kobel, March 2001 – January 2015;  
Legal Advisor and then General Counsel, Europe, Middle-East & Africa, SITA sc, 1995-2001; negotiations with clients, suppliers and regulators in the field of telecommunications, computer, software, data processing and outsourcing services in Europe, Middle-East & Africa and outsourcing activities on a world-wide basis;  
Associate, Schellenberg & Haissly, Geneva, 1992-1995;

October 8, 2021

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Associate, Swiss Antitrust Commission, Bern, 1992-1993;  
 Associate, Gros & Waltenspuhl, Geneva, 1991-1992;  
 Associate, Comina, Favre & Payot/Lenz Staehelin, Lausanne, 1989-1990;  
 Foreign associate, Arnold & Porter, Washington D.C., United States of America, 1989;  
 Associate and trainee, Comina, Favre & Payot, Lausanne, 1986-1988.

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### **MEMBERSHIP IN PROFESSIONAL BODIES**

#### Chairmanship:

Swiss Competition Law Association (asas), Chairman (2004-2009);  
 Association médiationS, Chairman (2004-2007).

#### Board Member:

Swiss Competition Law Association, current;  
 Mediation Commission of the Swiss Bar Association, Vice-President (2004-2013) 2021-;  
 International League on Competition Law, Council Member; General Rapporteur (2011-2013);  
 Commission de préavis of the Département des Institutions of the Canton Geneva, supervising and surveying mediators in civil and criminal matters.

#### Member:

AIPPI (The International Association for the Protection of Intellectual Property); Member of the AIPPI  
 Committee on Commercialisation of IP rights, current;  
 AROPI (Association Romande de la Propriété Intellectuelle);  
 Swiss Arbitration Association;  
 Geneva Business Law Association;  
 Association Suisse pour le Droit Européen;  
 Geneva Bar Association, etc.

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### **AREAS OF SPECIALIZATION**

International agreements: IP and know-how, licensing, distribution, joint ventures, corporate related agreements in all fields, food and beverages, pharma and chemical industry, telecommunications and information technology, general commercial agreements and corporate transactions.

Intellectual property: litigation and advice in patent/copyright/trademark law in the fields of the chemical industry, pharmaceutical, telecommunications and information technology.

Competition law: all areas.

Business and Finance law.

Dispute resolution: court litigation, arbitration, mediation.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Negotiating and drafting all sorts of contracts pertaining to IP rights, but mainly know-how, patents, copyright and trademark licensing agreements;

Negotiating and drafting all sorts of contracts pertaining to telecommunications and IT, cloud, outsourcing, desktop to desktop services, SLAs, etc;

Frequent advice on distribution and agency agreements, parallel imports/exhaustion of IP rights;

Litigation in the field of patent, know-how, trademark and industrial designs;

Advice in entertainment and the arts.

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## MAJOR PUBLICATIONS

La confidentialité de la médiation à l'épreuve de l'escroquerie au procès : une perspective transversale, Jusletter 22 février 2021 [https://jusletter.weblaw.ch/juslissues/2021/1056/la-confidentialite-d\\_96adff4863.html\\_ONCE&login=false](https://jusletter.weblaw.ch/juslissues/2021/1056/la-confidentialite-d_96adff4863.html_ONCE&login=false).

Clauses multi-tiered et la fenêtre de médiation, in Laurent Hirsch/Christophe Imhoos (éds) Arbitrage, médiation et autres modes pour résoudre les conflits autrement, Genève/Zurich 2018, Schulthess p. 143 et seq.

Les tribunaux civils peuvent-ils avoir recours à des caucus? Contribution à une réflexion sur le recours à des caucus en médiation et en procédure civile, Jusletter 5 November 2018 <https://jusletter.weblaw.ch/fr/juslissues/2018/956.html>.

Sanction des accords de mediation par le juge civil, in Revue Suisse de procedure civile (RSPC) 5/2018, p. 423 et seq.

Antitrust Analysis of Online Sales Platforms & Copyright Limitations and Exceptions, Springer 2018. Kilpatrick Bruce, Kobel Pierre, Këllezi Pranvera (Eds), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

Jurisprudence européennes et étrangères, Chroniques, Distribution (Gaba), Communication accords verticaux, Non-déductibilité fiscale des sanctions en droit de la concurrence, Concurrences No 3-2017, pp. 174-179.

Un arrêt très attendu en droit des cartels: la décision du Tribunal fédéral dans l'affaire Gaba, in Jusletter June 19, 2017, <https://jusletter.weblaw.ch/fr/juslissues/2017/896.html>.

Antitrust in Pharmaceutical Markets & Geographical Rules of Origin, Springer 2017. Kobel Pierre, Këllezi Pranvera, Kilpatrick Bruce, (Eds), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

Abuse of Dominant Position and Globalization & Protection and Disclosure of Trade Secrets and Know-How Springer 2017  
Këllezi Pranvera, Kilpatrick Bruce, Kobel Pierre, (Eds), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

Compatibility of Transactional Resolutions of Antitrust Proceedings with Due Process and Fundamental Rights & Online Exhaustion of IP Rights, Springer, 2016  
Kilpatrick Bruce, Kobel Pierre, Këllezi Pranvera, (Eds.), in LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

Jurisprudences européennes et étrangères Chroniques I Concurrences N° 2-2016 I pp. 220-240  
<http://www.concurrences.com/Journal/Issues/No-2-2016/Chroniques-1827/Suisse-Le-Tribunal-administratif?lang=en>.

The Swiss Competition Commission adopts a new Communication regarding the assessment of vertical arrangements in the motor vehicle sector in Concurrences 4-2015 pp. 225 et seq.  
<http://www.concurrences.com/Journal/Issues/No-4-2015/Chroniques-1779/Switzerland-The-Swiss-Competition-76582>.

The European Union and Switzerland agreement concerning the application of their competition laws is entering in force on the 1st of December 2014  
Revue Concurrences N° 2-2015, Art. N° 73234, pp. 210-214, mai 2015.

Antitrust in the Groceries Sector & Liability Issues in Relation to Corporate Social Responsibility

Springer, 2015

Kobel Pierre, Këllezî Pranvera, Kilpatrick Bruce, (Eds.), in: LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

“The Private Action Package: the End or the Beginning of ADR in Antitrust?”

XI Treviso Antitrust Conference, 15-16 May 2014, published in Antitrust between EU and National Law, E. A. Raffaelli, (ed.), Bruylant-Giuffrè 2015.

The cooperation agreement between the European Union and Switzerland concerning the application of their competition laws is in force since the 1st of December 2014

Bulletin e-Competitions December 2014, Art. N° 72450.

“Le parasitisme en droit suisse : entre Nachahmungsfreiheit, Verwechslungsgefahr et Rufausbeutung”, in *Intellectual Property - Propriété intellectuelle 7*, Challenges of Unfair Competition Law Jacques de Werra (ed.), Schulthess 2014.

Antitrust for Small and Middle Size Undertakings and Image Protection from Non-Competitors

Springer, 2014

Këllezî, Pranvera, Kilpatrick, Bruce, Kobel, Pierre (Eds.), in: LIDC Contributions on Antitrust Law, Intellectual Property and Unfair Competition.

“Convention de médiation” in *Recueil de contrats commerciaux*, Marchand S., Chappuis Ch., Hirsch L., 2013 Helbing Lichtenhahn, Bâle.

“Par-delà le bien et le mal: questions relatives au marketing d'événements”

Conference organised by the “Association romande de propriété intellectuelle ” regarding Sports and IP rights March 1, 2013.

“La Commission Suisse de la concurrence sanctionne un fabricant européen de véhicules automobiles pour avoir restreint les exportations de véhicules de l'EEE vers la Suisse (BMW)”

Concurrences N° 1-2013, n°50784, pp. 218-221.

“The Swiss Competition Commission fines car manufacturer for preventing parallel imports by prohibiting its authorised dealers within the EEA from selling new cars to customers located in Switzerland (BMW)”

7 mai 2012, e-Competitions, N°49633.

Election de for et consommateurs : La Cour de justice prend position mais ne tourne pas la page”

Actualités du Centre de droit bancaire et financier de l'Université de Genève, 18 février 2011.

“Mediation”, *Pratique de l'avocat* 2009

edited by Fellmann W., Poledna T., Stämpfli Eds. Berne, 2009.

“Le nouveau règlement médiateur FSA/ médiatrice FSA”

revue de l'avocat 3/2008 p. 99 et seq.

“Post Expiration Royalties: What Standard Should be Followed”

Conference to the UIA Congress, Paris November 3, 2007.

“Ambush Marketing: Too Smart to be Good?”

International Report to LIDC Congress in Catania, September 29, 2007.

“Un exemple d'ADR tiré de la pratique en Suisse : La procédure de résolution des différends .ch et .li”

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Swiss Attorneys Federation Congress, Lucerne June 9, 2007.

“Dix questions concernant les directives FSA pour la médiation” in collaboration with Hubert Rüedi, published in *Revue de l'avocat* 11-12/2005, p. 447 et ss. Deutsche Version.

“Confirmation par la Cour de la pratique de la Commission en matière de calcul d'amendes” published in *Newsletter Center for European Legal Studies* July 2005.

Conference on Mediation and Employment organised by Association MédiationS in collaboration with the University of Geneva, January 2005.

“Sanctions de droit des cartels et problèmes de droit administratif pénal” published in *AJP/PJA* 9/2004, p. 1150 et ss.

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### PROFESSIONAL TRAINING IN MEDIATION

Getting to Yes training with Egger Philips & Partner (1994);  
 Training Program on Mediation in Intellectual Property Disputes, WIPO, MM. Friedman & Mnookin (1996);  
 Advanced Workshop on Mediation in Intellectual Property Disputes, WIPO, M. Steven Goldberg & Mme Margaret Shaw (1998);  
 CEFOC, Training in general mediation (2002);  
 Swiss Bar Association (FSA/SAV) accreditation as Mediator FSA (2002);  
 Continuing education in mediation according to the Swiss Attorney's Federation Rules on Mediation and CSMC ;  
 Accredited Mediator with FSM (Swiss Mediators Federation), CSMC (Swiss Chamber of Commercial Mediation).

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### EXPERIENCE IN MEDIATION

Mediator in	Construction contracts; Corporate matters; Distribution agreements; TV format rights; Joint ventures; Complex lease disputes; Moral harassment cases; Outsourcing agreements; Complex divorce cases; Municipal politics; Medical malpractice.
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Founder of OFS Ombud Finance Switzerland, a foundation offering mediation and evaluation services to the Swiss finance industry [www.ombudfinance.ch](http://www.ombudfinance.ch) according to the Swiss Federal Financial Services Act.

Trainer and teaching:

Lecturer at University of Geneva, Ecole d'Avocature, on negotiation and mediation (since 2011-onwards)

Lecturer at University of Neuchâtel Académie de Magistrature, on interplay between mediation and courts (2009-2013);

Guest lecturer by WIPO, Kiev 2019 and other organisations such as ECTA on October 19, 2018 in Geneva, <https://www.youtube.com/watch?v=ymjtJ9B0lo0&feature=youtu.be>

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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	ICC	6			3	3
	WIPO domain names	25		24	1	2
<b>Number of cases: sub-total</b>		31		24	4	5
Domestic Arbitrations	CCIG				1	
	Ad hoc				1	
<b>TOTAL</b>		<b>31</b>		<b>24</b>	<b>6</b>	<b>5</b>

**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Mediations	Mediator		Counsel	
International Mediations	WIPO	2	2			
	ICC	2	2			
	Ad Hoc	1	1			
	Others					
<b>Number of Cases : Sub-Total</b>		5	5			
Domestic Mediations	CCIG	3	3			
	Court Annexed	2	2			
	Ad Hoc (usually directly appointed by attorneys of the parties) (Domestic in Geneva is most of the time international in nature, culture)	30	30			
<b>Number of Cases Sub-total</b>		35	35			
<b>TOTAL</b>		<b>40</b>	<b>40</b>			