

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

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Date of Birth: October 19, 1961
Nationality: Swiss

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.

LANGUAGES

French, English.
(other spoken languages, German and Italian).

PRESENT POSITION

Principal, Kobel Avocat Attorney-at-law, since June 2016.

March 29, 2019

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PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, De Weck, Zoells & Kobel, Geneva, January 2015-June 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, dataprocessing and outsourcing services in Europe, Middle-East & Africa and outsourcing activities on a world-wide basis;
Associate, Schellenberg & Haissly, Geneva, 1992-1995;
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.

MEMBERSHIP IN PROFESSIONAL BODIES

Chairmanship:

Swiss Competition Law Association (asas), Chairman (2004-2009);
Association mediations, Chairman;
Mediation Commission of the Swiss Bar Association, Vice-President (2004-2013).

Board Member:

Swiss Competition Law Association, current;
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:

American Bar Association;
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;
Union Internationale des Avocats;
Geneva Bar Association, etc.

AREAS OF SPECIALIZATION

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

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.

Dispute resolution : court litigation, arbitration, mediation.

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, 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.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Giving advice in relation to registration of domain names in combination with trademarks.
Expert appointment in various WIPO domain name cases.

MAJOR PUBLICATIONS

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 médiation par le juge civil, in Revue Suisse de procédure civile (RSPC) 5/2018, p. 423 et seq.

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

Jurisprudences européennes et étrangères Chroniques | Concurrences N° 2-2016 | pp. 220-240
Concurrences - Revue des droits de la concurrence - Competition Law Review
<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-propiété 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 1st, 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”
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.

EXPERIENCE IN COURT LITIGATION

Litigation practice from 1986 to 1995 / and since 2001; Geneva, Vaud, Bern, Fribourg courts, Swiss Federal Administrative Court, Swiss Supreme Court;
Deputy Judge with the Geneva Court of Justice (Appellate Court and first instance court in IP and competition matters), since 2014;
Counsel in proceedings in front of the Swiss Antitrust Commission. Experience as associate with the Swiss Antitrust Commission;
In relation to IP rights, litigation in the field of patents, trademarks, industrial design, know-how and unfair competition in front of Swiss courts or international arbitration tribunals;
Co-counsel in arbitration cases and party appointed arbitrator.

PROFESSIONAL TRAINING IN MEDIATION

Regular attendance to conferences and seminars organized by the Swiss Federation of Attorneys.
Lecturer at University of Neuchâtel Académie de magistrature, on interplay between mediation and courts (2009-2013);
Co-trainer in a Multi-party mediation training organized by the Swiss Attorneys Federation, Lucerne 2005;
Continuing education training with Larry Fong organized by the Swiss Attorneys' Federation, Berne 2004;
CEFOC Training in Mediation, Spring, 2002;
Accredited "FSA Mediator", 2002;
WIPO "Advanced workshop on Mediation in Intellectual Property Disputes", 1997;
WIPO "Training program on Mediation in Intellectual Property Disputes", May 1996;
"Getting to "yes" training", Egger & Partners, Neuchâtel, Switzerland, 1994.

PROFESSIONAL TRAINING IN ARBITRATION

Regular attendance to conferences and seminars organized by the Swiss Arbitration Association;
WIPO Workshop for Arbitrators, Geneva, November 12-13, 2001;
Part of LL.M. program in Trade Regulation at NYU, New York, 1991.

EXPERIENCE IN ARBITRATION

Party appointed arbitrator in construction matters;
Co-counsel in pharmaceutical dispute;
Co-counsel in large multi-party arbitration matter;
Activity as counsel in construction, trade disputes cases.

Outsourcing and asset deal dispute - Activity as auxiliary to the arbitrator;
Aircraft parts purchase contract dispute.- Activity as auxiliary to the arbitrator;
Aircraft purchase contract dispute - Activity as auxiliary to the arbitrator;
Regular advice in the field of arbitration.

EXPERIENCE IN MEDIATION

Mediator in Construction contracts;
 Corporate matters;
 Distribution agreements;
 TV format rights;
 Joint ventures;
 Complex lease disputes;
 Moral harassment cases;
 Outsourcing agreements.

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
Number of cases: sub-total		31		24	4	5
Domestic Arbitrations	CCIG				1	
	Ad hoc				1	
TOTAL		31		24	6	5

MEDIATION EXPERIENCE**SUMMARY TABLE**

Type			Role	
	Name	Number of mediations	Mediator	Attorney/ counsel
International Mediations	ICC	2	2	
	WIPO	2	2	
	Ad Hoc			
	Others :			
Number of cases: sub-total		4	4	
National Mediations	Direct appointment by attorneys for the parties	Over 30	Over 30	-
	CCIG	3	3	
Number of cases: Sub-total		33	33	
TOTAL		Over 37	Over 37	-