
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Daniel KRAUS
Kraus legal & IP
Bern



Université de Neuchâtel
Faculté de droit
Neuchâtel

Nationality: Swiss/British

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Visiting Researcher, Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich:
research and publications in the field of intellectual property, international trade and biotechnology
May - June 2005;

Ph.D., in Law (*Summa cum laude, Walther Hug Prize 2004*): Parallel Imports of Patented Products –
WTO Law, European Law and Swiss Law (in French); Director: Prof. E.-U. Petersmann, University of
Geneva, 2003;

Attorney-at-Law (*Brevet d'avocat*), Geneva, 1996;

Master of Laws (LL.M). Main subjects: European Law (Competition, Internal Market including Intellectual
Property, European Institutions); Diplomatic Methods and Management of Foreign Policy, King's College
London / London School of Economics, 1993;

Law degree (*Licence en droit*), University of Geneva, 1991.

Accolades/Awards:

Credit Suisse Award for Best Teaching, 2007;

Walther Hug prize for the best doctoral thesis, 2004.

LANGUAGES

French and English;

German, Swiss-German (Other working languages);

Italian, Spanish (Good knowledge).

PRESENT POSITION

Kraus, 2014;

Professor at Neuchâtel Law School, University of Neuchâtel (Innovation law);
Part time Judge at the Swiss federal Patent Court (as of 01.01.2012);
Lecturer on IP at several other universities, including EPFL (Lausanne) and Faculty of Sciences (school of Pharmacy), Geneva.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Attorney-at-law, Umbricht Attorneys, Bern and Zurich 2008-2014;

Head, Training and Technical Cooperation (60%), Federal Institute of Intellectual Property, Berne, July 2005 – July 2008;

Lecturer / "maître-assistant" (40%), University of Neuchâtel, Law Faculty. Teaching activity: course on international intellectual property law, public health and development. Head of several research projects, Nov. 2004 – Aug. 2009;

Deputy Head, Legal Services, International Trade Relations, Federal Institute of Intellectual Property, Berne, 2002 – July 2005;

Co-director, Special Program of Cooperation with Vietnam, Federal Institute of Intellectual Property, Berne, 2000 – 2002;

Legal Counsel, Legal and International Affairs Division, Member of the Swiss Delegation to WTO, WHO and UN (Geneva and New York), Federal Institute of Intellectual Property, Berne, 1999 – 2000;

Attorney-at-Law, Law Offices of Maître Ute Bugnion, Geneva law firm specializing in intellectual property, 1997 – 1999;

Research Assistant, European law and International economic law (Prof. E.-U. Petersmann); Tutor in European law at the European Institute of the University of Geneva; University of Geneva, Law Faculty. Helping with the setting up of the program for an LL.M in European law; helping establishing and managing the Academy of International Economic Law and Dispute Settlement; Juror at the examinations in law for the Commercial graduation diploma (*Maturité commerciale*), 1997 – 1999;

Attorney-at-Law internship (*Avocat-stagiaire*) Schellenberg Wittmer (formerly Brunschwig Wittmer), Geneva, 1994 – 1996;

Traineeship (*stage*) at the European Commission, Brussels, Directorate-General for External Economic Relations (DG 1). Holder of Fellowship of the Switzerland-European Community Committee, Oct. 1993 – Feb. 1994.

AREAS OF SPECIALIZATION

Intellectual property: patent law, trademarks, designs, copyright, licensing, protection of know-how;
Unfair competition law;
Contracts;
Competition / antitrust law;
Technical cooperation in the field of intellectual property.

MEMBERSHIP IN PROFESSIONAL BODIES

President (2007-2008), then member of the working group on training, STOP PIRACY, Swiss Anti-Counterfeiting and Piracy Platform.

Member:

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP);
 International Trademark Association (INTA);
 Association internationale pour la protection de la propriété intellectuelle (AIPPI);
 Swiss Arbitration Association (ASA);
 Ligue internationale du droit de la concurrence (LIDC);
 International law association;
 Association genevoise de droit des affaires (AGDA);
 Association des avocats bernois ;
 Zürcher Anwaltsverband;
 Association suisse des avocats;
 Forum on Genetic Research, Forum of the Swiss Academy of Science.

EXPERIENCE IN INTELLECTUAL PROPERTY

More than 16 years experience in advising, negotiating and litigating, as well as legal research in the field of intellectual property.

MAJOR PUBLICATIONS

Commentaire romand de propriété intellectuelle – Loi sur le droit d’auteur, Loi sur la protection des marques, Loi sur les designs, Loi sur les brevets: commentaire des articles 9 et 9a, 32, 35a et 35b, 36 à 40e et 49a de la loi sur les brevets d’invention, éd. Helbing et Lichtenhahn (to be published in 2012);
 Access and benefit sharing user measures in Switzerland, (avec Markus Rüssli) in: *Journal of World Intellectual Property* Vol 14 Issue 1, January 2011, pp. 54-74;
 Quelques considérations sur la lutte contre les contrefaçons en Suisse, in: *Actes de l’Institut de Lutte contre la criminalité économique*, Neuchâtel 2010;
 TRIPS as a tool for intellectual property management, in: *The IP Manager*, Wolters Kluwers, Munich 2009;
 La lutte contre les contrefaçons en droit suisse de la propriété intellectuelle: une course aux armements, in: *Wirtschaftsrecht in Theorie und Praxis, Festschrift für Roland von Büren*, Berne 2009;
 Etendue et limites de la protection par brevet des inventions biotechnologiques, in: *Jusletter*, 17 August 2009 (with Leila Ghassemi);
 Requirements for Access to Affordable and Efficacious Traditional Medicine(s), (editor), Schulthess, Zurich 2008;
 Traditional Medicine(s): Definitions and terminology, with Tony Bunn and Béatrice Stirner, in: *Requirements for Access to Affordable and Efficacious Traditional Medicine(s)*, pp. 5-15;
 Les conditions pour une protection équilibrée de la propriété intellectuelle en Suisse, in: *Die Volkswirtschaft* 7-8/2006, pp. 4-8, 2006;
 Le «droit à la santé»: quelques considérations de droit constitutionnel suisse à la lumière du droit international, (with Aline Schmidt-Noël), in: *RDS 2/2006*, pp. 85-91, 2006;
 Compulsory licenses for the exportation of generic versions of patented pharmaceutical products, in: *ATDF Journal* Vol 3 Issue 1, March 2006, pp. 38-40, 2006;
 Recension of the book by Thomas Szucs: «The Research Use Exemption Doctrine and Research Productivity in Biotechnology: A Legal and Economic Appraisal», in: *Sic!*, 12/2005, pp. 912-914, 2005;
 Des rongeurs, des souris et des hommes, in: *Sic!*, 7-8/2005, pp. 601-606, 2005;
 Les licences obligatoires pour l’exportation, in: *AJP/PJA*, 11/2005, pp. 1356-1366, 2005;
 Lutter contre la pauvreté, lutter contre la maladie, in: *Revue suisse de droit de la santé*, 2005, n° 7, pp. 3-4, 2005;
 La Cour n’entre (malheureusement) pas en matière dans une affaire d’importations parallèles de médicaments, in: *Jusletter*, 4 July 2005;
 Importations parallèles et brevets: Point de la situation en Suisse au vu du droit de l’Organisation mondiale du commerce, in: *Jusletter*, 13 September 2004;
 Précision de la notion d’entente au sens de l’article 81 du traité CE: remarques concernant l’arrêt Adalat

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- rendu par la Cour de Justice des Communautés européennes, in: Importations parallèles et droit des brevets – Assemblée générale de l’AIPPI Suisse, (avec Dr. Lorenza Ferrari Hofer), in: *Sic!*, 1/2004, pp. 69-70, 2004;
- Les importations parallèles de produits brevetés: Droit de l’OMC dans la perspective du droit communautaire et du droit suisse de la propriété intellectuelle et de la concurrence, Ed. Schulthess/ Bruylant, Zürich/Brüssel, 2004 (Walther Hug prize 2004);
- Les importations parallèles de produits brevetés en Suisse: ce qu’il faut, c’est moins de dogmatisme, in: *Sic!*, 12/2003, pp. 945-959, 2003;
- Les arrêts rendus en matière d’épuisement des droits de propriété intellectuelle; attitude des juridictions suisses, in: *Revue internationale de la Concurrence*, 1/2001, p. 33, 2001;
- La théorie de l’épuisement international des droits intellectuels devrait-elle être généralisée et appliquée de manière identique aux différentes catégories de ces droits? in: *Sic!*, 1/2000, pp. 61-62, 2000;
- Le Rapport de l’OMPI sur les noms de domaine et les droits de propriété intellectuelle, in: *Sic!*, 5/1999, pp. 603-605, 1999;
- Swiss contribution to the report “Should the theory of international exhaustion of intellectual property rights be universally accepted and applied in an identical manner to each of the different categories of these rights?”, in: *Revue Internationale de la Concurrence*, 2/1999, p. 17, 1999.

Articles in daily newspapers:

- L’importance de la propriété intellectuelle, in: *Le Temps*, 6 March 2009 (avec Leila Ghassemi), 2009;
- L’impact d’un nouveau régime sur les importations parallèles, in: *Le Temps*, 22 April 2008;
- Importations parallèles: Migros s’offre un joli coup de pub, mais ne révolutionne rien, in: *Le Temps*, 30 November 2005.

Miscellaneous:

- Translations of decisions of the Swiss Federal Court, particularly in the field of intellectual property, *Semaine Judiciaire*, 1999-2000.
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EXPERIENCE IN COURT LITIGATION

Attorney in numerous national cases dealing with trademark law, unfair competition, personality rights.

PROFESSIONAL TRAINING IN MEDIATION

- WIPO Advanced Workshop on Domain Name Dispute Resolution, 2009;
- WIPO Workshop for Mediators in Intellectual Property Disputes, 2008;
- WIPO Advanced Workshop for Mediators in Intellectual Property Disputes, 2008.
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EXPERIENCE IN ARBITRATION

Party appointed arbitrator in one WIPO arbitration.

Expert or conciliator in several domain name dispute resolution procedures (UDRP and .ch).

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC					
	LCIA					
	Ad Hoc					
	Others: WIPO	1			X	
Number of cases: sub-total		1			1	
Domestic Arbitrations	AAA					
	Ad Hoc					
	Others:					
Number of cases: sub-total						
TOTAL		1			1	