

**WIPO LIST OF NEUTRALS**

**BIOGRAPHICAL DATA**

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Date of Birth: February 15, 1941

Nationality: British and Australian

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

Specialist Accredited Mediator, Law Society of New South Wales (NSW) Specialist Accreditation Board, 1995;  
October 29, 2015

34, chemin des Colombettes, 1211 Geneva 20, Switzerland  
T +41 22 338 82 47 F +41 22 740 37 00 E [arbitrator.neutrals@wipo.int](mailto:arbitrator.neutrals@wipo.int) W [www.wipo.int/amc](http://www.wipo.int/amc)

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LEADR Advanced Mediator, 1997;  
 Accredited Mediator and Grade 1 Arbitrator, Institute of Arbitrators and Mediators Australia, 2005;  
 CEDR Accredited Mediator, 2005;  
 Qualified Dispute Resolver, The Academy of Experts, 2005;  
 Accredited as an Experience Qualified Mediator under the Australian National Mediator Standards, 2008 and 2010;  
 IMI Certified Mediator, 2011.  
 Master of Dispute Resolution, University of Technology, Sydney, 1997;  
 MA, Oxford University, 1967;  
 BA (Jurisprudence) - Oxford University, 1963;  
 City of London School, 1951-1960.

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Solicitor, Supreme Court of Queensland, 1992;  
 Barrister and Solicitor, Supreme Court of Victoria, 1987;  
 Barrister and Solicitor, Supreme Court of the Australian Capital Territory (ACT), 1973;  
 Practitioner, High Court of Australia, 1973;  
 Solicitor, Supreme Court of NSW, 1970;  
 Barrister, Supreme Court of NSW, 1965;  
 Barrister, Inner Temple, London, 1964.

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### **LANGUAGES**

English and French.

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### **PRESENT POSITION**

Arbitrator and Mediator;  
 Managing Director, Strategic Resolution, a dispute resolution service provider;  
 Chairman, Complaints Resolution Panel (concerning advertising of therapeutic goods);  
 Chairman, Australian Self-Medication Industry Complaints Panel;  
 Chairman, Medicines Australia Code of Conduct and Appeals Committees;  
 Chairman, Medical Technology Association of Australia Code Appeals Committee;  
 Associate Member, Crown Office Chambers, London.

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### **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Partner, Minter Ellison, Lawyers, Sydney.

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### **MEMBERSHIP IN PROFESSIONAL BODIES**

International Bar Association;  
 International Mediation Institute;  
 Numerous mediation panels, including Law Society of New South Wales;  
 LEADR; Australian Commercial Disputes Centre; and  
 NSW Government Retail Tenancy Unit;  
 Law Council of Australia Dispute Resolution Committee (former Chairman);  
 Business Law Section, Law Council of Australia (former Chairman);  
 Founding member and former director, LEADR (Chairman 1991-93);  
 Former Chairman, Membership Committee, Licensing Executives Society International;  
 Former President, LES Australia & New Zealand;  
 Former member, Australian Attorney General's Consultative Group on Australia/New Zealand  
 Business Law Harmonization and its Sub-Committee on Anti-Dumping and Trans-Tasman  
 Competition Law;  
 Former member, Dispute Resolution Committee, Law Society of New South Wales;  
 Former member, United States Trademark Association;

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Former Chairman, Trade Practices Committee and former member, Intellectual Property and Customs Law Committees, Business Law Section, Law Council of Australia;  
Former Fellow (Arbitration) and former Fellow (Mediation) and former Chartered Arbitrator, The Chartered Institute of Arbitrators;

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### AREAS OF SPECIALIZATION

Intellectual property: patents - pharmaceuticals, automotive, mechanical; trademarks generally;  
Competition law: interface with intellectual property;  
Pharmaceutical industry generally;  
Confidential information generally;  
Administrative Law.

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### EXPERIENCE IN INTELLECTUAL PROPERTY

Wide experience as an attorney in advising on intellectual property rights, since 1965;  
Litigating to enforce or defend intellectual property rights;  
Negotiating licence agreements, including international agreements;  
Experience as a mediator in intellectual property disputes of all kinds, since 1985;  
Experience in arbitrating numerous domain name and other commercial disputes, since 2000.

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### MAJOR PUBLICATIONS

Numerous articles on alternative dispute resolution, trade practices, anti-dumping and intellectual property, including papers commissioned by the Australian Trade Practices Commission on the interface between intellectual property and competition law and the application of competition law to the legal profession. A selection follows:

#### **Alternative Dispute Resolution:**

“Getting the best of both worlds with Med-Arb”: Law Society of NSW Journal, September 2010, Vol. 48 No. 8, 62-65.

“Should there be a distinct ‘Mediation Privilege?’”: Chapter III, the Newsletter of the Law Council of Australia Federal Litigation Section, March 2009, Vol.2.

“Compulsory ADR before proceedings begin?”: LEADR Update, March 2009.

“An Australian Perspective on Some Topical Issues in Mediation”: Chartered Institute of Arbitrators Mediation Lecture Series, London, 20 September 2006, Arbitration, Vol. 73 No. 1 (2007) at p.64.

“‘Why judges shouldn’t be mediators’ and ‘mandatory mediation’ – an Australian perspective”: The Expert & Dispute Resolver, Summer 2006, Vol. 11, No. 1.

“Online Alternative Dispute Resolution”: IAMA News, June 2006, p25.

“How to Resolve Disputes Online”, NSW Law Society Journal, October 2002;

“Alternative Dispute Resolution: How Should it be Used?” (with G.L. Davies QC), Australian Legal Convention, Adelaide, 1991;

“A Practitioner’s View of ADR”, paper presented at 1990 Annual Conference of the Australian Institute of Judicial Administration;

“Alternative Dispute Resolution, A Better Way of Dealing with Trans-Tasman Differences”, in *CER and Business Competition, Australia & New Zealand in a Global Economy*, CCH, 1990;

“Mediation and the Role of the Lawyer in Alternative Methods of Dispute Resolution”, paper presented to LES Conference, January 1989;

“Part of the Impact of the ADR Movement: Focus on Negotiation”, paper presented to University of Sydney Faculty of Law Seminar, October 1987;

“How ADR Can Be Used in Licensing”, paper presented to a joint meeting of LES Australia & New

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Zealand and the Intellectual & Industrial Property Society, April 1987.

### **Intellectual Property:**

“Resolving IP disputes by mediation”: Law Society of NSW Journal, August 2010, Vol. 48 No. 7, 75-77.

“Intellectual Property Litigation in Australia, The Cimetidine Example”, 1987-1994, paper presented to ARCS Symposium, Sydney, September 1994;

“The Regulation and Approval of Pharmaceutical Substances”, paper presented to Changing Dynamics in the Pharmaceutical Industry Conference, Sydney, October 1994;

“Appellations of Origin”, a paper presented to the Intellectual & Industrial Property Society Conference, Melbourne, March 1989;

“Australia’s Activities in International Collaboration and Assistance to Asian Countries”, paper presented to LES International Conference International Collaboration in Technology Transfer Towards the 21st Century, Tokyo, 1985 (subsequently published in *Les Nouvelles*);

“Protection of Business Names in Technology Transfer”, paper presented to an International Seminar on Technology Transfer to Asian Countries, Manila, 1983;

“Parallel Imports”, paper presented to the Victorian Intellectual Property Society, December 1983.

### **Trade Practices:**

“Mediating Trade Practices penalty cases with the Australian Competition & Consumer Commission”: The Australian Corporate Lawyer, June 1997.

“Application of the Trade Practices Act to Intellectual Property” (with Michael O’Byrne), Trade Practices Commission, July 1991;

“Protecting your Business Reputation, Trade Practices”, *Australian Law Journal*, December 1983.

### **Anti-Dumping:**

“Dumping: Offensive and Defensive Strategies”, 1987;

“Judicial Review of Customs, Anti-Dumping Decisions”, February 1986.

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## **EXPERIENCE IN COURT LITIGATION**

Acted as instructing solicitor in over 100 cases in courts of first-instance and appellate courts in Australia since 1964, on subjects including breach of confidence, patent infringement, patent validity, patent extensions, trademark infringement, passing-off, misleading and deceptive conduct, enforcement of licence provisions, termination of franchises, dealerships and distributorships and challenges to administrative decisions of governments and to the constitutional validity of legislation;

Involved in advice in relation to patent infringement and extension cases in the United States of America and the United Kingdom.

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## **PROFESSIONAL TRAINING IN MEDIATION**

CDR Associates;

Australian Commercial Disputes Centre (under the auspices of the American Arbitration Association (AAA));

Institute of Arbitrators, Australia;

Law Society of New South Wales;

Harvard Programme of Instruction for Lawyers - negotiation, advanced negotiation, alternative dispute resolution;

Teaching Fellow at Harvard PIL Negotiation Workshop, 1991, and Mediation Workshop, 1995;

University of Technology, Sydney - dispute resolution, negotiation (trainer), advanced mediation.

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## **EXPERIENCE IN MEDIATION**

As a solicitor, often represented clients in mediations.

Acted as mediator numerous Australian and international commercial disputes in which the parties were legally represented. The Australian mediations were primarily privately referred. Others were under the auspices of the Law Society of New South Wales, LEADR and the Australian Commercial Disputes Centre. Most U.K. mediations were privately referred. One was under the auspices of WIPO. A general scenario of this WIPO mediation is provided at <http://arbiter.wipo.int/mediation/scenario.html> .

The mediations have covered a wide range of topics including advertising, agency, airlines, banking, building and construction, commodity market regulation, confidential information, copyright, distributorship, enforcement of guarantees and mortgages, environment, exclusive dealing, family provision, farm debt, film distribution and exhibition, franchising, fraud, healthcare complaints, industrial injury, information technology, insurance, matrimonial property, mergers, misleading conduct, motor accidents, motor vehicle dealerships, parallel imports, partnership, passing off, patents (infringement, licensing and validity), price fixing, professional negligence, railways, real estate, resale price maintenance, retail tenancy, software licensing and distribution, termination of agency and distributorship, testamentary dispositions, third line forcing, trademarks (infringement, licensing and validity) and unconscionable conduct.

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### **EXPERIENCE IN ARBITRATION**

Acted as arbitrator in commercial disputes, domain name disputes, complaints about advertising of therapeutic goods and as a Tribunal in merits review of administrative decisions. Also engaged by Government agencies to provide non-binding Referee's Opinion and by commercial entities to provide binding expert determinations.

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

| Type                       | Administering Institution      |                      | Role           |            |
|----------------------------|--------------------------------|----------------------|----------------|------------|
|                            | Name                           | Number of Mediations | Mediator       | Counsel    |
| International Mediations   | Privately Referred             | 15                   | 15             |            |
|                            | W.I.P.O.                       | 1                    | 1              |            |
|                            |                                |                      |                |            |
|                            |                                |                      |                |            |
|                            |                                |                      |                |            |
| Number of cases: sub-total |                                | 16                   | 16             |            |
| Domestic Mediations        | Law Society of New South Wales | 60 +                 | 60 +           |            |
|                            | ACDC                           | 30                   | 30             |            |
|                            | LEADR                          | 40                   | 40             |            |
|                            | Privately Referred             | 1,500 +              | 1,485+         | 15+        |
| Number of cases: sub-total |                                | 1,630 +              | 1,615 +        | 15+        |
| <b>TOTAL</b>               |                                | <b>1,646 +</b>       | <b>1,631 +</b> | <b>15+</b> |

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

| Type                       | Administering Institution   |                        | Role         |          |
|----------------------------|-----------------------------|------------------------|--------------|----------|
|                            | Name                        | Number of Arbitrations | Arbitrator   | Counsel  |
| International Arbitrations | Privately Referred          |                        |              |          |
|                            | W.I.P.O.                    |                        |              |          |
|                            | CIArb                       | 2                      | 2            |          |
|                            |                             |                        |              |          |
|                            |                             |                        |              |          |
| Number of cases: sub-total |                             | 2                      | 2            |          |
| Domestic Arbitrations      | Complaints Resolution Panel | 550 +                  | 550 +        |          |
|                            | ASMI, MA and MTAA           | 200 +                  | 200 +        |          |
|                            | Admin. Appeals Tribunal     | 4                      | 4            |          |
|                            | Privately Referred          | 14                     | 13           | 1        |
| <b>TOTAL</b>               |                             | <b>770 +</b>           | <b>769 +</b> | <b>1</b> |