



WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Dr. Michael J. SPENCE
The University of Sydney
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E-mail: vice-chancellor@vcc.usyd.edu.au

Date of Birth: January 10, 1962

Nationality: Australian/British

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

PG Dip., Theol. University of Oxford, 2005;
D.Phil., “*Australian Estoppel and the Protection of Reliance*” University of Oxford, 1996;
LL.B., (hons), University of Sydney, 1987;
B.A., (hons), University of Sydney, 1985.

Admitted to Supreme Court of New South Wales, 1987.

Awards/Accolades:

John Geddes Prize for Equity;
J.D. Roper Memorial Prize No.2;
Julius Stone Prize for Sociological Jurisprudence;
Nancy Gordon Smith Prize;
Minter Ellison Prize for Industrial and Commercial Property;
Butterworths Prize;
Walter Reid Fund Awards 1981–1986;
Commonwealth Scholarship;
ENI-Enrico Mattei Award;
David Blank Senior Scholarship, St Catherine’s College, Oxford.

LANGUAGES

English, Italian.

August 5, 2008

PRESENT POSITION

Vice Chancellor, University of Sydney, 2008.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Head, Social Sciences Division, University of Oxford, 1992-2008;
Fellow, St Catherine's College, Oxford 1992-2008;
Consultant, Olswang Solicitors, London since 1992-2008;
Senior Research Fellow, Oxford Intellectual Property Research Centre, 2002-2008;
Chair, Law Board, University of Oxford, 2002-2004;
Chair, Faculty of Law, University of Oxford, 2001-2002;
Special Lecturership/Trade-off awarded for 1997-98, 1998-99, 1999-2000, 2001-2002, 2004-2005;
Director, Boston University Oxford Programme, 1993-2006;
Stipendiary Lecturer in Law, St Catherine's College, Oxford, 1990-92;
Enrolled in D.Phil, St Catherine's College, Oxford, 1989;
Full-time Lecturer in Law, University of Sydney, 1987-1988;
Part-time Consultant, Australian Copyright Council, 1987-1988;
Part-time Italian Teacher, University of New South Wales, 1987-88;
Part-time Private Tutoring in Law, Italian and ESL, 1987-88;
Law Clerk - Mallesons Stephen Jaques, 1987.

Visiting Positions:

Boston University School of Law, 1996, 1994, 1993;
Max-Planck-Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht, Munich, Visiting Fellow, 1995, 1997, 1999, 2001;
Visiting Lecturer, University of Munich, 2001;
Visiting Professor, Università degli Studi di Siena, 1997;
Parsons Fellow, University of Sydney Law School, 1995, 2000;
Visiting Research Student, Cornell University, 1989.

MEMBERSHIP IN PROFESSIONAL BODIES

Society for Public Teachers of Law.

AREAS OF SPECIALIZATION

Trade mark and unfair competition law.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Domain Name Panelist for the WIPO Arbitration and Mediation Center, Geneva, Switzerland.

MAJOR PUBLICATIONS

(a) Contract

Books

Protecting Reliance: The Emergent Doctrine of Equitable Estoppel Oxford: Hart, 1999

Articles and Chapters

“Australian Estoppel and the Protection of Reliance” (1997) 11 *Journal of Contract Law* 203

“Estoppel and Limitation” (1991) 107 *Law Quarterly Review* 221

Reviews

Review of Treitel, *Frustration and Force Majeure* and McKendrick (ed.) *Force Majeure and Frustration of Contract* [1996] *Lloyd’s Maritime and Commercial Law Quarterly* 156

(b) Equity

Articles and Chapters

“Equitable Defences” in *Equity* P. Parkinson (ed.), 2nd ed, Sydney: LBC Information Services, 2001;

“Equitable Defences” in *Equity* P. Parkinson (ed.), Sydney: Law Book Company, 1996;

“Equitable Defences” in *The Laws of Australia: Equity* Sydney: Law Book Company, 1995;

“Equitable Defences” in *The Laws of Australia: Equity* Sydney: Law Book Company, 1993 (and supplements 1994, 1995 and 1997).

(c) Unfair Competition

Books

The Law of Comparative Advertising: Directive 97/55/EC in the United Kingdom and Germany Oxford: Hart, 1999 (with A. Ohly)

Comparative Advertising Directive London: Intellectual Property Institute 2000 with (A. Ohly)

Articles

“Vergleichende Werbung: Die Auslegung der Richtlinie 97/55/EG in Deutschland und Großbritannien” *GRUR Int* 1999, 681 (with A Ohly)

(d) Intellectual Property

Books and Studies

Intellectual Property Oxford: Clarendon Press (2007);

The Modern Law of Patents London: Butterworths, 2005 (with T. Cook and A. Roughton (eds));

Opposition in the European Patent Office: An Underestimated Weapon? – Olswang/OIPRC

- study (2001) (with T. Adam);
The First Mover Monopoly – Olswang/OIPRC study (2000) (with M. Likhovski (principal author) and M. Molineaux.);
Protecting Traditional Knowledge and Folklore – Report for the Commonwealth Secretariat (2001) (with G Dutfield (principal author)).

Articles and Chapters

- “Restricting Allusion to Trade Marks: A New Justification” in G. Dinwoodie and M. Janis (eds), *Trade Mark Law and Theory: A Handbook of Contemporary Research* Edward Elgar: Northampton MA 2008;
- “An Alternative Approach to Dilution Protection: A Response to Scott, Oliver and Ley Pineda” in L. Bently, J. Davis, and J. Ginsburg *Trade Marks and Brands* Cambridge: CUP 2008
- “Clearing House Mechanisms: Conceptual Framework: Comment on a Paper by Esther Van Zimmerman” in G. Van Overwalle *Gene Patents and Clearing Models* Cambridge: CUP (in press 2008);
- “*Rogers v. Koons*: Copyright and the Problem of Artistic Appropriation” in D. McLean (ed) *Trials of Art* Ridinghouse: London 2007;
- “Private Control/Public Speech” in K. Ziegler *Human Rights and Private Law: Privacy as Autonomy* Hart: Oxford 2007 (with L. K. Treiger-Bar-Am);
- “The Mark as Expression/The Mark as Property” (2005) 58 *Current Legal Problems* 491;
- “Vagueness and the Scope of Copyright” (with T. Endicott) (2005) 121 L.Q.R. 657;
- “La tutela dei format scoperti negli archivi televisivi” (2003) 8 *Quaderni di AIDA* 35;
- “I brevetti di metodi per attività commerciali”, [2002] *Studi Senesi* 583;
- “Justifying Copyright” in K. Schubert and D. McLean (eds) *Dear Images* London: Ridinghouse 2002;
- “Two Australian Comparative Advertising Cases: The View from Europe” [2001] EIPR 524;
- “Section 10(3) of the Trade Marks Act 1994: Is there really a logical lapse?” [2001] EIPR 423;
- “Which Intellectual Property Rights are Trade-Related?” in Francioni, F. and Scovazzi, M. (eds), *Environment, Human Rights and International Trade* Oxford: Hart, 2001;
- “Intellectual Property and the Problem of Parody”, (1998) 114 *Law Quarterly Review* 594;
- “Patents and Biotechnology” (1997) 113 *Law Quarterly Review* 368;
- “Passing Off and the Misappropriation of Valuable Intangibles” (1996) *Law Quarterly Review* 472;
- “Aspects of Co-ownership” (1987) 5 *Copyright Reporter* No.2;
- “The Report of the CLRC on Performer’s Protection: Brief Summary” (1987) 5 *Copyright Reporter* No.3;
- “License-it-or-lose-it” (1987) 5 *Copyright Reporter* No.6;
- “Copyright and Historians” (1987) *Royal Australian Historical Society Technical Information Service* No.9;
- “Arts Administrators and Copyright” *ACC Bulletin No.60* (with S. Bridge);
- “Copyright and Designs Law: Reform issues” *ACC Bulletin No.61* (with S. Bridge);
- “Copyright and Historians” *ACC Bulletin No.62* (with E. Baulch).

Reviews

- Review of Sherman and Strowel, *Of Authors and Origins* (1995) 111 *Law Quarterly Review* 346;
- Review of Woodmansee and Jaszi, *The Construction of Authorship* (1995) 46 *Review of English Studies* 610;

Review of Saunders *Authorship and Copyright*, (1994) 45 *Review of English Studies* 302.

(e) Information Technology

Books and Studies

Towards Institutional Infrastructures for E-Science: The Scope of the Challenge, Report to the Joint Information Systems Committee, (2003) (with Paul A. David). Final Report published as Oxford Internet Institute Research Report No. 2 (2003).

(f) In Progress

“Clearing House Mechanisms: Conceptual Framework: Comment on a Paper by Esther Van Zimmerman” in G. Van Overwalle *Gene Patents and Clearing Models* (CUP: Cambridge);

“Comment on ‘Trade Marks as Property: a Philosophical Perspective’” in L. Bently and J. Ginsburg (eds) *Signs Commodities and Communications: Interdisciplinary Approaches to Trade Marks*;

“The Institutional Infrastructures of e-Research” in W. H. Dutton and P. Jeffreys (eds) *The Promises, Threats and Realities of e-Research*;

“Private Labels and Trade Mark Theory” in A. Ezrachi and U. Bernitz (eds), *Private Labels, Brands and Competition Policy*;

“The Quantification of Damages for the Infringement of Intellectual Property Rights” (with A. Plaia);

“Sectoral Specificity in the Use of the Patent System” (with S. Thambisetty).

(g) Editorial/Advisory Boards

iCreative Commons UK 2003 -;

CMLP, Advisory Board 1998-;

Copyright Reporter, Editorial Committee, 1988;

European National Patent Reports, Editor, 2000 – 2003;

New Horizons in Intellectual Property, Co-Editor with C. Greenhalgh and R. Pitkethly, 2002 -:
OULCF, Editorial Board, 2000-;

Oxford Analytica Daily Brief, Contributor;

New Horizons in Intellectual Property - Forthcoming Edward Elgar series - Co-editor;

Sydney Law Review, Student Editorial Committee, 1986.

Guest Lectures/Conference Papers:

“The Legal Framework for e-Research/Cyberinfrastructure: Challenges and Opportunities” and “The International;

Dimension” *International e-Research Conference*, Surfers Paradise, 2007;

Intellectual Property Theory in Practice Mannheimer Swartling Conference, Oxford, 2006;

Clearing House Mechanisms: Conceptual Framework: Comment on a Paper by Esther Van Zimmerman University of Leuven Conference Centre for Intellectual Property Rights “Gene Patents and Clearing Models” , Leuven 2006;

Institutional Infrastructures for Global Research Networks in the Public Sector, CODATA, UNESCO, ICSTI, INASP, ISU, IAP, TWAS International Workshop “Creating an Information Commons for e-Science”, UNESCO, Paris, 2005;

Intellectual Property and the creator, University of Birmingham seminar series “Christian Perspectives on Current Legal Issues”, Birmingham, 2005;

- The Mark as Expression/The Mark as Property*, Current Legal Studies Lecture, University College, London, 2005;
- Private Control — Public Speech*, Leiden-Munich-Oxford Joint Colloquium on Human Rights: Privacy, Oxford 2005 with Leslie Kim Trieger Bar Am;
- Intellectual Property Law and the Social Sciences* - Peking University Guest Lecture, 2004;
- Vagueness in the Scope of Copyright* - AHRB Workshop, Birkbeck College, London, 2004 (with T A O Endicott);
- Current Issues in Trade Mark and Unfair Competition* - Masters Intensive Course, University of Sydney, 2003;
- Parallel Importation in Australia and Europe* Staff seminar, Freehills,, Sydney, 2003;
- Protecting Business Ideas* - Thames Valley Commercial Lawyers Association, 2003;
- Business Method Patents and Financial Services - Response to Paper by John Conley* - Federal Reserve Bank of Atlanta and University of North Carolina School of Law Financial Markets Conference, 2003;
- Introduction to Patents and Biotechnology* - Said Business School Seminar Series “Genetic Knowledge in Oxford - Networks and Opportunities?”, 2002;
- Opposition in the European Patent Office - “An underestimated weapon?”* , Minnesota Intellectual Property Bar Association, Minneapolis, 2002;
- Opposition in the European Patent Office - “An underestimated weapon?”* Silicon Valley Intellectual Property Bar Association, Santa Clara, 2002;
- La tutela dei format scoperti negli archivi televisivi* Prix Italia Conference, Palermo, 2002;
- What’s so Trade-Related about Intellectual Property?* Vancouver IP Bar Association Meeting, 2002;
- The Patentability of Business Methods in the United States and Europe* Victoria University lunchtime seminar, 2002;
- Trade Marks and Unfair Competition Intensive Course*, Victoria University, Canada, 2002, 2003;
- The Role of the Legal Educator in Legal Education and Legal Education in Britain* China University of Political Science and Law, 2002;
- Patenting Business Methods*, CERNA, Paris 2002;
- La brevettabilità dei metodi commerciali*, Università degli Studi di Siena, 2001;
- Current Issues in European and Japanese Intellectual Property Law*, St Catherine's College (organised with the assistance of the IIP Japan), Kobe and Tokyo 2001 - Speaker and principal organizer;
- “Trade Mark Infringement by Dilution” Licensing Executives Society Annual Conference, Oxford, 2001;
- Oxford-Leiden E-Commerce Staff Exchange - Response to a paper on e-commerce and the Database Directive, 2001;
- Patents for Business Methods*, 2001 NECG/IP Australia/UNSW Conference, “Intellectual Property: Competition Law’s Next Frontier?”;
- Current Law Seminar, Gadens Solicitors, Sydney, *Patents for Business Methods*, 2000;
- “The Convergence of Corporate Law & IP – Patenting of Business Methods” *Corporate Law Seminar Series* 2000;
- University of Sydney "Which Intellectual Property Rights are Trade Related?" *Environment, Human Rights and the Liberalization of Trade* Università degli Studi di Siena, 2000;
- Staff Development Seminar *The E-Commerce Directive* Bird&Bird Solicitors, London, 2000;
- NYU Law-Oxford University Institute Workshop *Emerging Issues in a Global Information Society* Engelbert Centre, NYU, 2000;

WIPO ARBITRATION AND MEDIATION CENTER
M. SPENCE

IPI Seminar on Comparative Advertising 1999;
E-Commerce and E-Tailing, Hawkesmere Seminars, Spring 1999, Autumn 1999, Spring 2000;
St Peter's Seminars in Intellectual Property, Hilary Term and Trinity Term 1999, Hilary Term
2000, Hilary Term 2004;
Current Issues in UK and Japanese Intellectual Property Law, St Catherine's College
(organised with the assistance of the IIP Japan), Kobe and Tokyo 1999 –
Speaker and principal organizer Pinsent Curtis Commercial Law Department Training
Weekend 1998, 1999, 2001;
Patent Office Forum, London, 1998:
Naming the Bones and Claiming the Stones, Drue Heinz Center/Getty Research Institute
Conference, Oxford 1998;
OIPRC/MSM Conference Law and Economics Section, Oxford, 1997;
Faculty Seminar in Intellectual Property, Università degli Studi di Siena, 1997;
JCL/UKCCL/SPTL Contract Conference, Cambridge, 1996;
Centre for Socio-legal Studies, Oxford, Intellectual Property Seminar Series, 1996;
Internet Seminar, Economics Faculty, Oxford, 1995;
Staff Seminar, University of Melbourne, 1995;
Staff Seminar, University of Sydney, 1995;
Legal Training Section, Association of American Law Schools Conference, 1995;
Staff Development Seminar, University College London, 1993;
Recent Developments Third International Copyright Law and Practice Symposium, Sydney,
1987;
Legal Seminars of the Community Arts Network (Copyright), Tasmania, 1987;
University of New South Wales, Archives Course Copyright Lecture, 1987;
Seminars of the Australian Copyright Council, various locations in NSW and WA 1987 – 1988.
