

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

John SWINSON
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Date of Birth: 1965

Nationality: Australian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Masters of Law, Harvard Law School, 1991;
LLB (First Class Honors), University of Queensland, 1988;
BA (Computer Science), University of Queensland, 1986;
US Court of Appeals for the Federal Circuit;
US District Court for the Southern District of New York;
US District Court for the Eastern District of New York;
US District Court for the Northern District of New York.

Bar Admissions:

New York;
Queensland;
Australian Capital Territory;
New South Wales;
High Court of Australia.

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LANGUAGES

English.

PRESENT POSITION

Partner, King & Wood Mallesons (formerly known as Mallesons Stephen Jaques), Intellectual Property & Technology Team, Brisbane, Australia (1997 to present);
Adjunct Professor of Law, Queensland University of Technology, (1999 to present), current course: Cyberlaw and Policy;
President, Australian Fulbright Alumni Association.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Associate, Kenyon & Kenyon, New York, (1991-1996);
Associate to Hon. Mr. Justice C. W. Pincus, Federal Court of Australia, 1989;
Part-time Lecturer, Queensland University of Technology, Course: Introduction to Computer Science (1986-1988).

MEMBERSHIP IN PROFESSIONAL BODIES

Member:

Intellectual Property Society of Australian and New Zealand;
American Bar Association;
American Intellectual Property Law Association;
Copyright Society of the United States;
Harvard Law School Association.

AREAS OF SPECIALIZATION

Intellectual Property, Technology law, Patent litigation (computer, software, Internet), Trademark litigation, Multijurisdictional litigation, Nationalisation and government expropriation of intellectual property assets, Domain names, Copyright, Licensing, e-commerce and Internet legal issues, Litigation involving software licensing and failed computer implementations, Outsourcing, Technology joint ventures, Fund raising for technology companies, International intellectual property protection.

EXPERIENCE IN INTELLECTUAL PROPERTY

Worked as attorney and solicitor for since 1991 specializing in intellectual property issues.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Member of eResolution & WIPO panels (UDRP and auDRP).
Acted as counsel for numerous clients in resolution of domain name disputes since 1995.

MAJOR PUBLICATIONS

“LexisNexis Practical Guidance: Intellectual Property” published online by LexisNexis Australia 2011;
“Personal Property Securities in Australia” published by LexisNexis Australia 2011 (contributing author)

“Security Interests in Intellectual Property in Australia” published in Knoff, *Security Interests in Intellectual Property*, Carswell 2002;

“Patents in Cyberspace: electronic commerce and business method patents” in *Going Digital 2000: legal issues for e-commerce, software and the internet*, Prospect Media, February 2000;

“Security Interests in Intellectual Property” published in *Security Interests in Personal Property*, Butterworths, 1998;

“Confidentiality on the Superhighway” *The American Lawyer*, December 1995;

“Recent Software Patent Developments in the United States” 5 *Journal of Law and Information Science*, 1994;

“Software Patents in the United States” 4 *Journal of Law and Information Science* 116, 1993;

“Copyright or Patent or Both: An Algorithmic Approach To Computer Software Protection” 5 *Harvard Journal of Law & Technology* 145, Fall 1991;

“The Idle Creditor” (with Mr. Justice Pincus) 18 *Australian Business Law Review* 129, April 1990;

Country Correspondent to *Computer and Telecommunications Law Review*, Sweet & Maxwell, London;

EXPERIENCE IN COURT LITIGATION

U.S. and Australian litigation experience. Cases include:

- Bell v Steele [2012] FCA 246
- Mantra Group Pty Ltd v Taily Pty Ltd [2010] FCA 291
- Specsavers Pty Ltd v Canstar Blue Pty Ltd [2010] FCA 1153
- Federal Treasury Enterprise (FKP) Sojuzplodoimport v Spirits International BV [2010] FCA 1293
- Fairfax Media Publications Pty Ltd v Reed International Books Australia Pty Ltd [2010] FCA 984
- TS Production LLC v Drew Pictures Pty Ltd [2008] FCA 1329
- Microsoft v. Intertrust (patent litigation concerning digital rights management)
- SPI Spirits (Cyprus) Limited v. Diageo Australia Limited (trademark ownership and breach of distribution agreement)
- WinZip Computing v. ProSoft (copyright piracy)
- The Syndicate Club Pty Ltd v State of Queensland [2003] QSC 104
- Brisbane City Council v. MITS Technology (computer software not complying with contract specifications)
- Orica v. Novartis (patent litigation)
- Henley Homes v. Tamawood Homes (copyright infringement)
- Wrangler Apparel Corp. v. Australian Professional Rodeo Association (trademark opposition)
- Brisbane TV Limited v. Queensland Television Ltd (copyright infringement)
- Computer Associates v. First Fidelity Bank (copyright and trade secret litigation)

Acted as counsel in numerous intellectual property matters subject to mediation.

PROFESSIONAL TRAINING IN MEDIATION

Attended Harvard Law School program on negotiation and dispute resolution, 1990.

EXPERIENCE IN MEDIATION

Acted as panelist on eResolution domain name dispute panel. Represented numerous clients in intellectual property related mediations conducted in accordance with S.D.N.Y. and Federal Court of Australia court rules.

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:			3		
Number of cases: sub-total				3		
Domestic Arbitrations	AAA					
	Ad Hoc					
Number of cases: sub-total						
TOTAL				3		

MEDIATION EXPERIENCE**SUMMARY TABLE**

Type	Role		
	Name	Number of Mediations	Counsel
International Mediations	AAA		
	ICC		
	LCIA		
	Ad Hoc		
	Others:		
Number of cases: sub-total			
Domestic Mediations	AAA		
	Ad Hoc		
	Other		5
Number of cases: sub-total			5
TOTAL			5