

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

J. C. Thomas, Q.C.
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Date of Birth: December 11, 1953
Nationality: Canadian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M., (International Law) Columbia University, 1984;
LL.B., University of British Columbia, 1981;
M.A., (International Relations) Sussex University, 1978;
B.A., (Political Science) University of British Columbia, 1977.

Academic And Other Awards:

Law Society of British Columbia Graduate Fellowship;
Law Foundation of British Columbia Graduate Fellowship;
MacKenzie King Travelling Scholarship (Twice Awarded);
Allan C. Gregory Award for Promise in Civil Litigation;

January 4, 2018

Ranked by Lexpert as one of Canada's 'Top 500 Lawyers';
Listed in the "Who's Who" of International Trade and Customs Lawyers;
Ranked 'AV' by Martindale-Hubbell.

LANGUAGES

English. Generally able to work with written Spanish.

PRESENT POSITION

Consultant, 2008.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Managing Partner, Thomas & Partners, British Columbia and Ontario since 1993-2008;
Ladner Downs, Barristers and Solicitors, 1986-93;
Senior Policy Advisor, Federal Ministry of International Trade (on secondment from Ladner Downs), 1986-87;
Assistant and subsequently Adjunct Professor, University of British Columbia, Faculty of Law, 1988-92;
Assistant Professor, University of Ottawa, Faculty of Law, 1984-86;
Articled Student, Ladner Downs, Barristers and Solicitors, 1982-83;
Law Clerk, British Columbia Court of Appeal, 1981-82.

AREAS OF SPECIALIZATION

International Trade Law: WTO and NAFTA agreements;

International Dispute Settlement:

- State-to-State arbitration;
- Investor-State arbitration;
- Private arbitration.

Trade-Related Intellectual Property:

- Counterfeiting, trademark and copyright infringement and parallel importation.
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MEMBERSHIP IN PROFESSIONAL BODIES

Law Society of British Columbia;
Member, WTO's Roster of Non-governmental Panelists;
Member, Panel of Neutral Arbitrators, American Arbitration Association;
Member, WIPO Roster of Arbitrators;
Canadian Bar Association;
Canadian Council on International Law.

EXPERIENCE IN INTELLECTUAL PROPERTY

Nineteen years' experience in the capacity of counsel to various national governments and private sector clients and, as such, has advised on aspects of international trade negotiations at the bilateral, trilateral and multilateral levels. Experience has involved drafting of negotiating text and treaty language and considering the interaction of international treaty obligations;

Also handled cases involving "passing off," parallel importations, copyright infringement and related remedies.

Trade Negotiations:

Has advised a number of States on international treaty negotiations. In 1986-87, acted as Senior Policy Advisor to the Canadian Minister for International Trade during the Canada-U.S. free trade negotiations and the GATT's Uruguay Round of Multilateral Trade Negotiations. After leaving the federal government, in 1989-90, was retained to advise two federal departments on various aspects of the GATT Uruguay Round negotiations.

In 1991, was retained as legal counsel to the Secretary of Commerce of the Government of Mexico on issues relating to the negotiation of the North American Free Trade Agreement (NAFTA).

Since that time, has advised other States on the form and content of free trade agreements.

International Trade Dispute Settlement:

Was appointed by the Government of Canada to the Roster of Panelists for Chapters Eighteen and Nineteen of the Canada-U.S. Free Trade Agreement. In 1993, was appointed to the GATT's Permanent Roster of Non-governmental Panelists. In 1995, was appointed to the World Trade Organization's Permanent Roster of Non-governmental Dispute Settlement Panelists.

Has acted as counsel, provided legal opinions on, or acted as a panelist or tribunal member in a number of international dispute proceedings, including:

- *European Economic Community: Regulation on Imports of Parts and Components* (GATT Panel Proceeding between Japan and the European Community);
 - *In the Matter of Canada's Landing Requirement for Pacific Coast Salmon and Herring* (FTA Chapter Eighteen Panel Proceeding) *Lobsters from Canada* (FTA Chapter Eighteen Panel Proceeding);
 - *Puerto Rican Regulation of UHT Milk* (FTA Chapter Eighteen Panel Proceeding);
 - *Pure and Alloy Magnesium from Canada* (FTA Chapter Nineteen Panel Proceeding);
 - *Cut-to-Length Steel Plate* (NAFTA Chapter Nineteen Panel Proceeding);
 - *Tariffs Applied by Canada to Certain U.S. Origin Agricultural Products* (NAFTA Chapter Twenty Proceeding);
 - *Broomcorn Brooms from Mexico* (NAFTA Chapter Twenty Proceeding);
 - *In the Matter of Cross-border Trucking Services* (NAFTA Chapter Twenty Proceeding).
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EXPERIENCE WITH RESPECT TO DOMAIN NAMES

As a WIPO UDRP Panelist, has decided many domain name disputes.

PROFESSIONAL TRAINING IN MEDIATION

WIPO Training Program on Mediation in Intellectual Property Disputes, 1996.

PUBLICATIONS

- Thomas, J. C., "The North American Free Trade Agreement (NAFTA)" in J. William Rowley, Q.C., *Arbitration World: Jurisdictional Comparison*, European Lawyer Reference Series (2004) at 93-108.
- Thomas, J.C., "Reflections on Article 1105 of NAFTA: History, State Practice and the Influence of Commentators", *ICSID Review, Foreign Investment Law Journal*, Volume 17, Number 1, Spring 2002.
- Thomas, J.C., "Investor-State Arbitration under NAFTA Chapter 11", *Canadian Yearbook of International Law*, Volume XXXVII (1999) at 99-136.
- Thomas, J.C., "Litigation Process Under the GATT Dispute Settlement System: Lessons for the World Trade Organization?" *Journal of World Trade*, Spring 1996.
- Thomas, J.C., Tereposky, G. A., and Fujihara, K., "Canadian Antidumping and Countervailing Duty Law and Procedure" in *Trading Punches: Trade Remedy Law and Disputes under NAFTA*, edited by Beatriz Leycegui, William B.P. Robson and S. Dahlia Stein, published by the North American Committee.
- Thomas, J.C. and Tereposky, G.A. "The NAFTA and the Side Agreement on Environmental Cooperation: Addressing Environmental Concerns in a North American Free Trade Regime" (1993) *27/6 Journal of World Trade* 5.
- Thomas, J.C. and Tereposky, G.A. "The Evolving Relationship Between Trade and Environmental Regulation" (1993) *27/4 Journal of World Trade* 23-45.
- Thomas, J.C. and Tereposky, G.A. "The GATT, the FTA, and the NAFTA: The Evolving Relationship Between International Trade and Environmental Regulation" published in "Course Materials: 22nd Annual Conference on Environmental Law" American Bar Association Section of Natural Resources, Energy and Environmental Law (March, 1993).
- Thomas, J.C., "The Future: The Impact of Environmental Regulations on Trade" (1992) *18 Canada-United States Law Journal* 383-398.
- Thomas, J.C., "Reflections on the Canada-U.S. Free Trade Agreement in the Context of the Multilateral Trading System" Claire Cutler and Mark Zacher (eds.), *Canadian Foreign Policy and International Economic Regimes* (Vancouver: UBC Press, 1992).
- Thomas, J.C., "National Treatment vs. Discriminatory Policies- An Analysis of Chapter 16: Investment", D.M. McRae and D.P. Steger (eds.), *Understanding the Free Trade Agreement*, Halifax: Institute for Research on Public Policy, 1989.
- McRae, D.M. and Thomas, J.C., "The Development of the Most-Favoured Nation Principle: Friendship, Commerce, and Navigation Treaties and the GATT" in Maureen Irish and Emily F. Carasco (eds.), *The Legal Framework for Canada-United States Trade* (1987).
- Thomas, J.C., "The Trade and Antitrust Laws and a Canada-United States Trade Agreement", in *Transnational Commercial and Trade Litigation, Recent Developments*, an American Law Institute-American Bar Association Course of Study (1986).

Finlayson, J.A. and Thomas, J.C., "The Elements of a Canada-United States Comprehensive Trade Agreement" (1986) 20 *International Lawyer* 1307-1334.

Thomas, J.C., "Conflict Over the Extraterritorial Application of U.S. Antitrust Law: A Canadian Perspective", in *Canada and International Trade: Major Issues of Canadian Trade Policy*, (Halifax: Institute for Research on Public, 1985).

McRae, D.M. and Thomas, J.C., "The GATT and Multilateral Treaty-Making: The Tokyo Round" (1983) 77 *American Journal of International Law* 51-83.

Thomas, J.C., "Impeachment of a Party's Own Witness by a Prior Inconsistent Statement" (1982) 16 *U.B.C. Law Review* 35-70.

McLachlin, B.M. and Thomas, J.C., "Solosky and Prisoner Mail-opening: A New View of Solicitor-Client Privilege?" (1981) 2 *Supreme Court Law Review* 387-403.

Speaking Engagements:

Has participated in continuing legal education and other academic programmes. Has addressed audiences at the American Society of International Law, the Keidanren in Tokyo, the Canadian Institute of Advanced Legal Studies at Cambridge University, the Canadian Council on International Law, and numerous Canadian Bar Association, American Bar Association and International Bar Association meetings.

ARBITRATION EXPERIENCE**International Investment Dispute Settlement:**

Since 1997, has devoted most of practice to international claims against States ("investor-State arbitrations") before the World Bank's International Centre for Settlement of Investment Disputes (ICSID). Has dealt with claims brought under the ICSID Convention and the ICSID Additional Facility Rules as well as the UNCITRAL arbitration rules.

Has acted as counsel for the respondent or intervenor in the following NAFTA cases: *Azinian*, *Waste Management I*, *Metalclad*, *Feldman*, *Waste Management II*, *Thunderbird Gaming Inc.*, *Fireman's Fund Insurance Company*, *Corn Products International*, *Loewen*, *ADF*, *Methanex*, *UPS*, *Ethyl*, *S.D. Myers* and *Pope & Talbot*.

In August 2002, was appointed to an ICSID tribunal by the Islamic Republic of Pakistan in the *Société Générale de Surveillance, S.A. v. The Islamic Republic of Pakistan* claim.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	GATT	1			1	
	NAFTA	6			1	5
	WTO	3				3
	FTA	2			1	1
	AAA	1			1	
	ICSID	1			1	
	ICSID Additional Facility	4				4
	UNCITRAL	2			1	1
Number of cases: sub-total		20		1	5	14
Domestic Arbitrations	Canadian Agreement on Internal Trade	2			2	
Number of cases: sub-total		2			2	
TOTAL		22		1	7	14