
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Leon TRAKMAN
University of New South Wales (UNSW)
Faculty Of Law and Justice
Sydney
Australia



Nationality: Australian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

S.J.D., Doctor of Law, Harvard Law School, 1979;
L.L.M., Master of Law, Harvard Law School, 1973;
L.L.B., Bachelor of Law, University of Cape Town, 1971;
Bachelor of Commerce, University of Cape Town, 1971.

LANGUAGES

English, Afrikaans

PRESENT POSITION

UNSW Professor of Law and Immediate Past Dean, Faculty of Law, University of New South Wales, Sydney, Australia.

Certified Mediator and Arbitrator, specializing *inter alia* in trade, intellectual property disputes and data protection;
Barrister, New South Wales, Australia;
Barrister and Solicitor, Nova Scotia, Canada;
Advocate, Supreme Court of South Africa.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Decided over 140 domestic and international commercial arbitration disputes, such as ICDR, AAA, WIPO and HKIAC
WIPO arbitrator presided over more than 70 WIPO domain name disputes, among other intellectual property disputes

July 12, 2024

Mediator in 30 commercial disputes

Chapter 19 Panelist under the Canada-United States Free Trade Agreement, 1993-94 and the NAFTA, 1994 to 2021

Remedies Panelist, United States Mexico Canada Agreement, 2021 to the present

Decided various disputes between the United States, Canadian, or Mexican Governments and corporate complainants, notably, antidumping, countervailing and remedies disputes

Chapter 11 roster of the NAFTA on investment

Dispute Resolution Panel of the USMCA.

International commercial arbitration

Consultant to private industry, government and bar associations on dispute avoidance and resolution

Consultant to British Commonwealth Governments on the regulation of information technology, data protection. Cybersecurity and Artificial Intelligence (2022 to present)

Consultant to Australian and Indian Governments on Data Flows, Data Protection, Cyber Security and Artificial Intelligence (DFAT, 2022)

Consultant to the parties negotiating and drafting a new constitution for South Africa, 1990-92

Consultant to the Canadian Bar Association, responsible to evaluate the efficiency of alternative dispute resolution in business contracts, 1995

Consultant in contract negotiating, drafting and interpreting contracts.

MEMBERSHIP IN PROFESSIONAL BODIES

Barrister, New South Wales, Australia

Barrister and Solicitor, Nova Scotia Bar Society

Advocate, Supreme Court of South Africa, Cape Division

Member, Nova Scotia Bar Society

Member, Canadian Bar Association

Member, New South Wales Bar Association

Member, American Bar Association

Member, Chartered Institute of Arbitrators, MCI Arb

Board of Directors, various commercial arbitration and mediation centers, for example, The International Mediation Center, Dallas, Texas

Academic Council, Institute of Transnational Arbitration

Board of Directors of technology, investment and pharmaceutical companies, among others

Roster of commercial and international arbitration and mediation associations, e.g.:

International Center for Dispute Resolution of the American Arbitration Association (ICDR)

International Institute for Conflict Prevention and Resolution [CPR]

London Court of International Arbitration (LCIA)

International Chamber of Commerce (ICC)

Hong Kong International Arbitration Center (HKIAC)

Australian Center for International Dispute Resolution (ACICA)

Board of editors or advisors, current or past, Journal of Insurance Law, Journal of Company Law, Canadian Journal of Insurance Law, Dalhousie Law Journal and Constitutional Commentary, New South Wales University Law Journal South African Law Journal

Chair or member of public foundations allocating funds to professional and academic groups, including past chair of Committee 11 of the Social Sciences and Humanities Research Council

Bora Laskin National Prize Committee and Molson National Prize Committee, Canada.

AREAS OF SPECIALIZATION

Specialist in the Law governing Information Technology, cross border data flows, data protection. cybersecurity and artificial intelligence;

Commercial and international arbitration, including among others: patent, copyright and trademark and domain name disputes;

Panelist in various trade disputes among the NAFTA countries, e.g. over sugar, steel and baler twine, softwood lumber;

Panelist, appointed to US Mexico Canada Free Trade Agreement [USMCA] to decide remedy disputes involving USMCA countries;
 Consultant in drafting, negotiating and interpreting commercial contracts;
 Consultant on alternative methods of dispute resolution, inter alia, to Canadian Bar Association;
 Consultant to British and Australian Governments on regulating information technology, artificial intelligence, and smart computing.

Recent Research Grants

2021 – United Kingdom Cross Border Data Flows-Adequacy, Project with India, Kenya, South Africa. AUD\$150,000.00.

2022 – Australian Department of Foreign Affairs and Trade, Data Flows, Data Protection, Cyber Security and Artificial Intelligence, Australia-India. AUD \$190,000.00.

EXPERIENCE IN INTELLECTUAL PROPERTY

Consultant in regulating information technology and artificial intelligence including through intellectual property law.

Ongoing service as an international commercial arbitrator by appointment of various associations (see 'Membership' above).

Ongoing service in deciding patent, copyright, trademark and domain name disputes

Consulting on intellectual property disputes involving patent and copyright issues

Publications on dispute avoidance and resolution (see 'Publications' below).

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Appointed to decide over 80 domain name disputes, predominantly under WIPO jurisdiction.

Domain Name panelist, inter alia, Domain Island, Universal Registry, BCICAC, Hong Kong Panelist, Domain Name Dispute Resolution, and WIPO Arbitration and Mediation Center.

MAJOR PUBLICATIONS

Selected publications on, inter alia, data protection, international trade and investment law include intellectual property law

Books

Trakman L Walters R, 2022, *Contemporary Issues in Finance and Insolvency Law*, 2 volumes, <http://dx.doi.org/10.4324/9781003311874>

Walters R Trakman L Zeller B, 2019, *Data Protection Law: A Comparative Analysis of Asia-Pacific and European Approaches*, Springer, <http://dx.doi.org/10.1007/978-981-13-8110-2>

Trakman L Ranieri N, 2013, *Regionalism in International Investment Law*, Oxford University Press, New York
 Mercurio B Trakman L Kolsky Lewis M Zellers B, 2010, *International Business Law*, Oxford University Press, Oxford

Trakman L Gatien S, 1999, *Rights and Responsibilities*, University of Toronto Press, Toronto

Trakman LE Jadeja K, 1997, *Dispute Settlement Under the NAFTA Manual and Source Book*, Irvington-on-Hudson, N.Y.: Transnational Publishers

Trakman L, 1983, *The Law Merchant: The Evolution of Commercial Law*, Fred B. Rothman, Colorado

Chapters in Books

- Trakman L Liu Q Chen L, 2020, 'Investor-state arbitration in China: a comparative perspective', in Chen L Janssen A (ed.), *Dispute Resolution in China, Europe and World*, Springer, Cham, Switzerland, pp. 231 - 261, http://dx.doi.org/10.1007/978-3-030-42974-4_11
- Trakman L, 2019, 'Resolving the Tension Between State Sovereignty and Liberalizing Investor-State Disputes: China's Dilemma', in *Handbook of International Investment Law and Policy*, Springer Singapore, pp. 1 - 34, http://dx.doi.org/10.1007/978-981-13-5744-2_34-1
- Trakman L, 2018, 'An Empirical Case for Extending Standing Panels in Investor-State Arbitration', in Chaisse J Nottage L (ed.), *International Investment Treaties and Arbitration Across Asia*, BRILL, pp. 613 - 645, http://dx.doi.org/10.1163/9789004360105_021
- Trakman L, 2018, 'Investment law, arbitration and China', in Chisse J Ishikawa T Jusoh S (ed.), *Investment Law and Arbitration in the Asia Pacific: Current practice, emerging issues, future prospects*, Cambridge University Press, Cambridge, United Kingdom
- Trakman L, 2018, 'Standing Panels in Investor State Arbitration: A step forward', in Chaisse J (ed.), *China's Three-Prong Investment Strategy: Bilateral, Regional and Global tracks*, Oxford University Press, United Kingdom
- Trakman L, 2015, 'Contracts Legal', in *International Encyclopedia of the Social & Behavioral Sciences, Volume 3*, Elsevier

Articles

- Trakman L Walters R Zeller B, 2020, 'Digital consent and data protection law—Europe and Asia-Pacific experience', *Information and Communications Technology Law*, 29, pp. 218 - 249, <http://dx.doi.org/10.1080/13600834.2020.1726021>
- Trakman L Walters R Zeller B, 2019, 'Is Privacy and Personal Data Set to Become the New Intellectual Property?', *IIC International Review of Intellectual Property and Competition Law*, 50, pp. 937 - 970, <http://dx.doi.org/10.1007/s40319-019-00859-0>
- Trakman LE Sharma K, 2014, 'The Binding Force of Agreements to Negotiate in Good Faith', *Cambridge Law Journal*, 73, pp. 598 - 628, <http://dx.doi.org/10.1017/S000819731400083X>
- Trakman L, 2007, 'The Impartiality and Independence of Arbitrators Reconsidered', *International Arbitration Law Review*, 10, pp. 124 - 136
- Trakman L, 2001, 'Appropriate Conflict Management', *Wisconsin Law Review*, pp. 385 - 415
- Trakman L, 1985, 'Winner Take Some: Loss Sharing and Commercial Impracticability', *Minnesota Law Review*, 69, pp. 471 - 519
- Trakman LE, 1983, 'Frustrated Contract and Legal Fictions', *Modern Law Rev*, 55, pp. 625 - 655

EXPERIENCE IN COURT LITIGATION

Expert witness in judicial proceedings, in Canada, the United States and abroad in corporate-commercial disputes

Presided or served in NAFTA disputes as judge pro tem as a Federal judicial appointment.

Appointed by US, Canada and Mexican Governments to decide these NAFTA cases:

In the Matter of: Synthetic Baler Twine Originating in or Exported from the United States of America, CDA-94-1904-02

In the Matter of: Refined Sugar Originating in or Exported from the United States of America CDA-95-1904-04

In the Matter of: Corrosion-Resistant Carbon Steel Products from Canada USA-98-1904-01

In the Matter of: Certain Hot-Rolled Carbon Steel Plate, Originating in or Exported from Mexico CDA-97-1904-02

In the Matter of Certain Iodinated Contrast Media Used for Radiographic Imaging, Originating in or Exported from the United States of America CDA-USA-1904-01 (Dumping) & CDA-USA-2000-1904-02 (Injury)

In the Matter of: Softwood Lumber Originating in or Exported from Canada, USA-CDA-2002-1904-04.

EXPERIENCE IN ARBITRATION

Studied and taught arbitration courses to students, lawyers and professional arbitrators, concentrating on domestic and international commercial arbitration

Acted as an arbitrator in over 150 cases

Served as a panelist/arbitrator appointed by the American, Canadian and Mexican Governments to decide trade disputes

Served on the Government roster of arbitrators under Chapter 11 of the NAFTA (investment disputes)

Acted as arbitrator in disputes over technology, patents, copyright and domain names, insurance and reinsurance, oil, gas and construction and shipping, among others

Served on the following arbitration panels: American Arbitration Association (AAA), New York CPR Institute for Dispute Resolution (New York International Chamber of Commerce (ICC), Canada, New York and Paris Centre for Dispute Resolution, Calgary, Alberta, Canada World Intellectual Property Organization (WIPO), Geneva Australian Centre for International Commercial Arbitration (ACICA), Melbourne, Australia London Court of International Arbitration (LCIA), London, U.K. Hong Kong International Arbitration Centre, Hong Kong, PRC British Columbia International Commercial Arbitration Centre (BCICAC), Vancouver, Canada, among others.

PROFESSIONAL TRAINING IN ARBITRATION

Studied arbitration at the Harvard Law School, 1973-1975, 1979

Doctorate at Harvard Law School encompassed international commercial arbitration (1979)

Attended various workshops as continuing arbitration education since 1979

Lecturer in domestic and international commercial arbitration for various associations including, inter alia, the Chartered Institute of Arbitrators the American, Mexican and Canadian Bar Associations

Professor of arbitration law at Southern Methodist University, Dallas, the University of California, Davis, Dalhousie University, Canada and the University of New South Wales Australia
Lectured on arbitration law in Mexico at El Centro Jurici del ITESM, the World Trade Center in Monterrey, El Centro Internacional de Mediacion and the Centro de Resolucion de Controversias Mexico-Estados Unidos, Universidad Panamericana.

EXPERIENCE IN MEDIATION

Studied and taught mediation skills, concentrating on commercial mediation, including intellectual property
Acted as a mediator in disputes on intellectual property, investment, maritime shipping, oil and gas, construction, computer technology, insurance, investment, and other matters
Mediated over 30 commercial disputes.

PROFESSIONAL TRAINING IN MEDIATION

Studied mediation at Harvard Law School, 1972-1975, 1979

Attended various workshops on continuing mediation training, e.g. at Harvard, at ITESM in Mexico, conducted by the Canadian Bar Association, CBA, the American Bar Association, ABA and the New South Wales Bar Association

Instructed in mediation, e.g., at Chartered Institute of Arbitrators Dalhousie University, El Centro Jurici del ITESM, at the World Trade Center in Monterrey, El Centro International de Mediacion, Centro de Resolucion de Controversias Mexico-Estados Unidos, at Southern Methodist University, the University of California, Davis and the University of New South Wales.
