

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Brian J. WINTERFELDT
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Date of Birth: September 7, 1972
Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

BA, Emory University;
MA, Tulane University;
JD, Georgetown University;

Bar Memberships: New York and Washington, DC, United States.

LANGUAGES

English

PRESENT POSITION

Founder and Principal, Winterfeldt IP Group.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Experience in various law firms including: Manelli, Denison & Selter (Clerk/Associate); Dow Lohnes (Associate); Mintz Levin (Associate/of Counsel); Ballard Spahr (Partner); Steptoe & Johnson (Partner);

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Katten Muchin Rosenman (Partner and Head of Internet Practice); and Mayer Brown (Partner and Co-Head of Global Brand Management and Internet Practice), all as an intellectual property Attorney.

MEMBERSHIP IN PROFESSIONAL BODIES

International Trademark Association (Special Advisor to the Internet Committee and former INTA Board member); ICANN Intellectual Property Constituency (currently President, has previously served in several other leadership roles); International AntiCounterfeiting Coalition; American Apparel & Footwear Association (Brand Protection Council); Trademark Public Advisory Committee; LGBT Bar; The Trevor Project – Board of Directors.

AREAS OF SPECIALIZATION

Trademark portfolio management; trademark clearance; trademark counseling; trademark prosecution; trademark enforcement; Trademark Trial & Appeal Board matters; domain name management and acquisitions; domain name enforcement; social media strategy; social media enforcement; new generic top-level domain (gTLD) matters; other ICANN matters including registry/registrar issues; copyright registrations; copyright enforcement; IP policy matters including trademark, copyright, and Internet issues; trade dress counseling; trade dress enforcement; IP licensing and transactional matters.

EXPERIENCE IN INTELLECTUAL PROPERTY

19 years of experience in private practice as a trademark and Internet attorney, all in private practice, with positions of progressive responsibility from clerk/junior associate, to trademark/Internet practice head at major global law firms, to operating my own firm as Founder and Principal. Primarily work on all aspects of brand protection (other than litigation) in the brick and mortar world and online, as well as related policy matters.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Extensive experience with domain name matters since beginning of career. Working on domain name management and enforcement issues since the inception of the UDRP, including obtaining many successful decisions in the UDRP and similar proceedings. Practice also in managing numerous domain name portfolios for clients and advising on corresponding strategy. Involved in ICANN matters for over 10 years, including participating in drafting and/or prosecuting approximately 200 new gTLD applications during the 2012 application round. Continue to advise clients on registry operations and related compliance issues, as well as participate in registry operator and brand owner advocacy in connection with procedures for any future new gTLD application rounds.

MAJOR PUBLICATIONS

“WHOIS Access and Interim GDPR Compliance Model: Latest Developments and Next Steps,” CircleID, February 2018;

““WHOIS as we know it could go dark”: assessing ICANN’s proposed GDPR compliance models,” World Trademark Review, January 2018;

“First Do No Harm: Ensuring Compliance with the EU’s GDPR While Preserving Access to WHOIS Data,” CircleID, January 2018;

“Trademark Rights Protection Mechanisms in the Domain Name System: Current Landscape and Efforts to Diminish Protection,” Intellectual Property & Technology Law Journal, September 2017.

“Trademark-Related Developments in The US Patent and Trademark Office: 2016-2017,” Oxford University Journal of Intellectual Property Law & Practice, September 2017;

“The Internet Assigned Numbers Authority (IANA) Transition in Hindsight,” Westlaw Journal Computer & Internet, May 2017;

“A Test of ICANN's Public Safety and Unfair Competition Mechanism as a Remedy in Consumer Protection Disputes With Registry Operators .Feedback,” The Brand Protection Professional, March 2017;

“Brand Protection on the Internet: Domain Names, Social Media, and Beyond,” International Trademark Association Trademark Administrators Guide, September 2015;

“ICANN Gears Up for Second Round of gTLD Applications Even as First Round Still Underway,” National Law Review, December 2014;

“WIPO and the legal rights objection - first round gTLD lessons,” World Trademark Review, May 2014;

“gTLDs: Your Brand in an Expanding Internet Space,” Managing Intellectual Property, January 2014.

EXPERIENCE IN COURT LITIGATION

IP experience is in other areas as described above.

PROFESSIONAL TRAINING IN ARBITRATION

IP experience is in other areas as described above.

EXPERIENCE IN ARBITRATION

IP experience is in other areas as described above.

PROFESSIONAL TRAINING IN MEDIATION

IP experience is in other areas as described above.

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