

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

David M. KELLY
Partner
Kelly IP, LLP
Washington, DC
United States of America



Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Duquesne University School of Law, 1983;
M.S., University of Pittsburgh, 1980;
B.S., University of Pittsburgh, 1979.

Bar Admissions:

Pennsylvania, Louisiana;
District of Columbia;
Registered to practice before U.S. Patent and Trademark Office.

LANGUAGES

English

PRESENT POSITION

Partner, Kelly IP LLP.

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PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (joined 1986, Partner since 1992).

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Member:

Louisiana, District of Columbia, and American Bar Associations;
American Intellectual Property Law Association;
International Trademark Association.

PUBLICATIONS AND PRESENTATIONS

Publications:

“Taking Aim at Cybersquatting,” *Trademark World*, to be published in March 2000;
“No Fair!” Stop Using My Marks! A look at Trademarks and the Fair Use Defense on the Internet,”
Intellectual Property Today, July 1999;
“Trademarks on the Internet: How Does Fair Use Fare?,” *Trademark World*, February 1999;
“Taking Thy Name in Vain,” *The Recorder*, Intellectual Property Supplement, July 1998;
“Jurisdictional in Personam in the Field of Internet in the U.S.,” *Customs Intellectual Property Information Center Journal* (Japan), 1998;
“Untangling a Web of Minimum Contacts: The Internet and Personal Jurisdiction in Trademark and Unfair Competition Cases,” 87 *The Trademark Reporter* 526 (1997);
“Courts Order Internet ‘Pirate’ to Walk the Plank,” *Intellectual Property Counselor*, June 1997;
“Wired for Jurisdiction: Is Plugging In Enough?,” *Trademark World*, May 1997;
“Names on the Net: Some Strategies for Protecting What They’re Worth to Your Client,” *The Practical Lawyer*, March 1997;
“Dot Com: A New Property Right?,” *Corporate Counsel Magazine*, October 1996 and *Intellectual Property Today*, November 1996;
“Avon Calling: Cyber Infringement and Dilution,” *IP Worldwide Outlook*, May 1996;
“Patenting Away Trade Dress Rights,” *Corporate Counsel Magazine*, April 1996;
“Intend to Use It—Or Lose It,” *Trademark World*, November 1995;
“Qualitex Makes Visible the Strategic Spectrum: Corporate ‘Color Warriors’ Have Numerous Tactics at Their Disposal,” *The National Law Journal*, May 8, 1995;
“A Rainbow of Ideas to Trademark Color,” *Advertising Age*, April 24, 1995;
“The Politics of Color as a Trademark,” *Association Trends*, April 21, 1995;
“Developments in American Unfair Competition Law—Implications for the Computer Industry,”
European Intellectual Property Review, April 10, 1995;
“Certification Marks: A Trap for the Unwary,” *Association Law & Policy*, October 15, 1994;
“Broadening Trademark Protection in Louisiana: Enactment of the Louisiana Anti-Dilution Statute,” 33
Louisiana Bar Journal 224, 1985;
“Protection of Merchandising Properties in Professional Sports,” 3 *The Merchandising Reporter* 11,
1984;
“Trademarks: Protection of Merchandising Properties in Professional Sports,” *Duquesne Law Review*
927, 1983, Reprinted in *Intellectual Property Law Review*, Clark Boardman, 1984.

Presentations:

Presented papers and given speeches on domain names and other Internet-related trademark issues before various organizations, including the International Trademark Association, American Intellectual Property Law Association, Canadian Bar Association, Computer Law Association, Georgetown Computer Law Institute, Los Angeles Intellectual Property Law Association, District of Columbia Bar Association and Maryland Patent Law Association.

AREAS OF SPECIALIZATION

Domestic and international trademark law, unfair competition law, and Internet law.

EXPERIENCE IN INTELLECTUAL PROPERTY AND COURT LITIGATION

Practice has been devoted exclusively to intellectual property since 1983.

Has acted as counsel in numerous trademark and unfair competition litigations in federal and state courts, including more than a dozen litigations involving domain names.

Has coordinated for domestic clients domain name litigations in Australia, India, Israel, Mexico and Taiwan.

In addition to domain name litigation, has represented numerous domestic and international clients in hundreds of domain name disputes.

EXPERIENCE IN ALTERNATIVE DISPUTE RESOLUTION

Involved in settlement of numerous disputes and litigations, including settlement conferences before courts.
