
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Miguel RUIZ-HERRERA
San José
Costa Rica



Nationality: Costa Rica/Spain

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Universidad de Costa Rica, Lic. Law (equal to JD);
Legal Structure of the EEC, Business Law of the EEC, University of Amsterdam;
Comparative Law Degree, New York University (NYU);
Academie Int kdu Droit (The Hague), International Finance Institutions and Economic Integration Entities;
International Procurement (1977), Settlement of International Investments Disputes (1978);
University of Lovain, Brussels, ITAN (Tax Law); Practicing Law Institute, Washington, UNIDO, INCAE
(Harvard sponsored), on Public Works by Private Concession (IDB/CFI) Construction Lending (Scotia
Bank/Merrit & Harris, 1998), Foreign Investment: CINDE (1990), INCAE (1990), SB-M&H (1998), ITC (1999
and 2005, CILS (2006) and ICDR - AMCHAM (2007).

LANGUAGES

English, Spanish

PRESENT POSITION

Founder and Senior Counsel, Lex Counsel, Costa Rica, 2002.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Vargas, Jiménez & Peralta, Costa Rica, 1982 - 2002;
Head, Export and Investment Agency of Costa Rica and the Free Zones Agency, 1981 - 1982;
Representative, Costa Rica before the European Union (Brussels Belgium), 1979 - 1981;
Legal Counsel, The World Bank, Washington, DC, 1977 - 1979.

February 7, 2020

MEMBERSHIP IN PROFESSIONAL BODIES

Colegio de Abogados de Costa Rica, NYU Alumni, Cámara Oficial de Comercio e Industria Española, Member of the Selected Arbitrators of the Centers of Arbitration of the Chamber of Commerce, the Lawyers Bar Association, the American Chamber of Commerce, and for the major Trade Treaties of Costa Rica.

AREAS OF SPECIALIZATION

IP and Domain Names, arbitration, real estate developments, banking and financing, public works under private administration, tax, litigation, external trade and foreign investment.

EXPERIENCE IN INTELLECTUAL PROPERTY

Working on the IP Division of former law firms (Vargas Jiménez & Peralta 19 years, Odio & Raven for four years);
Founder of the Intellectual Property Division of Lex Counsel and working on IP in this division for nine years;
Conciliator in cases of Intellectual Property in Costa Rica;
In charge of a strategy for intellectual property protection for multinational companies;
Cases of Laboratorios Gutis' trademarks;
Cases of Laboratorio Biológico Argentino BIOL's trademarks;
Cases of Tostadora El Dorado's trademarks.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Attended WIPO's Advanced Domain Name Workshop (Geneva, December 2014).

MAJOR PUBLICATIONS

The European Communities Legal Structure, published by Universidad de Costa Rica, 1973;
Costa Rica, Sound Ground for Investment (English & German), published by the European Union, 1982;
Régimen Legal de la Inversión Extranjera en Costa Rica, published by CINDE, UCAEP, 1985;
New alternatives for International Trade, UNCTAD/GATT, 1992;
Effective Defense in case of Expropriations – The New Law, published by CINDE, 2002;
Doing Business in Costa Rica (chapters on banking, credit documentation, anticorruption laws, and company laws – World Bank and IFC – 2008, 2009, 2010, 2011, 2012, 2013 and 2014);
Avasallamiento en Zona Marítimo Terrestre (Defending rights of owners against expropriation, published by the Supreme Court of Justice, December 2010);
How to confront Bias in International Arbitration, (CILS) (2013);
Reporto y Venta con Recompra, published by the Supreme Court Journal, (2014);
Distribution Law in Costa Rica, (Agency Law) Article for Latin Lawyer (2014);
Digest on Costa Rica Law, published by Kluwer Law International, 2015.

EXPERIENCE IN COURT LITIGATION

More than 40 years of litigating, covering some 60 cases. Among the most well known:

The Santa Elena Case: Compañía de Desarrollo de Santa Elena vs. Costa Rica, case litigated over 13 years in Costa Rican Courts and solved at ICSID arbitration in 2000.

Cases against Contraloría General de la República, the first conciliated (defending Artinsoft), and the second (defending MATRA) won at First Instance Court, at the Appeals Tribunal, now pending decision due to a Recurso de Casación.

Two cases against the Power and Telecommunication Agency of Costa Rica (ICE), regarding migration of software contracts awarded to a client but then suspended by ICE.

Cases defending seven owners at Playa Grande, Costa Rica, against the Government of Costa Rica, Contraloría General de la República and a private association.

PROFESSIONAL TRAINING IN ARBITRATION

Seminars organized by Centro de Arbitraje de la Cámara de Comercio de Costa Rica, on 2010, 2011, 2013 and 2014;

Seminar organized by Pepperdine University, California, 2010;

Seminar organized by American Arbitration Association, 2012;

Seminars by International Center for Dispute Resolution, Miami, FLA, 2011 and 2012;

Seminars organized by International Chamber of Commerce on 2012, and 2013;

Seminar organized by Colegio de Abogados de Costa Rica on 2014;

Arbitration Symposium, Salzburg, CILS, 2014;

Seminar with Club Español de Arbitraje, 2015.

EXPERIENCE IN ARBITRATION

Arbitrator in several domestic and international arbitrations.

PROFESSIONAL TRAINING IN MEDIATION

Merrit & Harris – The Bank of Nova Scotia, alternative solution for disputes in Construction Lending, 1998.

EXPERIENCE IN MEDIATION

Mediator in several cases.
