
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

John SWINSON
Professor
The University of Queensland
St Lucia
Brisbane, QLD
Australia



Nationality: Australian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Masters of Law, Harvard Law School, 1991;
LLB (First Class Honors), University of Queensland, 1988;
BA (Computer Science), University of Queensland, 1986.

Bar Admissions:

Queensland;
Australian Capital Territory;
New South Wales;
High Court of Australia;
New York;
US Court of Appeals for the Federal Circuit;
US District Court for the Southern District of New York;
US District Court for the Eastern District of New York;
US District Court for the Northern District of New York.

LANGUAGES

English

PRESENT POSITION

Professor of Law, The University of Queensland (2017 – present);
Partner, King & Wood Mallesons (formerly known as Mallesons Stephen Jaques), Intellectual Property &
Technology Team, Brisbane, Australia (1997 – December 2021).

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Adjunct Professor of Law, Queensland University of Technology, (1999 – 2017);
President, Australian Fulbright Alumni Association;
Associate, Kenyon & Kenyon, New York, (1991 – 1996);
Associate to Hon. Mr. Justice C. W. Pincus, Federal Court of Australia, 1989;
Part-time Lecturer, Queensland University of Technology, Course: Introduction to Computer Science (1986 – 1988).

MEMBERSHIP IN PROFESSIONAL BODIES

Member:

Intellectual Property Society of Australian and New Zealand;
American Intellectual Property Law Association;
Copyright Society of the United States;
Harvard Law School Association.

AREAS OF SPECIALIZATION

Intellectual Property, Technology law, Patent litigation (computer, software, Internet), Trademark litigation, Multijurisdictional litigation, Nationalization and government expropriation of intellectual property assets, Domain names, Copyright, Licensing, e-commerce and Internet legal issues, Litigation involving software licensing and failed computer implementations, Privacy and Cybersecurity, Outsourcing, Technology joint ventures, Fund raising for technology companies, International intellectual property protection.

EXPERIENCE IN INTELLECTUAL PROPERTY

Worked as attorney and solicitor since 1991 specializing in intellectual property issues.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Member of eResolution & WIPO panels (UDRP and auDRP).
Acted as counsel for numerous clients in resolution of domain name disputes and domain name transactions since 1995.
Chair, Policy Review Panel, auDA (2018 – 2019).

MAJOR PUBLICATIONS

"LexisNexis Practical Guidance: Intellectual Property" published online by LexisNexis Australia 2011 – present;
"Cybersecurity lawsuits" [2021] ANZCompuLawJl 6; (2021) 93 Computers & Law 19;
"Personal Property Securities in Australia" published by LexisNexis Australia 2011 (contributing author);
"Security Interests in Intellectual Property in Australia" published in Knoff, *Security Interests in Intellectual Property*, Carswell 2002;
"Patents in Cyberspace: electronic commerce and business method patents" in *Going Digital 2000: legal issues for e-commerce, software and the internet*, Prospect Media, February 2000;
"Security Interests in Intellectual Property" published in *Security Interests in Personal Property*, Butterworths, 1998;
"Confidentiality on the Superhighway" *The American Lawyer*, December 1995;
"Recent Software Patent Developments in the United States" 5 *Journal of Law and Information Science*, 1994;
"Software Patents in the United States" 4 *Journal of Law and Information Science* 116, 1993;

“Copyright or Patent or Both: An Algorithmic Approach To Computer Software Protection” 5 Harvard Journal of Law & Technology 145, Fall 1991;
“The Idle Creditor” (with Mr. Justice Pincus) 18 Australian Business Law Review 129, April 1990;
Country Correspondent to Computer and Telecommunications Law Review, Sweet & Maxwell, London.

EXPERIENCE IN COURT LITIGATION

U.S. and Australian litigation experience. Cases include:

- QAD Inc. v. SPC Ardmona Limited (2021);
- FKP Sojuzplodoimport v Spirits International B.V. (Permanent Stay) [2019] FCA 802;
- FKP Sojuzplodoimport v Spirits International B.V. (No 4) [2017] FCA 134;
- Glencore Queensland Limited v Ventyx Pty Ltd [2015] QSC 14;
- Accor Australia & New Zealand Hospitality Pty Ltd v Liv Pty Ltd [2015] FCA 554;
- Bell v Steele [2012] FCA 246;
- Mantra Group Pty Ltd v Taily Pty Ltd [2010] FCA 291;
- Specsavers Pty Ltd v Canstar Blue Pty Ltd [2010] FCA 1153;
- Federal Treasury Enterprise (FKP) Sojuzplodoimport v Spirits International BV [2010] FCA 1293;
- Fairfax Media Publications Pty Ltd v Reed International Books Australia Pty Ltd [2010] FCA 984;
- TS Production LLC v Drew Pictures Pty Ltd [2008] FCA 1329;
- Microsoft v. Intertrust (patent litigation concerning digital rights management);
- SPI Spirits (Cyprus) Limited v. Diageo Australia Limited [2006] FCA 14;
- WinZip Computing v. ProSoft (copyright piracy);
- The Syndicate Club Pty Ltd v State of Queensland [2003] QSC 104;
- Digi International Inc. v. Stallion Technologies [2001] QSC 442 ;
- Brisbane City Council v. MITS Technology (computer software not complying with contract specifications);
- Novartis Crop Protection Australasia Pty Limited v Orica Australia Pty Limited and Anor [2001] FCA 1013;
- Henley Homes v. Tamawood Homes (copyright infringement);
- Brisbane TV Limited v. Queensland Television Ltd (copyright infringement);
- Computer Associates v. First Fidelity Bank (copyright and trade secret litigation).

Acted as counsel in numerous intellectual property and technology matters subject to mediation.

PROFESSIONAL TRAINING IN MEDIATION

Attended Harvard Law School program on negotiation and dispute resolution, 1990.

EXPERIENCE IN MEDIATION

Acted as panelist on eResolution domain name dispute panel. Represented numerous clients in mediations conducted in accordance with S.D.N.Y. and Federal Court of Australia court rules.

ARBITRATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC					
	LCIA					
	Ad Hoc					
	Others:			3		
Number of cases: sub-total				3		
Domestic Arbitrations	AAA					
	Ad Hoc					
						2
Number of cases: sub-total						
TOTAL				3		2

MEDIATION EXPERIENCE
SUMMARY TABLE

Type		Role		
		Name	Number of Mediations	Mediator
International Mediations	AAA			
	ICC			
	LCIA			
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations	AAA			
	Ad Hoc			
	Other			19
Number of cases: sub-total				19
TOTAL				19