
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

W. Scott BLACKMER
InfoLawGroup LLP
Herriman, UT
United States of America



Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

JD., University of California at Berkeley, 1981 (hons) (Order of the Coif; Editor-in-chief of the *California Law Review*);
Undergraduate studies, Brigham Young University (Utah), Université de Grenoble (France);
B.A., (hons), University of Nevada, 1975.

LANGUAGES

English, French

PRESENT POSITION

Senior Counsel, InfoLawGroup LLP (www.infolawgroup.com), Chicago, and
Executive Industry Advisor, First Law International Sprl (www.first-law.com), Brussels.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Private law practice in Washington, DC; Bethesda, Maryland; and Salt Lake City, Utah (2000-2011).
Partner, Wilmer, Cutler & Pickering (now WilmerHale), Washington, DC and Brussels, Belgium (1982-
2000; partner 1989-2000).

Law clerk to Judge William Schwarzer, United States District Court for the Northern District of
California (1981-82) and Justice Marc Poché, California Court of Appeals (1979-80).

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AREAS OF SPECIALIZATION

Intellectual property: Copyright and trademark generally; patent licensing; trade secrets and technology transfers; digital rights management; emphasis on information and communications technologies, software, standards, issues concerning protected content and marks on the Internet, social media, and mobile applications;

E-commerce: Issues of contract, jurisdiction, intellectual property protection, privacy and consumer protection, taxation, antitrust, and regulations concerning commercial activity via Internet, social media, and mobile applications, outsourcing, cloud computing, software-as-a-service, payment systems, online financial services, virtual private networks, Internet of things;

Privacy and security: Privacy and data protection laws throughout the world; cybersecurity obligations and standards; third-party liability risks; licensing, regulations, and export controls for cryptographic products and techniques.

MEMBERSHIP IN PROFESSIONAL BODIES

Member,
District of Columbia Bar
Utah Bar

Member of the bar of the United States District Courts for the District of Columbia and the District of Maryland, the United States Court of Appeals for the District of Columbia Circuit, the Fourth Circuit, and the Ninth Circuit.

Former member (while residing in Europe) of the French Order of the Brussels Bar and the Law Society of England and Wales.

International Association of Privacy Professionals.

US Observer, GDHRNet (Global Digital Human Rights Network, an EU Cooperation in Science and Technology programme).

Chaired the International Chamber of Commerce Task Force on Jurisdiction and Applicable Law in Electronic Commerce.

Co-chaired the privacy working group of the ABA project on "Transnational Jurisdiction in Cyberspace."

EXPERIENCE IN INTELLECTUAL PROPERTY

Experience with intellectual property issues since 1982 as an attorney in private practice, principally in counseling, negotiation and drafting of licensing agreements (copyright, patent, trademark, and trade secrets), advice on the development of legislation and standards, litigation and arbitration.

This experience includes the following activities:

Counseling and transactions concerning the licensing or transfer of patent rights, copyrights, registered marks, technical know-how, and trade secrets, in the United States, Canada, Mexico, the European Union, China, Hong Kong SAR, Japan, Russia, Georgia, Ukraine, Hungary, Belarus, Haiti, Argentina, Brazil, Chile, Indonesia, Australia, and New Zealand;
Transactions and litigation concerning non-disclosure agreements and trade secrets;
Counseling on website, social media, and mobile intellectual property notices and terms;
Notices and responses concerning website copyright infringement claims under the US Digital Millennium Copyright Act;

Cross-licensing agreements for co-branded websites, mobile apps, social media sites, Internet search engines, and electronic portals;
 Advising the Trusted Computing Group on the development and licensing of specifications for hardware-enabled security functions and establishing ISO / IEC standards;
 Represented the XNS Public Trust Organization and its successor XDI.ORG in obtaining patent rights and publishing open-source specifications for extensible name services, as well as the transfer of rights to the OASIS standards body to prepare standards for extensible resource identifiers;
 Counseling and lobbying on the EU Software Copyright, Database Protection, E-Commerce, Data Protection, and E-Privacy directives;
 Litigation concerning copyright and trade secrets (Boston, New York, Washington);
 Trademark registrations (US, EU, UK, International), contracts assigning registered marks, and advice regarding trademark and domain name disputes in US arbitration and litigation;
 Lectures and presentations on Internet-related intellectual property developments and the law relating to e-commerce at University of Chicago, George Washington University (Washington, DC), Johns Hopkins University (Washington, Berlin), University of London, University of Toulouse (France), US State Department (Washington, Paris, Berlin, Shanghai), Catholic University of Argentina, DC Bar, New York Bar, the Internet Law and Policy Forum (Montreal, Seattle), and numerous conferences, industry association meetings, and legal education programs in North and South America, Europe, Japan, Brazil, Argentina, and Singapore.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Serves on the Domain Name Panel (since 2002) and the Legal Rights Objections Panel (since 2012) of WIPO Arbitration and Mediation Center and The Forum.

Counsels and represents clients (since 1996) on domain name registrations and domain name / trademark disputes, including cease-and-desist letters, arbitration and litigation, settlement and transfer agreements, liability issues for domain name authorities, registrars, and Internet Service Providers.

Advises clients on domain name valuation and potential liabilities in transactions and due diligence.

MAJOR PUBLICATIONS

Blogs regularly on intellectual property, information privacy and security, and information technology legal issues at www.infolawgroup.com.

“Cross-Border Data Transfers in Europe,” panelist, webinar jointly presented by the American Bar Association SciTech and Public Contract Law Section and the ABA Cybersecurity, Privacy & Data Protection Committee (January 2021);

“Data protection in the private sector: Convergence or localization of rights and expectations?” chapter in HUMAN RIGHTS, DIGITAL SOCIETY AND THE LAW: A RESEARCH COMPANION (ed. M. Susi, Routledge, London 2019);

“Bad Faith after WIPO Overview 3.0,” presentation at the annual WIPO Domain Name Panelists Meeting, Geneva (October 2018);

“GDPR for Cross-Border Business,” presentation at the First Law International Network European Meeting, Rotterdam (June 2018);

“Data Protection and Cybersecurity Best Practices in Global Business,” presentation at the First Law International Network Annual Meeting, Abu Dhabi (April 2018);

“What You Need to Know about the EU’s General Data Protection Regulation,” presentation at the American Fuel and Petroleum Manufacturers Labor Relations / Human Resources Annual Conference, New Orleans (April 2018);

“Data (Mis)use Litigation,” “Cybersecurity and the Human Factor,” and “The Changing Global Landscape for Privacy and Data Protection,” presentations at the SoCal Cybersecurity and Privacy Retreat, Newport Coast, California (November 2016);

“Cyber Risks and Solutions,” American Bar Association, Section of Environment, Energy, and Resources Annual Meeting, Salt Lake City (March 2014);

“BYOD: Are Employees’ Smartphones Safe Enough for Business?” presentation for the Utah Bar Cyberlaw Symposium, Salt Lake City (September 2013);

Three To Watch: HR Data Leaks; GINA; Anti-Bribery Legislation, WORKFORCE SOLUTIONS REVIEW (International Human Resources Information Management Association, December 2011);

Personal Information: Emerging Compliance and Risk Issues, presentation and paper for the Utah State Bar (December 2011);

The New Personal Data Protection Act in Taiwan, NYMITY (November 2011);

INFORMATION SECURITY AND PRIVACY: A PRACTICAL GUIDE FOR GLOBAL EXECUTIVES, LAWYERS, AND TECHNOLOGISTS (American Bar Association 2011), author and editor of sections on international laws and contracting with service providers;

Payment Card Industry Data Security Standard: Compliance and Risk Issues, presentation for the Utah State Bar (October 2011);

Workplace Privacy, Confertel webinar (September 2011);

After the Crisis: Coping with the New International Business and Investment Climate, audioconference seminar sponsored by Bridgeway Financial Corporation (July 2010);

Cloud Computing and IT Governance workshops and papers presented at the Vanguard Enterprise Network Security Conference (Las Vegas, June 2011);

Cloud Computing, Electronic Discovery, and International Evidence Discovery panels at the RSA Security Conference (San Francisco, May 2011);

Compliance and Risk Management in Cloud Computing and IT Governance: The Impact of Security and Breach Notice Laws, presentations and papers for the Vanguard Security Conference 2010 (Las Vegas, April 2010);

Cloud Computing panels at the RSA Security Conference (San Francisco, March 2010);

Data Integrity and Evidence in the Cloud,¹ *Information Security & Privacy News*, p. 1 (Winter 2010);

Good Lawyers for Bad Times, presentation at the annual meeting of the First Law International Network (Kiev, November 21, 2008);

Managing Compliance in Global Applications and Privacy Risks and Requirements, workshops and papers presented at the Vanguard Security Conference 2008 (Los Angeles, June 1-5, 2008);

The IT Impact of Electronic Discovery, with Trent Henry, presentation and paper at RSA Conference 2008 (San Francisco, April 8, 2008);

Portal Sites and Advertising Arrangements, presentation at the annual WIPO Domain Name Panelists Meeting, Geneva (October 15, 2007);

Security Breaches and Protected Personal Data, workshop and paper at the 21st Annual Vanguard Enterprise Security Solutions Conference, St. Louis, MO (June 13, 2007);

Medical Data in the Crosshairs: Identity Theft, Security Breaches, and Electronic Discovery, presentation and paper for the annual meeting of the Blue Cross Blue Shield Association, Information Security Advisory Group, Orlando, FL (May 16, 2007);

Data Protection and Human Resources: Bridging the Gap between Privacy Policies and Information Practices, Burton Group analysis paper (July 15, 2006) (available at www.burtongroup.com; subscription required);

Thinking the Unthinkable: Security Breaches and Protected Personal Information, presentation and panel discussion at the annual Catalyst Conference, San Francisco (June 15, 2006);

Personal Information as a Controlled Substance, paper and presentation for the American Bar Association Section on Business Law Spring Meeting, Tampa, FL (April 6, 2006);

Identity Theft and the Data Custodian, presentation and paper at the IAPP (International Association of Privacy Professionals) Privacy Academy 2005, Las Vegas (October 26, 2005);

Information Compliance, presented at the annual Burton Group Catalyst Conference, San Diego (July 13, 2005);

Privacy Issues for Information Security Professionals, presented at the 19th Annual Vanguard Enterprise Security Expo, Orlando, FL (May 7, 2005);

THE INTERNATIONAL GUIDE TO PRIVACY, contributor (American Bar Association, Chicago 2004);

Trust in Mobile and Context-Aware Computing, presented to the Carnegie-Mellon University Sustainable Computing Consortium, Tempe, AZ (March 31, 2003);

Intellectual Property Developments on the Internet, annual paper and lecture for the DC Bar and George Washington University, 1998, 1999, 2001, 2002;

E-Privacy from Policy to Practice, presented at the annual conference of the Internet Law and Policy Forum, Seattle (September 18, 2002);

Contracts for Transborder Data Flows, presented at the Privacy & American Business conference on "Managing the Privacy Revolution," Washington DC (March 22, 2002);

Privacy at Work, presented at the annual meeting of the International Association of Privacy Officers, Washington, DC (February 1, 2002);

Privacy Issues for Corporate America, presented at the Johns Hopkins University Policy Seminar, Washington, DC (November 2, 2001);

Privacy and the Trust Equation, CUSTOMER RELATIONSHIP MANAGEMENT (June 2001), at 10;

US Financial Privacy and the EU Adequacy Standard, report on behalf of US financial services sector organizations presented in Brussels and Washington (May 2001);

Privacy in a Global Organization, presented at the First Annual Privacy and Data Protection Summit of the Privacy Officers Association, Arlington, Virginia (May 3, 2001);

E-Signatures in Global Commerce, presentation at the Glasser LegalWorks seminar "The New E-Sign Law: What It Means and How It Works," New York (October 24, 2000);

ACHIEVING LEGAL AND BUSINESS ORDER IN CYBERSPACE: A REPORT ON GLOBAL JURISDICTION ISSUES CREATED BY THE INTERNET (Chicago, American Bar Association, 2000), contributor;

Jurisdiction and Applicable Law in Electronic Commerce, principal author, ICC Policy Statement published by the International Chamber of Commerce, Paris (July 2001);

Legal E-Commerce, course materials for a continuing legal education course sponsored by marcus evans, Singapore, Washington, DC (August and October 2000);

TELEKOMMUNIKATIONS- UND MEDIENRECHT IN DEN USA (*Telecommunications and Media Law in the USA*), contributor (Heidelberg, Verlag Recht und Wirtschaft GmbH, 2000);

Privacy and Consumer Protection in E-Commerce, I-WAYS, vol. 22, p.14 (4th Quarter 1999);

Whose Law Applies in Global Electronic Commerce? Article and report published in the Proceedings of the BNA Public Policy Forum on "E-Commerce and Internet Regulation," Washington, DC (November 15, 1999), available at www.kentlaw.edu/cyberlaw/docs/rfc/index.html;

Making the Web Less Sticky: Privacy and Consumer Protection in Electronic Commerce, 6 Telecommunications and Space Law Journal 179 (SERDI, Paris, October 1999);

Online Financial Services, with Andrew Parnell and Matthias Bock, Banking Yearbook 1999, p.4 (International Financial Law Review, Special Supplement, London, July 1999);

Online Consumer Data Privacy Regulation in the United States, with Lynn Charytan, Samir Jain, David Gray, David Kreeger, and Christine Varney, Electronic Banking Law and Commerce Report, April 1999, p.1;

Employee Data Privacy in a Networked World, with Lynn Charytan and Todd Zubler, Electronic Banking Law And Commerce Report, October 1998, p.7;

Online Securities Trading: New Opportunities Coupled with New Compliance Risks, with Michael McKenzie, E-Money, August 1998, p. 1;

Preselection in Germany: A Test Case for Liberalization, with Natalie Lübben, Global Telecoms Business, February 1998, p.46;

Cryptography in Commerce, presented to the International Cryptography Institute 1997, sponsored by the National Intellectual Property Law Institute (Washington, January 28, 1998);

Should PCS Licenses Go to the Highest Bidder?, with Jacquelynn Ruff, Connect-World Latin America, Third Quarter 1997, p. 30;

Electronic Commerce: Can We Agree on the Ground Rules?, with Catherine Crutcher, Global Telecoms Business August/September 1997);

Latin American Telecommunications Get a Boost from Global Trade Agreement, with Jacquelynn Ruff, Connect-World Latin America, Second Quarter 1997, p. 21;

Cyberbanking: What Global Rules?, I-WAYS, Second Quarter 1997, p.27;

Going Global with Electronic Commerce, Electronic Banking Law and Commerce Report, April 1997, p.1;

Cyberbanking and Electronic Commerce: International Product Issues, paper presented at the Glasser Legal Works Conference on The Emerging Law of Cyberbanking and Electronic Commerce (Washington, 6-7 February 1997; San Francisco, March 6-7 1997);

Telecoms Outsourcing: Handle with Care, with Samir Jain, Global Telecoms Business (February/March 1996);

Interesting Times Ahead: The Transition from Regulation to Competition in the Local Phone Service Marketplace, with David Gray, Global Telecoms Business (August/September 1996)

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Privacy Overseas: Piloting the Legal Archipelago, Sourcebook on Business and Global Data Protection 188 (Privacy & American Business, Hackensack, NJ, October 1996);

Multilevel Regulation of Telecommunications: the Experience of the United States, Canada, and Australia (principal author), report for the Commission of the European Communities (DG XIII) (Brussels, December 1995);

Competition Aspects of Access by Service Providers to the Resources of Telecommunications Network Operators, with John Kallaugher, report for the Commission of the European Communities (DG IV) (Brussels, December 1995);

The Evolution of Telecommunications Regulation in the Transition to a Competitive Marketplace (principal author), International Chamber of Commerce, Commission on Computing, Telecommunications and Information Policies (Paris, March 1995);

A Business User's Perspective of the European "Information Infrastructure", address and panel discussion at the annual conference of the American Electronics Association - Europe, Brussels, November 9, 1994; published in EII: The Key to Europe's Global Competitiveness, AEA Europe Conference Proceedings (Brussels, 1994);

Brussels and the Information Highway, International Corporate Law (April 1994);

Privacy in Cyberspace, International Corporate Law (October 1994);

Analysis of The Law of The Republic of Belarus on Foreign Concessions (contributor), American Bar Association Central and East European Law Institute (CEELI) (Washington, 1993);

Model Contract To Ensure Equivalent Data Protection in the Context of Transborder Data Flows, with Explanatory Memorandum, contributor to joint study by the Council of Europe, the Commission of the European Communities, and the International Chamber of Commerce, published by the Council of Europe (Strasbourg, November 1992);

Brussels Takes another Step toward Telecommunications Liberalization, with David Bernstein and Richard Weiner, 7 *The Computer Lawyer* 24 (Englewood Cliffs, NJ, 1990);

DOV: A Regulatory Struggle with Technology, 3 *Telematics* 1 (Clifton, NJ, 1986).

EXPERIENCE IN COURT LITIGATION

Acted as counsel since 1982 in more than 40 court cases (including six as lead counsel) in state and federal trial and appellate courts in the United States (New York, New Jersey, Delaware, Pennsylvania, California, Texas, Maryland, Massachusetts, Virginia, the District of Columbia, South Carolina, Missouri, Minnesota, and Washington State). The subject matter concerned commercial and financial contracts, the sale or licensing of information technology (5), website development (2), securities fraud, consumer protection laws, antitrust, discrimination, advertising, and constitutional issues.

Represented IBM in four evidentiary proceedings before US federal administrative law judges concerning the sale and licensing of large data processing systems to the US government.

Acted as counsel in antitrust / competition law proceedings before the European Commission, the US Department of Justice, and the US Federal Trade Commission concerning mergers and joint ventures affecting the provision of telecommunications and Internet backbone and access services.

Completed the National Institute for Trial Advocacy course on "Advanced Trial Advocacy Skills" (New York, 1990).

EXPERIENCE IN ARBITRATION

Acted in an advisory role in several international commercial arbitration proceedings in London, New York, and Singapore concerning insurance, reinsurance, construction, and foreign concessions.

EXPERIENCE IN MEDIATION

Participation since 1993 on committees of the International Chamber of Commerce and the US Council for International Business to promote development and recognition of online alternative dispute resolution for e-commerce and e-business disputes.
