
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Archibald FINDLAY
Chambers
Durban
South Africa



Nationality: South African

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Bachelor of Arts, University of Natal, 1964;
Bachelor of Laws, University of Natal, 1967;
Master of Laws, University of Natal, 1974;

Attorney - Admitted, Supreme Court, 1967;
Advocate (Barrister), Appointed, Supreme Court, 1967;
Senior Counsel - Appointed, State President, 1981;
Called to London Bar (Grays Inn), 1999.

LANGUAGES

English and Afrikaans

PRESENT POSITION

Senior advocate (from time to time called upon temporarily to act as a Judge).

MEMBERSHIP IN PROFESSIONAL BODIES

Chairman, Society of Advocates of Natal, 1995;
International Bar Association (IBA);
Panelist, Commercial Arbitration & Mediation, Arbitration Foundation of South Africa;
Panelist, London Court of International Arbitrations.

January 27, 2020

AREAS OF SPECIALIZATION

Intellectual property - copyright, films and videotapes, trademarks;
Arbitration - commercial arbitration generally;
Commercial litigation.

EXPERIENCE IN INTELLECTUAL PROPERTY

Since 1973 has been active as counsel in intellectual property disputes generally, with particular reference to copyright, unfair competition and passing-off. Principally has acted as lead counsel in these matters in litigation, but has on occasion had to draft or settle copyright licensing or assignment contracts and generally to give advice to clients, both in relation to pending litigation in the field of intellectual property, as well as advice in non-litigious circumstances.

MAJOR PUBLICATIONS

Swift's Law of Criminal Procedure, 2nd Edition, 1979;
Thesis for Master of Laws, *Simplification of Proof in Criminal Proceedings*.

EXPERIENCE IN COURT LITIGATION

Judicial experience has been in the Supreme Court where he has sat in the Courts of first instance and in the Provincial Appeal Court from time to time in civil and criminal matters, generally in the following divisions of the Supreme Court:

Natal Provincial Division, on four specific occasions during 1984, and once each in 1986, 1987, 1991 and 1993;

Northern Cape Division, once in 1985;

Orange Free State Provincial Division once each in 1986, 1987 and 1988;

Cape Provincial Division, once in 1989.

These have been specific appointments for a specified period and do not include the extra periods when called upon to sit to complete unfinished cases.

Has delivered one judgment in the course thereof which dealt specifically with Anton Piller remedies in unfair competition, touching also on a procedural issue relative to patents.

In all, some 20 judgments have been reported in the South African Law Reports, as well as other judgments in other law reports.

Acted as lead counsel, both as junior counsel and thereafter as senior counsel, in approximately 20 copyright cases, 10 unfair competition cases (including one major trial regarding the theft of trade secrets of chemical formulae) and 10 passing-off cases. Of these, six of the copyright cases and two trademark cases are reported in the official South African Law Reports.

Involved overall in some 90 cases reported in the official South African Law Reports as counsel (85 as lead counsel).

Over the years, has furnished numerous opinions and given advice to clients in intellectual property matters, as well as drafted or settled licence and assignment agreements in copyright.

EXPERIENCE IN MEDIATION

Involved in one matter as counsel.

EXPERIENCE IN ARBITRATION

Sat in approximately eight domestic arbitrations, only one of which was reviewed by the Supreme Court and which review was unsuccessful;
Appeared as lead counsel in approximately 20 domestic arbitrations and two international ICC arbitrations (all of which were commercial and technical arbitrations, but did not involve intellectual property).

ARBITRATION EXPERIENCE
SUMMARY TABLE

| Type | Administering Institution | | Role | | | |
|----------------------------|---------------------------|------------------------|----------------------|------------------|---------------|-------------------|
| | Name | Number of Arbitrations | Presiding Arbitrator | Sole Arbitrator | Co-arbitrator | Counsel |
| International Arbitrations | AAA | | | | | |
| | ICC | 2 | | | | 2 |
| | LCIA | | | | | |
| | Ad Hoc | | | | | |
| | Others: | | | | | |
| Number of cases: sub-total | | 2 | | | | 2 |
| Domestic Arbitrations | Commercial | approx. 25 | | approx. 6 | | Approx. 20 |
| | Labour | 2 | | 2 | | |
| | | | | | | |
| Number of cases: sub-total | | approx. 27 | | approx. 8 | | approx. 20 |
| TOTAL | | approx. 29 | | approx. 8 | | approx. 22 |

MEDIATION EXPERIENCE**SUMMARY TABLE**

| Type | Administering Institution | | Role | |
|----------------------------|---------------------------|----------------------|----------|----------|
| | Name | Number of Mediations | Mediator | Counsel |
| International Mediations | | | | |
| | | | | |
| | | | | |
| | Ad Hoc | | | |
| | Others: | | | |
| Number of cases: sub-total | | | | |
| Domestic Mediations | Commercial | 1 | | 1 |
| | | | | |
| | | | | |
| Number of cases: sub-total | | 1 | | 1 |
| TOTAL | | 1 | | 1 |