

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Thomas D. HALKET  
Attorney and Chartered Arbitrator  
Halket Chambers  
Mamaroneck, NY  
United States of America



Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Columbia University School of Law, Harlan Fiske Stone Scholar;  
Writing and Research Editor, The Columbia Journal of Environmental Law), 1974;  
S.B. and S.M. (Physics), Massachusetts Institute of Technology, 1971;  
Research Fellowship, Harvard University Observatory.

Courts and States Admitted:

- New York, 1979;
  - United States District Court for the Southern and Eastern Districts of New York, 1979;
  - Supreme Court of the United States, 1978;
  - United States Courts of Appeal for the First and Ninth Circuits, 1975 and 1979;
  - United States District Court for the District of Massachusetts, 1975;
  - Massachusetts, 1974.
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### LANGUAGES

English

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### PRESENT POSITION

Principal, Halket Chambers; Adjunct Professor of Law, Fordham University School of Law (Subjects taught include International Arbitration, Licensing and Commercial Technology) and Of Counsel, Ferdinand IP Law Group.

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**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Partner at Halket Weitz LLP, New York (2005 – 2019) and Associate Member of Chambers, Tanfield Chambers, London (for arbitration matters only) (2010 – 2014);  
Partner in charge of the Commercial Technology Practice in the New York Office, Member of the Commercial Technology, Life Sciences, Private Equity and General Corporate Groups, Bingham McCutchen LLP, New York (2001 – 2005);  
Partner, Co-Chair of the Technology and the Emerging Company Group, Member of the General Corporate Group Hughes, Hubbard & Reed LLP, New York (1999 – 2000);  
Partner, Halket & Pitegoff LLP and predecessors, New York (1986 – 1999);  
Assistant General Counsel (1983-1986); Attorney (1982 – 1983) Engelhard Corporation, New Jersey;  
Associate, Dewey Ballantine, New York (1978 – 1982);  
Associate, Sullivan & Worcester, Massachusetts (1974 – 1978).

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**MEMBERSHIP IN PROFESSIONAL BODIES**

Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators, Fellow of the College of Commercial Arbitrators, Member of "Tech List" (Silicon Valley Arbitration and Mediation Center), Member of National Academy of Distinguished Neutrals, GAR listed arbitrator, Member of the IDR Group (London), Member of the International Arbitration Club of New York, Liveryman of the Worshipful Company of Arbitrators (London), Member of the London Court of International Arbitration and Member of the USCIB Arbitration Committee.

Past President, past Deputy President, past Vice President, past Deputy Chair of the Board of Management, past Chair of the New York Branch, past Chair of the Panels Management Group, past Chair of the Practice and Standards Committee, past Chair of the Technology Subcommittee of the Chartered Institute of Arbitrators. CI Arb representative to UNCITRAL Working Group sessions.

Past Chair of the Technology Advisory Committee of the American Arbitration Association.

Arbitrator Judge at Willem C. Vis International Commercial Arbitration Moot Competition.

Past member of Task Force on IT in Arbitration of the ICC Commission on Arbitration.

Past Chair of the Section of Science and Technology of the American Bar Association, of the ABA's Division on Ventures and Enterprise and of the ABA's Aerospace Law Division.

Member of the Arbitration committee, member of the International Commercial Disputes Committee, past member of the International Legal Practice Committee and past Chair of the Subcommittee on Software and the Uniform Commercial Code of the Association of the Bar of the City of New York.

Member of the New York Arbitration Week Organizing Committee.

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**AREAS OF SPECIALIZATION**

Domestic and international general corporate and commercial law practice, specializing in technology and IP transactions and the representation of high technology companies. Practice has included commercial and financial transactions, corporate and commercial counseling, all aspects of computer matters and e-commerce, acquisitions, divestitures, joint ventures, licensing and securities offerings.

ADR work includes arbitration (as chair, sole, panel member or counsel) and mediation (as mediator or counsel) in a wide variety of international and domestic commercial and IP disputes.

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**EXPERIENCE IN INTELLECTUAL PROPERTY**

Over 30 years domestic and international general corporate and commercial experience specializing in technology and intellectual property (IP) matters and the representation of high technology

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companies.

Corporate experience (approximately 35% of practice) includes:

- Corporate, securities and business counseling,
- Joint ventures, mergers and acquisitions and
- Public and private (early and late stage) debt and equity financings.

Commercial practice (35% of practice) includes:

- Technology, computer and e-commerce transactions,
- Distributorship and other supply chain matters,
- Design and development contracts,
- Biotech, pharmaceuticals and medical device agreements and
- Outsourcing and government contracts.

IP practice (30% of practice) includes:

- IP licensing and other contracting,
- IP counseling and
- IP arbitration and the management of IP litigation.

International experience - includes transactions in many European countries, South Africa, Israel, South America, India, Japan, Korea and other countries in the Far East.

Significant clients- have included small and large technology companies (including computers (buy and sell sides), internet, electronics, telecommunications, medical equipment and biotechnology), financial institutions (including private equity, venture capital, commercial and investment banks and accounting firms) and various consumer product and basic industrial companies (including fashion, cosmetics, consumer electronics, defense, chemicals and materials sciences).

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### **EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

15 years of experience acting as a neutral and counsel in Domain Name matters. Membership on the WIPO Domain Name Panel and the Asian Domain Name Dispute Resolution Centre (Hong Kong).

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### **MAJOR PUBLICATIONS**

#### **Selected publications:**

International Arbitration: Meeting Today's Challenges to Prepare for the Future, Jan. ASIAN DISPUTE REVIEW 4 (2020).

How to "Hot tub": The Chartered Institute of Arbitrators New Witness Conferencing Guidelines, 12 (no.2) NEW YORK DISPUTE RESOLUTION LAWYER 58 (Fall 2019).

THOMAS D. HALKET, DAVID L. EVANS AND THEODORE J. FOLKMAN, ARBITRATION OF INTELLECTUAL PROPERTY DISPUTES IN THE UNITED STATES (Juris Publishing, 2018).

State Crowdfunding and the Intrastate Exemption Under Federal Securities Laws—Less Than Meets The Eye?, 34 REV. BANKING & FIN. L. 521 (2015) (joint author).

Using Information Technology in Arbitration, vol. 32, no. 1 GPSOLO 44 (2015).

Arbitration, Antitrust and Intellectual Property: A Perfect Storm?, in CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION (Arthur W. Rovine ed., Brill Nijhoff, 2013).

ARBITRATION OF INTERNATIONAL INTELLECTUAL PROPERTY DISPUTES (Thomas D. Halket ed., Juris Publishing, 2012) (also author with others).

How to Use an e-brief, Feb. THE RESOLVER 13 (2011).

US Law Report: Arthur Andersen LLP v. Wayne Carlisle, Nov. THE RESOLVER 4 (2009).

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Choice of Law in International Intellectual Property Arbitrations: A Three-Dimensional Chess Game?, in *Contemporary Issues in International Arbitration and Mediation* (Arthur W. Rovine ed., Martinus Nijhoff, 2009).

Improving Arbitration through Technology: a Quest for Basic Principles, 62 *DISPUTE RESOLUTION JOURNAL* no. 3, 54 (2007).

The Use of Technology in Arbitration: Ensuring the Future is Available to Both Parties, 81 *ST. JOHN'S L. REV.* 269 (2007).

Arbitration Offers Advantages in Resolving Technology Disputes, *N.Y.L.J. TECHTRENDS*, vol. 8, no. 2, March 22, 2004 at T3.

Using Technology to Resolve Business Disputes, A special supplement of the ICC Court of Arbitration Bulletin, ICC Publication No. 667 (2004) (with others).

*Outsourcing the Web Site Design Project*, *N.Y.L.J.E-COMMERCE*, June 9, 2003 at S5.

*To Do: Determine the Value of My Failed Startup's IP*, *VENTURE CAPITAL JOURNAL*, October 2002, at 43.

*The Benefits of Arbitration for Technology-Based Disputes: More than meets the Eye?*, *THE METROPOLITAN CORPORATE COUNSEL*, Vol. 8, No. 9, September 2000.

*ADR and On-Line Dispute Resolution*, in *ARBITRATION NOW* 69 (Paul H. Haagen ed., ABA Press, 1999) (joint author).

*The Role and Responsibility of the Association and the Bar in a Changing Technological Environment*, 49 *REC.A.B.C.N.Y.* 470 (1994) (with others).

***Selected speeches, etc.***

Columbia Law School – Chartered Institute of Arbitrators Course on International Arbitration (New York City, NY) (2020, 2019, 2018, 2017, 2016 and 2015) (Course Director and Faculty).

Annual Conference on International Arbitration and Mediation (Fordham Law School – New York City, NY) (2019) (Moderator of panel on witness conferencing).

SVAMC Program: Issues in IP Arbitration (New York City, NY) (2019) (Moderator).

CIArb Presidential Presentations on Current Issues in Arbitration (2019) (New York, Vienna, Singapore, Hong Kong, London, Toronto, San Francisco, Dublin, Edinburgh, Birmingham (UK), Guilford (UK)).

CIArb Asia Pacific Regional Conference (Singapore) (2019) (Speaker on Alternative Procedures for Adoption in International Arbitration).

Current Issues in IP Arbitration (Stockholm, Sweden) (2018).

CIArb Dispute Appointment Service Conference on Alternative Dispute Resolution - Processes and Ethics (London, UK) (2018) (Panel Chair and Speaker).

CIArb International Arbitration Conference: The Synergy and Divergence between Civil Law and Common Law in International Arbitration (Paris, France) (2017) (Speaker on Intellectual Property Disputes in the Telecom Industry).

American Arbitration Association Course: Dealing with Difficult Attorneys in Arbitration (2016) (Faculty).

What's Different about International Arbitration? Practical Tips for Lawyers and Arbitrators (New York International Arbitration Center – New York City, NY) (2014) (Speaker on Ethical Cross-Currents in International Practice).

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Third Annual Damages in International Arbitration Conference (Juris – New York City, NY) (2014) (Speaker on Damages in International Intellectual Property Arbitrations).

Eighth Law & Information Society Symposium (Fordham Law School/Princeton University – New York City, NY) (2014) (Speaker on “How Do Corporate and Financial Regulations Affect Start-ups and Capital Investment for the Internet of Things?”).

Bridge the Gap CLE Program (Fordham Law School – New York City, NY) (2014) (Speaker on “Introduction to Financing Entrepreneurial Companies”).

Eighth Annual Conference on International Arbitration and Mediation (Fordham Law School – New York City, NY) (2013) (Speaker on “When Laws Collide: Can an IP Arbitration Award Violate the Antitrust Laws?”).

Licensing Executives Society Program (New York City, NY) (2012) (Speaker on using arbitration for the resolution of IP disputes).

E-Tricks, E-Traps and E-Disputes: Using IT for Arbitrations and Using Arbitration for IT disputes (London, England) (2010) (Speaker on the use of information technology in arbitration)

International Conference 2010 – The Global Growth of ADR (Dublin, Ireland) (Speaker on United States ADR developments).

Forum on the Arbitration of IP Disputes (Dublin, Ireland) (2010) (Speaker on choice of law in international IP arbitrations).

Advanced CI Arb – CPR International Arbitrator Training Course (New York City, NY) (2010) (Tutor).

Eleventh Annual American Bar Association Section of Dispute Resolution Spring Conference (New York City, NY) (2009) (Speaker on e-discovery in arbitration).

Third Annual Conference on International Arbitration and Mediation (Fordham Law School – New York City, NY) (2008) (Moderator of panel on technology and adr; speaker on choice of law in international IP arbitrations).

The Future of Commercial Dispute Resolution (Law Society of Scotland and CI Arb - Edinburgh, Scotland) (2008) (Speaker on the use of technology in arbitration).

International ADR Reporting Program Series (ICDR – Philadelphia, PA) (2006) (Moderator of panel on intellectual property and international arbitration).

Symposium on Transatlantic Perspectives on Alternative Dispute Resolution (St. John’s University School of Law and CI Arb - London, England) (2006) (Moderator of panel on technology issues and adr and speaker on the use of technology in arbitration).

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### **EXPERIENCE IN COURT LITIGATION**

Experience in all phases of litigation and the supervision of litigation before federal, state courts and administrative agencies (25 years);

Counsel in over 25 court cases in courts of first instance and appellate courts in the USA (antitrust, intellectual property matters, copyright infringement in the area of computer programs, general contractual or commercial disputes);

Worked in a managerial role in several commercial disputes in the United Kingdom.

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### PROFESSIONAL TRAINING IN MEDIATION

American Arbitration Association, Mediator Training Course, 1993.

### PROFESSIONAL TRAINING IN ARBITRATION

Chartered Institute of Arbitrators: Advanced Fellowship Course, New York, 1998;  
 American Arbitration Association: Numerous annual and other training courses, 1986 - present.  
 International Chamber of Commerce; Various annual courses.

### EXPERIENCE IN ARBITRATION AND MEDIATION

Over 35 years' experience in arbitration (as chair, sole, panel member or counsel) and mediation of over 100 international and domestic complex commercial disputes in a wide variety of matters. Amounts in controversy have exceeded \$1,000,000,000.

Representative subjects of disputes have included:

- FRAND, technology, IT hardware and software, data protection and internet,
- Licensing, development and other intellectual property,
- Mergers, acquisitions, joint ventures, banking, securities and corporate and
- Supply chain, products liability and commercial transactions.

Representative industries of the parties have included:

- Information technology, e-commerce, telecommunications and consumer electronics,
- Pharmaceuticals, medical equipment and health care,
- Heavy equipment, defense, aviation and transportation,
- Finance and banking and
- Home products and fashion.

Representative matters have included:

- Aviation charter (sole and panel member),
- Aviation equipment (panel member),
- Business financing (sole),
- Chemical and chemical equipment licensing (sole and mediator)
- Consumer electronics FRAND (sole),
- Consumer electronics supply chain (sole and mediator),
- Defense contract (chair),
- E-commerce (sole),
- Fashion licensing (sole),
- Fintech (chair and sole),
- M&A finance (sole),
- Medical device development (chair)
- Pharmaceutical industry software license (panel member),
- Pharmaceuticals and biotech licensing (chair, panel member and sole),
- Securities (chair),
- Software development and use (chair, panel member and sole),
- Telecommunications equipment (chair),
- Telecommunications infrastructure service (panel member) and
- Transportation equipment (panel member).

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**ARBITRATION EXPERIENCE**
**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA/other	Over 50	15	Over 30	15	2
	Ad Hoc	2		2		
Number of cases: sub-total		Over 50	15	Over 30	15	2
Domestic Arbitrations	AAA/other	Over 50	20	Over 40	20	5
Number of cases: sub-total		Over 50	20	Over 40	20	5
TOTAL		Over 100	35	Over 70	35	7

Please note: numbers are estimates.

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**MEDIATION EXPERIENCE**
**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
<b>International Mediations</b>	AAA	5	3	2
<b>Number of cases: sub-total</b>		5	3	2
<b>Domestic Mediations</b>	AAA	6	5	1
<b>Number of cases: sub-total</b>		6	5	1
<b>TOTAL</b>		<b>11</b>	<b>8</b>	<b>3</b>