
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Daniel KRAUS
P&TS Intellectual Property
Zurich



Neuchatel University
Faculty of Law
Neuchatel

Nationality: Swiss/British

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Visiting Researcher, Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich:
research and publications in the field of intellectual property, international trade and biotechnology
May – June 2005;

Ph.D., in Law (*Summa cum laude, Walther Hug Prize 2004*): Parallel Imports of Patented Products –
WTO Law, European Law and Swiss Law (in French);

Director: Prof. E.-U. Petersmann, University of Geneva, 2003;

Attorney-at-Law (*Brevet d'avocat*), Geneva, 1996;

Master of Laws (LL.M). Main subjects: European Law (Competition, Internal Market including Intellectual
Property, European Institutions); Diplomatic Methods and Management of Foreign Policy, King's College
London / London School of Economics, 1993;

Law degree (*Licence en droit*), University of Geneva, 1991.

Accolades/Awards:

Credit Suisse Award for Best Teaching, 2007;

Walther Hug prize for the best doctoral thesis, 2004.

LANGUAGES

French and English;

German, Swiss-German (Other working languages);

Italian, Spanish (Good knowledge).

PRESENT POSITION

Attorney at law, P&TS Intellectual Property; Counsel, Vialex

Professor at Neuchâtel Law School, University of Neuchâtel (Innovation law);
Part time Judge at the Swiss federal Patent Court (as of 01.01.2012);
Lecturer on IP at several other universities, including EPFL (Lausanne), Fribourg University, Neuchâtel University of Applied Sciences, and Faculty of Sciences (school of Pharmacy), Geneva.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Attorney-at-law, Umbricht Attorneys, Bern and Zurich 2008-2014;

Head, Training and Technical Cooperation (60%), Federal Institute of Intellectual Property, Berne, July 2005 – July 2008;

Lecturer / “maître-assistant” (40%), University of Neuchâtel, Law Faculty. Teaching activity: course on international intellectual property law, public health and development. Head of several research projects, Nov. 2004 – Aug. 2009;

Deputy Head, Legal Services, International Trade Relations, Federal Institute of Intellectual Property, Berne, 2002 – July 2005;

Co-director, Special Program of Cooperation with Vietnam, Federal Institute of Intellectual Property, Berne, 2000 – 2002;

Legal Counsel, Legal and International Affairs Division, Member of the Swiss Delegation to WTO, WHO and UN (Geneva and New York), Federal Institute of Intellectual Property, Berne, 1999 – 2000;

Attorney-at-Law, Law Offices of Maître Ute Bugnion, Geneva law firm specializing in intellectual property, 1997 – 1999;

Research Assistant, European law and International economic law (Prof. E.-U. Petersmann); Tutor in European law at the European Institute of the University of Geneva; University of Geneva, Law Faculty. Helping with the setting up of the program for an LL.M in European law; helping establishing and managing the Academy of International Economic Law and Dispute Settlement; Juror at the examinations in law for the Commercial graduation diploma (*Maturité commerciale*), 1997 – 1999;

Attorney-at-Law internship (*Avocat-stagiaire*) Schellenberg Wittmer (formerly Brunshwig Wittmer), Geneva, 1994 – 1996;

Traineeship (*stage*) at the European Commission, Brussels, Directorate-General for External Economic Relations (DG 1). Holder of Fellowship of the Switzerland-European Community Committee, Oct. 1993 – Feb. 1994.

AREAS OF SPECIALIZATION

Intellectual property: patent law, trademarks, designs, copyright, licensing, protection of know-how;
Unfair competition law;
Contracts;
Competition / antitrust law;
Technical cooperation in the field of intellectual property.

MEMBERSHIP IN PROFESSIONAL BODIES

President (2007-2008), then member of the working group on training, STOP PIRACY, Swiss Anti-Counterfeiting and Piracy Platform.

Member:

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP);
 International Trademark Association (INTA);
 Association internationale pour la protection de la propriété intellectuelle (AIPPI);
 Ligue internationale du droit de la concurrence (LIDC), Swiss Committee;
 International Law association;
 Association genevoise de droit des affaires (AGDA);
 Zürcher Anwaltsverband;
 Association suisse des avocats;

EXPERIENCE IN INTELLECTUAL PROPERTY

More than 30 years' experience in advising, negotiating and litigating, as well as legal research in the field of intellectual property and innovation law.

MAJOR PUBLICATIONS

- With Nathalie Tissot and Vincent Salvadé : Propriété intellectuelle – Marques, brevets, droit d'auteur, éd. Stämpfli 2019.
- With Blaise Carron, Mélanie Krüsi and Yann Férolles : Le droit d'auteur des planificateurs – Un guide sur le droit d'auteur et autres droits de propriété intellectuelle à l'attention des architectes, des ingénieurs et des spécialistes du droit de la construction, éd. 2015.
 German translation: Urheberrecht der Planer – Ein Leitfaden für Architekten, Ingenieure und Baurechtsspezialisten zum Urheberrecht und zu weiteren Immaterialgüterrechten.

Scientific Editions :

- Avec Gilles Aebischer: Commentaire romand de la Loi sur les produits thérapeutiques, Helbing Lichtenhahn (publication prévue en 2024).
- Avec Thierry Obrist et Olivier Hari (éds.) : Blockchains, Smart Contracts, Decentralised Autonomous Organisations and the law, Edward Elgar Publishing 2019.

Book Contributions :

- Durabilité et propriété intellectuelle : achetez mon droit des marques, le droit le plus vert et durable! *in*: Production et consommation durables dans une économie circulaire – défis et solutions juridiques, éd. Helbing Lichtenhahn 2023, pp. 205-224.
- With Christophe Schaub : Blockchain et Propriété intellectuelle, *in* : Propriété intellectuelle à l'ère du Big Data et de la Blockchain, éd. Schulthess 2020, pp. 133-155.
- With Charlotte Boulay: Blockchains: Aspects of Intellectual Property Law, *in*: Blockchains, Smart Contracts, Decentralised Autonomous Organisations and the Law. 2019, pp. 240 – 271.

Articles :

- With Christine Joller and Bruno Pasquier : NFTs et droits d'auteur, *in*: sui generis, mai 2023, pp. 55-65, available at: <https://sui-generis.ch/article/view/sg.228/3051>.
- with Daniel Burkard: Die Verwechslungsgefahr im Firmenrecht, *in*: Sic! 2020, pp. 457-474.
- With Yaniv Benhamou and Frédéric Erard : L'avocat a-t-il aussi le droit d'être dans les nuages ? *in* : Revue de l'avocat, 2019, pp. 119-126.

Complete list available at :

<https://libra.unine.ch/search?query=Daniel%20E.%20Kraus&spc.page=1&spc.sf=dc.date.issued&spc.sd=DESC>

EXPERIENCE IN COURT LITIGATION

Attorney in numerous national cases dealing with trademark law, unfair competition, personality rights.

PROFESSIONAL TRAINING IN MEDIATION

WIPO Advanced Workshop on Domain Name Dispute Resolution, 2009;
WIPO Workshop for Mediators in Intellectual Property Disputes, 2008;
WIPO Advanced Workshop for Mediators in Intellectual Property Disputes, 2008.

EXPERIENCE IN ARBITRATION

Party appointed arbitrator in WIPO arbitrations.
Expert or conciliator in numerous domain name dispute resolution procedures (UDRP and .ch).
