

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Fabrizio LA SPADA  
La Spada  
Geneva



Nationality: Swiss/Italian

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M., Trade Regulation, New York University School of Law, New York, 1997;  
Licence en Droit, University of Geneva Law School, 1992;

Bar admission:  
New York, USA, 1997;  
Geneva, Switzerland, 1994.

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### LANGUAGES

French, English, Italian, German (read), Spanish (read)

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### PRESENT POSITION

La Spada, Legal Advisor, Geneva, 2009.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, GLM Avocats, Geneva, 2007-2009;  
Partner, Schellenberg Wittmer (IP/IT department), Geneva, 2004-2007;  
Associate, Schellenberg Wittmer (IP/IT and Arbitration departments), Geneva, 1997-2004;  
Associate, Köstenbaum & Lévy, Geneva, 1995-96;  
Law Clerk, Berger, Recordon & de Saugy, Geneva, 1992-94.

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## AREAS OF SPECIALIZATION

Intellectual property and unfair competition, computer contracts, licensing and distribution agreements, private international law, international commercial arbitration.

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## MEMBERSHIP IN PROFESSIONAL BODIES

Member:

Fédération Suisse des Avocats, (FSA);  
Licensing Executives Society, (LES);  
Association Genevoise de Droit des Affaires (AGDA);  
Société Genevoise de Droit et de Législation;  
Association Internationale des Jeunes Avocats (AIJA);  
Swiss Arbitration Association (ASA).

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## EXPERIENCE IN INTELLECTUAL PROPERTY

Current practice is focused on intellectual property, specifically trademark law, electronic commerce and Internet law, as well as international commercial arbitration;  
Advised clients on matters and disputes related to intellectual property: drafting and negotiating contracts (including licensing and distributorship); joint venture agreements; trademarks and copyrights; litigation and arbitration;  
Studied the implications of the Internet on Intellectual property rights (especially copyright and trademarks).

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## EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Acted for many clients in a number of cases involving internet domain names misappropriation and is currently providing advice regarding other similar cases involving the misappropriation of Internet domain names. Advised Registrars on issues relating to domain name registration and dispute resolution.

Drafted papers and lectured on computer law, electronic commerce and dispute resolution in domain name matters

Lectured on:

*Les Contrats d'Association*, Seminar organized by the Geneva Bar Association, 31 January 2009.

*Litiges en matière de noms de domaine – le point de vue du Panelist et de l'avocat*, University of Lausanne, 13 November 2008.

*The Protection of Three-Dimensional Trademarks*, Union Internationale des Avocats, Bucharest, 31 October 2008.

*Fight Against Counterfeiting – The BaselWorld Panel*, Union Internationale des Avocats, Paris, 2 November 2007.

*Resolution of disputes arising from sports events with reference to image rights, broadcasting rights and player obligations*, Union Internationale des Avocats, Salvador de Bahia, 3 November 2006.

*Outsourcing Agreements*, Etats Généraux de l'ASP Forum, Paris, 11 January 2006.

*Application Service Providing – Outsourcing as the alternative*, Union Internationale des Avocats, Fes, 1 September 2005.

*Confidentiality*, Seminar on "Hot topics in international arbitration", Swiss Arbitration Association (ASA Below 40), Zurich, 1 October 2004.

*Spyware – the secret, unsolicited intruder into your PC – Data protection*, Union Internationale des Avocats, Geneva, 4 September 2004.

*Typologie des contrats de distribution*, Seminar on "Les accords de distribution", Licensing Executives

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Society, Geneva, 17 April 2004.

*La responsabilité du management en matière informatique*, Seminar on computer security, Sof[net] Club, Geneva, 16 October 2003.

*Etat des lieux et analyse du droit suisse en matière de signature électronique*, Seminar on "Sécurité juridique de votre site Internet", Development Institute International, Geneva, 23-24 October 2001.

*Le cadre juridique du e-learning*, Seminar on e-learning, Development Institute International, Geneva, 26 April 2001.

*Les contrats d'outsourcing et de maintenance*, Seminar on "Les contrats dans l'informatique et sur Internet", Licensing Executives Society, Geneva, 9 April 2001.

*Le législateur suisse à l'heure d'Internet: aperçu des avant-projets de lois fédérales sur la signature électronique et le commerce électronique*, Geneva Bar Association, Geneva, 22 March 2001.

*Election de droit, clauses de for et d'arbitrage, différends en matière de noms de domaine: comment prévenir les difficultés et résoudre les litiges sur Internet*, Seminar on "Risques juridiques de l'e-banking", Forum Genève, Geneva, 23 November 2000.

*Les contrats de maintenance informatique et le support logiciel: comment s'organisent les rapports clients/fournisseurs/distributeurs?*, Seminar on "Les contrats informatiques", IFE SA, Geneva, 29-30 May 2000.

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### MAJOR PUBLICATIONS

*Typologie des Contrats de Distribution*, in: Les Contrats de Distribution, Publication CEDIDAC No. 65, Lausanne, 2005.

*Commentary to Articles 42 to 44 of the Swiss Rules of International Arbitration*, in: Commentary of the Swiss Rules of International Arbitration, Zuberbühler/Müller/Habegger (Eds.), Schulthess, Zurich/Bâle/Genève 2005.

*The Law Governing the Merits of the Dispute and Awards ex Aequo et Bono*, in: International Arbitration in Switzerland, a Handbook for Practitioners, Kluwer Law International / Schulthess, The Hague / Zurich, 2004.

*Le rôle des jeunes barreaux face à la modification du paysage de l'avocat: l'exemple du Jeune Barreau de l'Ordre des Avocats de Genève*, in: Revue de l'Avocat, 11-12/2002, Helbing & Lichtenhahn, Bâle 2002.

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### EXPERIENCE IN COURT LITIGATION

Intellectual property practice is centered on trademark law and unfair competition, including litigation for trademark infringement. Has been involved directly in several cases of trademark infringement, a number of which have been published in specialized intellectual property publications.

Acted as counsel in more than 50 cases before the Court of First Instance, the Court of Justice of Geneva and the Swiss Federal Tribunal over the period from 1992 to present.

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### PROFESSIONAL TRAINING IN MEDIATION

Attended a seminar on commercial negotiation and mediation organised by the University of Geneva, 1996.

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### PROFESSIONAL TRAINING IN ARBITRATION

Attended classes on international arbitration and attended several conferences organised by the Swiss Arbitration Association (ASA).

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**EXPERIENCE IN ARBITRATION**

Has acted as counsel, co-counsel or secretary to arbitral tribunals in commercial disputes involving international joint venture agreements, distribution and licensing contracts, computer contracts, construction contracts and sports. Has been involved in many high profile cases.

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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	UNCITRAL	1				1
	ICC	5				5
	CCIG	2			1	1
	Ad Hoc	2				2
<b>Number of cases: sub-total</b>		9				9
Domestic Arbitrations	AAA					
	Ad Hoc					
<b>Number of cases: sub-total</b>						
<b>TOTAL</b>		<b>9</b>				<b>9</b>