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## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Howard E. POLINER  
Attorney & Advocate  
Jerusalem  
Israel



Nationality: American and Israeli

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Environmental Law Digest, Hofstra University School of Law, Hempstead, New York, 1985;  
B.A., Economics and Government, Connecticut College, New London, Connecticut, 1981;  
Visiting Student, London School of Economics, Institute of European Studies, London, England, 1979.

Admitted to the Bar:

Israel; 1992;  
New York, 1986;  
Connecticut, 1985.

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### LANGUAGES

English and Hebrew

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### PRESENT POSITION

Director, Intellectual Property Law Division, Ministry of Justice, Jerusalem, 1999;

- Preparation, negotiation and review of contracts, public tenders and joint venture agreements involving the acquisition, maintenance, sale and licensing of government held intellectual property rights;
- Preparation of employment guidelines in respect of government employee inventions and copyright works;
- Provide intellectual property legal advice to the Customs Authority and Police authorities regarding seizures of goods alleged to infringe copyright and trademark rights; Advising the Health Ministry in respect of parallel importation of pharmaceuticals and protection of

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confidential test data; Advising the Ministry of Industry and Trade in respect of treaties and trade agreements involving creation, transfer and protection of intellectual property rights.

Preparation of new intellectual property legislation and presentation of such before Knesset and public committees;

- Representation of Israel before the World Trade Organization and the World Intellectual Property Organization.
- Liaise with foreign and domestic lobbyists, the Minister of Justice, the Attorney General and other ministries with regard to subjects such as: reverse engineering of software; rights in electronic data bases; piracy; patent protection for pharmaceutical and regulatory data protection; parallel importation of goods protected by intellectual property; protection of famous trademarks, trademark licensing, dilution and conflicts with domain names; e-commerce; copyright, related rights and collective rights management societies.

Instructor of Patent Agents' Examination Preparation Course, since 1994;

- Created and teach course consisting of approximately 30 hours of lectures covering patents, trademarks, appellations of origin, copyright and related rights, designs, trade secrets and all related international and bilateral intellectual property agreements.
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### **PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Deputy Commissioner of Patents, Designs and Trademarks, Jerusalem, 1998-00;

- Judicial function in the hearing of registration matters; Administration and automation of the Patent and Trademark Office;
- Legislative policy making and drafting in all areas of intellectual property and trade related matters, including the drafting of new laws on copyright and trademarks, implementation of the Agreement on Trade Related Aspects of Intellectual Property (GATT-TRIPS) and intellectual property elements of foreign trade agreements.

Special Counsel to the Commissioner of Patents, Designs and Trademarks, Jerusalem, 1992-98;

- Responsible for all aspects of legal opinions and decisions regarding the adjudication of patent, trademark, appellation of origin and design registration prosecution matters, oppositions, cancellations and compulsory license proceedings;
- PTO coordinator to the Israel Ministry of Justice's Committee for the implementation of GATT-TRIPS Agreement in domestic intellectual property legislation; responsible for determining and drafting implementing legislation; Liaise with Israeli trade representatives to the WTO and WIPO; Prepare responses to intellectual property related inquiries received from the WTO and its Member States; Analyze and identify areas of Israeli law that are incompatible with TRIPS, WIPO Conventions and other bilateral agreements; Advise and coordinate with the Ministry of Justice in reviewing and revising all aspects of intellectual property legislation;
- Government coordinator and researcher for on-going law revision committees in the fields of trademarks, appellations of origin, copyright and patents;
- Prepare legal opinions for the Ministries of trade and Industry, Justice, Foreign Affairs and Communications with emphasis on intellectual property aspects of trade and industrial development policy, arising with the context of, *inter alia*, copyright protection and enforcement, performers' rights, "well known" marks, the Madrid Agreement for the Registration of Marks, comparative advertising, parallel importation, patent experimental use exceptions to infringement and patent term extension issues; Participant in drafting and negotiation of intellectual property aspects of bilateral and multilateral trade agreements;
- Member of four person drafting team responsible for agreement transferring civil authority over intellectual property rights from Israel to the Palestinian Authority.

Consultant, Provide business law and intellectual property law advice to law firms and individuals, regarding the creation, registration and alienation of all forms of intellectual property rights, infringement issues, contracts and license agreements, trade secrets and ownership issues including respective rights of employers, employees and independent contractors.

Attorney, Poliner, Poliner & Rosen, Hartford, Connecticut, 1988-90;

- General practice primarily in the areas of commercial transaction and litigation. Appearances in State and Federal Courts, municipal boards and arbitration panels;

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- Represented clients in the negotiation and sale or purchase of business assets including related secured lending agreements and license agreements, municipal law, zoning and real estate transactions;

Attorney, D'Amato & Lynch, New York, 1986-87;

- Litigation associate primarily in the areas of attorney malpractice defense and enforceability of officers' and directors' liability insurance policies. Significant experience in motion practice, appellate brief preparation and discovery in state and federal courts.
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### AREAS OF SPECIALIZATION

Intellectual Property, contracts, business law.

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### MEMBERSHIP IN PROFESSIONAL BODIES

Israel Bar Association.

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### MAJOR PUBLICATIONS

- Book Review, "Russell Clarke on Industrial Design", by Martin Howe, *European Intellectual Property Review*, November 1999;
- Article, "Appellations of Origin in Israel Pursuant to the Lisbon Agreement", *European Intellectual Property Review*, 21 EIPR 147, March 1999;
- Book Review, "Artist and Copyright", *The Australian Copyright Council, Entertainment Law Review*, August 1996;
- Article, "Computer Programs and Related Inventions as Patentable Subject Matter in Israel", 17 *European Intellectual Property Review* 537, November 1995.

#### **Fellowships and Conferences:**

- Speaker, Joint Israeli-Palestinian Intellectual Property Workshop, "Copyright, Electronic Rights Management, Fair Use and Parallel Importation Issues in the Region", February Jerusalem-Ramallah, 27-28, 2002;
- Panelist, United States-Israel Technology Commission sponsored conferences On technology and Intellectual Property, "GATT-TRIPS from the Israeli Perspective", Tel Aviv, March 1998;
- Delegation Head, Israeli Delegation, Committee of Experts on Well Known Marks, WIPO, Geneva, Third Session, October 1997 and Final Session, March 1999;
- Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, Geneva, December 1996, Deputy Delegation Head, Israel Delegation;
- Committee of Experts on Well Know Marks, WIPO, Geneva, Second Session, October 1996, Delegate, Israel Delegation;
- Panelist on Worldnet Dialogue for program entitled "Global Information Infrastructure, 21<sup>st</sup> Century ideas: What are they and who owns them?", broadcast April 22, 1996;
- Fellow, Salzburg Seminar, pursuant to a grant from the Fulbright Foundation, at Schloss Leopoldskron, Salzburg, Austria, Session 328, "Transnational Intellectual Property Rights", Summer 1995.
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### EXPERIENCE IN COURT LITIGATION

Represented clients in US State and Federal Courts; Adjudicated IP Matters as Deputy Commissioner of Patents in Israel.

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### EXPERIENCE IN ARBITRATION

Represented clients before arbitration panels.

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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					
	ICC					
	LCIA					
	Ad Hoc	1				1
Number of cases: sub-total		1				
Domestic Arbitrations	AAA	2				2
	Ad Hoc					
Number of cases: sub-total		2				
<b>TOTAL</b>		<b>3</b>				