

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Benoit VAN ASBROECK
Bird & Bird
Brussels
Belgium



Nationality: Belgian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

European Baccalauréat, European School, Mol, Belgium, 1977;
Licence en droit (Law Degree - 5 years education), Université Libre de Bruxelles, 1982;
Postgraduate, Deutscher Akademischer Austauschdienst Universität Tübingen, 1983;
LLM, University of Cambridge, United Kingdom, 1984.

Admitted to the Brussels' Bar, Belgium, 1988.

LANGUAGES

French, English, Dutch, German

PRESENT POSITION

Bird & Bird, Brussels, since 2006 Partner, Intellectual Property, Information Technology and (personal) data practice;
Bird & Bird, Brussels, since 2019 Co managing partner of the Brussels office;
Adjunct Professor at the Université Libre de Bruxelles since 2017, on IP and data, L.L.M. Business law;
Lecturer on IP Law and IP management strategies and Personal data at the University of Valenciennes (France) since 2015.
Lecturer on copyright contractual skills at the KULeuven Campus Brussels, L.L.M in Intellectual Property since 1999;

February 27, 2024

Surrogate Judge Commercial court of Nivelles Belgium since 1990;
Expert member of the Belgian Intellectual Property Council (official body created by the Belgian federal government that advises the Belgian authorities on IP draft legislation (Belgium + EU) since 2016.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Head, Loyens (& Loeff) Belgium, Intellectual Property and Information Technology and Data practice group, 2003-2006;
Partner, Goethals & Van Asbroeck and Van Asbroeck & Cottenie, 1988-2003;
Lecturer on design and model law at the University of Lyon II in a master on Industrial esthetic, 2005-2014;
Lecturer on contractual techniques related to on-line technologies at the Facultés Universitaires Notre Dame de la Paix (Namur, Belgium) with the LLM Program on Law and New Technologies (DGTIC), 1999-2000;
Lecturer, several European universities within the framework of the EU Media Program on contractual aspects of the production of multimedia products, 1997-2000;
Associate, Van Bael & Bellis, Brussels, prominent law firm specializing in European law, 1986-1988;
Associate, Coudert Brothers;
Coppens, Van Ommeslaghe & Faurès, Brussels, leading general commercial litigation law firm, 1984-1986;
Postgraduate student-Associate, Freshfield (Bruckhaus, Kreifels, Winkhaus, Lieberknecht), leading law firm Düsseldorf, 1983.

AREAS OF SPECIALIZATION

Intellectual property;
Information technology law;
Contract law including consortiums;
Member of several H2020 and FP7 consortiums, handling of several matters related to consortiums (both Desca and MCard types) in the context of EU funded projects, drafting and negotiating consortium agreements and drafting opinions and in particular on the status of intangible assets (foreground and background), assistance in the context of mismanagement and olaf involvement;
Data driven issues; assistance in litigations among members of consortiums Privacy;
General domestic and international commercial litigations including numerous CJEU proceedings.

EXPERIENCE IN INTELLECTUAL PROPERTY

Top rankings and leading individual in legal guides;
Drafting contracts (domestic and international) memoranda and written submissions (court related documents), under both Belgian and EU jurisdictions including EUIPO;
Assisting clients in both domestic and international negotiations;
Member, ALAI and INTA;
Regular speaker at the main IP conferences worldwide (Fordham, ERA, INTA, ALAI);
Counsel in Landmark CJEU cases e.g.;
Numerous legal lobbying instructions at Belgian, French and EU level;
Regularly interviewed by EU newspapers.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

WIPO Panelist. Author of about 150 rulings.

Drafting memoranda, assisting clients with registration processes, assisting clients in both domestic and international legal disputes.

Counsel to client in UDRP litigations.

MAJOR PUBLICATIONS

Co-author with Julien Debussche and Jasmien César of the white paper *Building the European Data Economy - Data Ownership*, Brussels, 2017;

Co-author with Julien Debussche of *Les obligations de "compliance" des entreprises in Vers un droit européen de la protection de données?*, Larcier, Brussels, 2017;

Co-author of the Belgian section of the book *Trade Secret Protection: A Global Guide*, *Globe Law and Business Ltd, Woking*, 2016;

Co-author of *The Law of Video and Computer Games in Belgium in Recht der Computer-und Videospiele (The Law of Video and Computer Games)*, Erich Schmidt Verlag GmbH & Co. KG, Berlin, 2013;

Co-author of the book *IP Codex 2013-2014*, Larcier, Gent, 2013;

Co-author with Brent Springael en Kim Van de Velden of the book *Aftrek voor octrooi-inkomsten*, Larcier, Gent, 2010;

Co-author with Maud Cock of *La loi applicable, les aspects de droit international privé et la bande dessinée en Belgique*, in *Bande dessinée et droit d'auteur*, Larcier, 2009;

Co-author with Alexandre Cruquenaire of the Belgian section of the book *Privacy, Publicity and Personality - International Laws*, Butterworths, London, 2000;

Legal aspects of the protection of multimedia titles, Tram, Paris, 1999;

"L'oeuvre BD multimédia - essai comparatif en droit belge et droit français," Bruylant, (Brussels), LGDJ (Paris), in *Droit d'auteur et Bande Dessinée*, (Premio "per l'impegno scientifico nella ricerca sulcartooning") Roma, 1997;

Various articles in Belgian legal Magazines on Intellectual property law.

EXPERIENCE IN COURT LITIGATION

Avocat (attorney):

Acted as lead counsel in over 350 relevant court cases in courts of first instance, all appeal courts and supreme court in Belgium, 1984 to present;

Acted as lead counsel in IP litigation in the Netherlands (Groningen), 2003;

Acted as lead counsel in ten court cases with Paris specialized IPR jurisdictions (first instance and court of appeal), all involving intellectual property issues related to new technologies, 1995 to present;

Acted as counsel in 7 cases with the European Court of Justice (Luxembourg) and in one TM case with the General Court (Luxembourg).

Commercial judge:

Ruling in more than 150 general commercial contractual disputes, since 1990.

PROFESSIONAL TRAINING IN MEDIATION

Actively attended both the Workshop and the Advanced Workshop for Mediators in Intellectual Property Disputes, WIPO, 2005.

Received 80 hours of training from the Ministry of Justice, Brussels, and the University of Louvain, Belgium, on the development of the judges' communications capacities (during the trial and towards the media), and resolution of hearing incidents.

EXPERIENCE IN MEDIATION

Extensive ad hoc negotiation and mediation experience.

PROFESSIONAL TRAINING IN ARBITRATION

Actively attended the WIPO Workshop for Arbitrators, Geneva, October 1999;
Received 80 hours of training from the Ministry of Justice, Brussels, and the University of Louvain, Belgium, on the development of the judges communications capacities (during the trial and towards the media) and resolution of hearing incidents.

EXPERIENCE IN ARBITRATION

Acted as a Co-arbitrator in an ad hoc arbitration (wrongful termination of an ICT contract);
Acted as lead counsel in two ad hoc arbitrations (engineering and life science - breach of contract);
Acted as an associate counsel in one ICSID (Washington) arbitration (international contracts – mining conventions);
Acted as an associate counsel in one CEPANI (Brussels) arbitration (car distribution);
Experience acquired indirectly as a commercial judge.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	CEPANI	1				1
	LCIA					
	Ad Hoc					
	ICSID	1				1
Number of cases: sub-total		2				2
Domestic Arbitrations						
	Adhoc	1			1	1
Number of cases: Total		1				1

MEDIATION EXPERIENCE**SUMMARY TABLE**

(*) including the negotiations where as counsel mediation techniques were applied

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad Hoc	20	1	19
	Others:			
Number of cases: sub-total		20	1	19
Domestic Mediations				
	Ad hoc	85	9	76
Number of cases: sub-total		85	9	76
TOTAL		105	10	95