
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Matthew KENNEDY
Montevideo
Uruguay



Nationality: Australian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Doktor der Rechtswissenschaft (Ph.D. in Law) *summa cum laude*, University of Bern, Switzerland;
Master of International and Comparative Law with great distinction, Free University of Brussels;
Bachelor of Arts, Bachelor of Laws (Hons), University of Sydney, Australia.

Solicitor of the Supreme Court of New South Wales;
Solicitor of the Supreme Court of the Northern Territory of Australia.

MEMBERSHIP OF PROFESSIONAL BODY

Fellow, the Chartered Institute of Arbitrators.

LANGUAGES

English, French, Spanish and Chinese

PRESENT POSITION

Independent consultant.

EXPERIENCE BEFORE PRESENT POSITION

Professor, Faculty of Law, University of International Business and Economics, Beijing (2010-2021);
WTO Secretariat, Geneva (1997-2010) Intellectual Property Division and Legal Affairs Division;

January 4, 2022

Legal officer, Northern Land Council, Darwin (1997);
Private legal practice, Sydney (1990-96) Freehill, Hollingdale & Page (1990-2), Clayton Utz (1992-1996).

AREAS OF SPECIALIZATION

International intellectual property law;
International trade law.

EXPERIENCE IN INTELLECTUAL PROPERTY

Counselor to WTO dispute settlement panels in intellectual property matters;
Former Secretary of the WTO Council for TRIPS;
Provided technical cooperation on implementation of the TRIPS Agreement to governments in Africa, Latin America, Asia and the Pacific;
Drafted and prosecuted Australian trade mark applications to grant;
Negotiated and drafted trade mark, patent and copyright licences and information technology agreements;
Advised on intellectual property infringement and unfair competition for both right holders and users;
Negotiated protection of traditional knowledge in a medical research contract.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

WIPO panelist in over 300 proceedings under the Uniform Domain Name Dispute Resolution Policy and country code Top-Level Domain dispute resolution policies.

MAJOR PUBLICATIONS

WTO Dispute Settlement and the TRIPS Agreement: Applying Intellectual Property Standards in a Trade Law Framework (Cambridge University Press, 2016);
'Sources of International Trade Law' in D. Bethlehem et al. (eds.) *Oxford Handbook of International Trade Law* (2nd ed.) (Oxford University Press, forthcoming);
'Un nuevo régimen para las indicaciones geográficas en el Mercosur', *Revista de Derecho de la Propiedad Intelectual y la Transformación Digital* IJ MCLXXVI-562 (2021);
'The Adverse Effects of Technological Innovation under WTO Subsidy Rules', *World Trade Review* 19: 511-30 (2020);
'The Brexit Wine and Spirits Agreements: Old Wine into New Wineskins', *Jus Vini - The Journal of Wine and Spirits Law* (2020) 11-36;
'Las Reclamaciones Sin Infracción en las Diferencias Relativas a la Propiedad Intelectual en la OMC', *Revista Española de Derecho Internacional* 71: 125-43 (2019);
'Sober reflection on traditional terms for wines', *Queen Mary Journal of Intellectual Property* 8: 114-35 (2018);
'Avoiding Barriers to Legitimate Trade: Objectives and Obligations' in A. Kamperman Sanders et al. (eds.) *Intellectual Property Rights as Obstacles to Legitimate Trade?* (Wolters Kluwer, 2018) 3-30;
'Export Restrictions in Plant Breeder's Rights', *Journal of International Economic Law* 20: 883-903 (2017);
'Legal Options for a Sustainable Energy Trade Agreement' in G. C. Hufbauer et al. (eds.) *The Law and Economics of a Sustainable Energy Trade Agreement* (Cambridge University Press, 2016) 390-457;
'Overseas Territories in the WTO', *International and Comparative Law Quarterly* 65: 741-61 (2016);
'Enforcing the WTO Rulings on Trade Marks and Trade Names in *Havana Club*', *Queen Mary Journal of Intellectual Property* 5: 430-48 (2015);
'Blurred Lines: Reading TRIPS with GATT Glasses', *Journal of World Trade* 49: 735-55 (2015);
'The "Three-Step Test" and the Burden of Proof in Disputes under the TRIPS Agreement', *IIC – International Review of Intellectual Property and Competition Law* 45: 161-177 (2014);
'The Integration of Accession Protocols into the WTO Agreement', *Journal of World Trade* 47: 45-76 (2013);
'China's role in WTO dispute settlement', *World Trade Review* 11: 555-589 (2012);
'Two Single Undertakings: Can the WTO Implement the Results of a Round?', *Journal of International Economic Law* 14: 77-120 (2011);

'Why Are WTO Panels Taking Longer? And What Can Be Done About It?', *Journal of World Trade* 45: 221-253 (2011);
 'When Will The Protocol Amending the TRIPS Agreement Enter Into Force?', *Journal of International Economic Law* 13: 459-473 (2010);
 'WTO Dispute Settlement and Copyright: The First Seven Years' in *Copyright - Internet World*, Association Littéraire et Artistique Internationale (2002);
 'Services Join GATT: An Analysis of the General Agreement on Trade in Services', *International Trade Law and Regulation* 1: 11-20 (1995);
 'Hollow Ring to Merger Control Regulation Exception', *European Competition Law Review* 5: 267-269 (1995);
 'Rights to Inspect Competitors' Property in Australia', *International Company and Commercial Law Review* 4: 259-263 (1993).

EXPERIENCE IN COURT LITIGATION

Solicitor in proceedings in the Supreme Court of New South Wales and the District Court of New South Wales.

PROFESSIONAL TRAINING IN ARBITRATION

Diploma in International Arbitration, Chartered Institute of Arbitrators;
 Advanced course on Arbitration and Mediation Procedure under the WIPO Rules.

EXPERIENCE IN ARBITRATION

Panelist in proceeding under WTO dispute settlement rules and procedures:

United States – Use of Facts Available, DS539.

Counsellor to panels in proceedings under WTO dispute settlement rules and procedures:

China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights, DS362;
European Communities – Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, DS174 & DS290;
United States – Measures Affecting Internet Gambling Services – Recourse to Article 21.5 of the DSU by Antigua and Barbuda, DS285;
United States – Subsidies on Upland Cotton, DS267;
Argentina – Definitive Safeguard Measure on Imports of Preserved Peaches, DS238;
Canada – Term of Patent Protection, DS170.

PROFESSIONAL TRAINING IN MEDIATION

Advanced course on Arbitration and Mediation Procedure under the WIPO Rules.

EXPERIENCE IN MEDIATION

Solicitor in a commercial dispute in the Supreme Court of New South Wales referred to mediation.

ARBITRATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-Arbitrator	Counsel (Secretariat)
International Arbitrations	WTO	7			1	6
	Ad Hoc					
Number of Cases: Sub-Total		7				
Domestic Arbitrations						
Number of Cases Sub-total						
TOTAL		7				

MEDIATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Mediations	Mediator		Counsel	
International Mediations						
	Ad Hoc					
	Others					
Number of Cases:						
Sub-Total						
Domestic Mediations						
	Court Annexed	1			1	
	Ad Hoc					
Number of Cases						
Sub-total						
TOTAL		1			1	