
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Warwick Alexander SMITH
Arbitrator and Mediator
3 Princes Street Chambers
Auckland
New Zealand



Nationality: New Zealand

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

B.A., (Philosophy), University of Otago, New Zealand;
LL.B., University of Otago, New Zealand;
LL.M., (Intellectual Property), London;
Fellow (Arbitration), the Arbitrators' & Mediators' Institute of New Zealand Inc.

Admitted as a barrister and solicitor of the High Court of New Zealand, December 1974;
Member, the Copyright Tribunal of New Zealand 2012 – 2013;
Assistant Commissioner of Trademarks, Designs, and Patents (New Zealand) 2013;
Associate Judge, the High Court of New Zealand 2014 – 2021.

LANGUAGES

English
French (read only)

April 16, 2021

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PRESENT POSITION

Independent Arbitrator and Mediator, Auckland, New Zealand, from April 11, 2021.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Litigation Partner, Chapman Tripp Sheffield Young, Auckland, 1989 – 1999;
Litigation Partner, Earl Kent Alexander Bennett, Auckland, 1987 – 1989;
Litigation Partner, Alexander Bennett, Auckland, 1981 – 1986;
Independent barrister 2000 – 2013;
Associate Judge of the High Court of New Zealand 2014 – 2021.

MEMBERSHIP IN PROFESSIONAL BODIES

Fellow Member (Arb.), Arbitrators' & Mediators' Institute of New Zealand Inc.;
Member, the Intellectual Property Society of Australia and New Zealand;
Member, WIPO's panel of neutrals for intellectual property arbitrations under the WIPO Arbitration Rules.

AREAS OF SPECIALIZATION

Intellectual property litigation, commercial litigation, construction law, arbitration, and mediation.

EXPERIENCE IN INTELLECTUAL PROPERTY

Extensive litigation experience in the laws of trademarks and copyright, passing off, and competition law. Former member (presiding as the Deputy-Chair in one case) of the Copyright Tribunal of New Zealand. Former Assistant Commissioner of Trade Marks.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Completed over 150 panel decisions as WIPO panelist 2001 – 2013.
Experience includes 15 domain name panel decisions for WIPO as chairman of 3-member panels;
Appointed Expert in the New Zealand domain name dispute resolution system 2006 – 2013;
Counsel in New Zealand High Court cybersquatting litigation.

MAJOR PUBLICATIONS

Articles on "dilution" of famous trade marks, published in the November 2000 and February 2001 editions of The New Zealand Intellectual Property Journal. Approximately 400 judgments given as an Associate Judge of the High Court of New Zealand, including the copyright "streaming" decision *Sky Network Television Ltd v My Box NZ Ltd* (reported in the official New Zealand law reports at [2019] NZLR 411.

EXPERIENCE IN COURT LITIGATION

36 years' experience as counsel covering all aspects of civil litigation, including numerous appearances as lead trial counsel.
Seven years as a judge in New Zealand's senior first instance court.

PROFESSIONAL TRAINING IN MEDIATION

Completed both basic and advanced courses run by the Australia / New Zealand organization "LEADR" ("Lawyers Engaged in Alternative Dispute Resolution").

EXPERIENCE IN MEDIATION

Acted as counsel in a number of mediations and judicial settlement conferences while practicing as a barrister; and presided at approximately 25 settlement conferences as a High Court Judge.

PROFESSIONAL TRAINING IN ARBITRATION

Fellow of the Arbitrators' and Mediators' Institute of New Zealand Inc.;

Master's degree from University College London, with distinction in International Arbitration;

Attended WIPO workshops on arbitration under the WIPO Rules, 2005 and 2010.

EXPERIENCE IN ARBITRATION

Acted as arbitrator and as Counsel in a number of arbitrations (and some related litigation) while practising as a barrister; and as a High Court Judge, gave a number of judgments on various aspects of arbitration law.

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					
	Others:					
Number of cases: sub-total						
Domestic Arbitrations						
	Various (in practice)					Various cases over the years as counsel.
Number of cases: sub-total						
TOTAL						

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				
				Various cases over the years as counsel.
Number of cases: sub-total				
TOTAL				