WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

David H. BERNSTEIN
Partner
Debevoise & Plimpton LLP
New York, NY
United States of America



Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Yale Law School, 1989;
M.Sc., London School of Economics and Political Science, 1986;
A.B., *Magna cum laude*, Princeton University, 1985.

Admitted to practice in New York and Connecticut, the United States Supreme Court, the United States Courts of Appeals for the Second, Third, Fourth, Sixth, Seventh, Ninth, Eleventh, Federal and District of Columbia Circuits, and the United States District Courts for the Southern, Eastern and Western Districts of New York, the Districts of Colorado and Connecticut, and the Northern District of Indiana.

Awards/Accolades:
INTA President's Award, 2011
Outstanding IP Practitioner of the Year, 2011, *Managing Intellectual Property*
Highly Commended, FT US Innovative Lawyers, Intellectual Property, 2012
Ladas Award Honorable Mention, INTA 2012
Leading Individual (Gold Band) *World Trademark Review 1000.*
Tier 1, Trademark Contentious-National *IP Law Handbook*
Law Firm of the Year, Trademark Contentious *Managing Intellectual Property,* 2012, 2011, 2009 and 2007,
Burton Award for Legal Achievement, 2007;
INTA Volunteer Service Award 2005;
Leading Individual (Band I), Intellectual Property, New York, *Chambers USA* and *Chamber Global;*
Litigation Star, *IFLR Benchmark Litigation Guide*;
Highly Recommended, Intellectual Property, *Legal 500 USA*;
Highly Recommended, Intellectual Property, New York, *PLC Which Lawyer?;*

The Experts' Experts, United States*, World Trademark Review.*

LANGUAGES

English.

November 12, 2019

PRESENT POSITION

Partner, Debevoise & Plimpton, LLP, Litigation Department, Intellectual Property Practice Group and International Dispute Resolution Practice Group;
Professorial Lecturer in Law, George Washington University Law School;
Adjunct Professor of Law, New York University School of Law.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Law Clerk, Honorable Robert E. Keeton, United States District Judge for the District of Massachusetts, 1989-1990.

MEMBERSHIP IN PROFESSIONAL BODIES

Vice-Chair, INTA International Amicus Committee;
Also former Counsel and Board Member, International Trademark Association (INTA);
Former Co-Chair, Litigation Section's Internet Law Subcommittee of the American Bar Association (ABA).

AREAS OF SPECIALIZATION

Intellectual property and unfair competition matters including:
trademark infringement and dilution, counterfeiting, Internet and domain names, false advertising, copyright infringement, right of publicity, patent infringement, unfair competition, misappropriation, and trade secrets law.

EXPERIENCE IN INTELLECTUAL PROPERTY

Litigated a wide variety of intellectual property cases and also a frequent lecturer on intellectual property matters.

Spoken at meetings of WIPO Arbitration and Mediation Center, INTA, ABA, American Arbitration Association, CPR, Practising Law Institute, Pharmaceuticals Trade Marks Group, Cosmetics Toiletries & Fragrance Association, American Intellectual Property Law Association, Intellectual Property Owners Association, Promotion Marketing Association, International Association of Defense Counsel, Luxury Marketing Council, Intellectual Property Society of Australia and New Zealand, Mexican Association for Intellectual Property Protection, New York State Bar Association, Colorado Bar Association, Bar of the City of New York, National Advertising Division of the Council of Better Business Bureaus (NAD), McCarthy Institute, Stamford University Law School, New York Intellectual Property Association, and Institute for Perception.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Has litigated and advised clients with respect to domain names since 1994. Regular speaker at WIPO Briefings for UDRP Panelists and WIPO Advanced Workshop on Domain Name Dispute Resolution.

MAJOR PUBLICATIONS

Has authored or co-authored numerous treatise chapters and articles, including:

The Law of Advertising, Marketing and Promotions Law Journal Press (2011);
Why the Reasonable Anticipation Standard is the Reasonable Way to Assess Contributory Trademark Liability in the Online Marketplace, 2011 Stanford Technology Law Review 9 (2011);

eBay & the Presumption of Irreparable Harm in Lanham Act False Advertising Cases, Computer & Internet Lawyer, Vol. 27, No. 11 (2010);
No Trolls Barred: Trademark Injunctions After eBay, 99 The Trademark Reporter 1037, Sept./Oct. 2009.
"Federal Circuit Misapplies Repair Doctrine to Method Patents, " *IP Law 360*, 2006;
"Ethics and Privilege in United States Trademark Practice," 93 *The Trademark Reporter* 1240, 2003;
"Advertising Review, Clearance and Challenges", *Successful Partnering Between Inside and Outside Counsel*, 2000;
"A Stronger Solution," *Legal Times IP*, 2006;
"Strategies for Success Before the NAD", 9 *The IP Litigator* 21, 2003;
"Educating the Trademark Community*,* 93 *The Trademark Reporter* 84, 2003;
*"*The Alphabet Soup of Domain Name Dispute Resolution*", Computer Law Reporter,* 2002*;*
"Do You Need a CPO*?",* Directors & Boards, 2001*;*
"Domain Name Dispute Resolution: Online and On Target"*, World eBusiness Law Report,* 2001;
"Litigating by E-Mail with ´UDRP´: Lessons From New Dispute Resolution Procedure for Domain Name Disputes"*, New York Law Journal,* 2000;
"Das Wettbewerbsrecht in den U.S.A," in *Heidelberger Kommentar zum Wettbewerbsrecht*, C.F. Muller Verlag, 2000;
"Privacy: The Achilles Heal of E-Commerce*", Sports Trend,* November 2000*;*
"Copyright and the Internet: Not Anything Goes"*, Sports Trend,* August 2000;
"Dilution Rights v. the First Amendment: Resolving the Tension", *The Intellectual Property Strategist*, 1999*;*
"When the First Amendment Protects Trademark Parodies," *The Intellectual Property Strategist*, 1998;
"As Satiric As They Wanna Be: Parody Lawsuits Under Copyright, Trademark, Dilution and Publicity Laws," 85 *Trademark Reporter 239*, 1995;
"International Enforcement of U.S. Trademark Laws," *International Commercial Litigation*, 1995;
"How to Cure Yourself of the Gray Market Blues," *The Intellectual Property Strategist*, 1995.

EXPERIENCE IN COURT LITIGATION

Litigated a wide variety of cases in state and federal courts in California, Colorado, Connecticut, Florida, Indiana, Massachusetts, Michigan, New Jersey, New York, Tennessee, Texas, Virginia and Washington, D.C., in alternative dispute resolution fora under the auspices of the AAA, CPR and National Advertising Division of the Council of Better Business Bureaux ("NAD") and before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.

PROFESSIONAL TRAINING IN MEDIATION

Participated in the WIPO Workshop for Mediation in Intellectual Property Disputes, Geneva, May 2000;
Participated in International Trademark Association programs on mediation in August 1995 and November 1999.

EXPERIENCE IN MEDIATION

Served as mediator and counsel to parties in mediations.

EXPERIENCE IN ARBITRATION

Served as arbitrator and counsel to parties in arbitrations.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA/ICDR	2				2
	LCIA HKIAC	1 1			1 1	
	CPR	2		1		1
	WIPO	216	20	114	72	10
	NAF:	57	3	20	34	
Number of cases: sub-total		279	23	135	108	13
Domestic Arbitrations	CPR	1				1
	NAD	50				50
	AAA	1				1
Number of cases: sub-total		52				52
TOTAL		**331**	**23**	**135**	**108**	**65**

MEDIATION EXPERIENCE

SUMMARY TABLE

Type			Role	
	Name	**Number of Mediations**	**Mediator**	**Counsel**
International Mediations				
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations	**CPR**	2		2
	Court Annexed	5	1	4
	Jams	3		3
	AAA	1		1
Number of cases: sub-total		6		7
TOTAL		**11**	**1**	**10**