

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Thomas LEGLER  
Pestalozzi Attorneys at Law Ltd  
Cours de Rive 13  
1204 Geneva  
Switzerland



Telephone: +41 22 999 96 00  
Nationality: Swiss

Fax: +41 22 999 96 01  
e-mail: [thomas.legler@pestalozzilaw.com](mailto:thomas.legler@pestalozzilaw.com)

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Doctorate in Law, University of Geneva, 1996;  
D.E.S. in law ("Diplôme Etudes Supérieures en droit"), University of Geneva, 1993;  
Degree in Law ("Fürsprecher"), University of Bern, 1988.

Admitted to Bar of Berne, 1988;  
Admitted to Bar of Geneva, 1991.

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### LANGUAGES

German, Swiss German, French, English, Italian (basic).

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### PRESENT POSITION

Partner, Pestalozzi Attorneys at Law Ltd.  
Has been elected in 2010 by Swiss Parliament as Deputy Judge at the new Federal Patent Court.

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September 27, 2016

**PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION**

Partner, Python & Peter, Geneva, 1991-2015;  
Legal Adviser, Swiss Union of Private Railways (UTP), 1988-91;  
Visiting Attorney, Law firm of Wilmer Cutler & Pickering, London, 1995.

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**MEMBERSHIP IN PROFESSIONAL BODIES**

Swiss Bar Association (FSA);  
Geneva Bar Association (OdA);  
International Bar Association (IBA); Member of Committee L (Intellectual Property);  
Swiss Arbitration Association (ASA);  
Fellow of the Chartered Institute of Arbitrators (CIArb);  
Deutsche Institution für Schiedsgerichtsbarkeit (DIS);  
The London Court of International Arbitration (LCIA);  
Associate Member of The Dubai International Arbitration Centre (DIAC);  
Institut für gewerblichen Rechtsschutz (INGRES);  
Association romande de propriété intellectuelle (AROPI);  
International Trademark Association (INTA);  
International Association of Intellectual Property (AIPPI);  
Geneva Chamber of Commerce and Industry (CCIG);

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**AREAS OF SPECIALIZATION**

General contract and corporate law (incl. distributorship and licensing; pharmaceuticals and watch industry); international and domestic arbitration; litigation in civil law; intellectual property law (patents, trademarks, copyright); telecommunications, computer and Internet law; media and privacy law; construction law.

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**EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Acting as WIPO panelist in Internet domain name dispute resolution procedures (has handled since 2000 more than 60 cases as sole panelist, co-panelist, chairman);

Acting as WIPO panelist in Internet domain name dispute resolution procedures concerning domain names managed by Switch (.ch) since 2004; handled as mediator the first .ch-case under this procedure and decided as expert the "suisse.ch" case where the Swiss Government claimed this name from a Swiss individual;

Acted as counsel in many domain name disputes (court proceedings or ICANN administrative procedures);

Speaker at various conferences and author of articles on the subject matter.

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**MAJOR PUBLICATIONS AND SPEECHES**

*Kommentar zum Schweizerischen Privatrecht, Internationales Privatrecht, Ed. Honsell/Vogt/Schnyder, Co-author for the Commentary on Swiss International Private Law, Section International Arbitration, Ed. Helbing & Lichtenhahn, Basel, 2013;*

*Commentaire Romand, Ed. De Werra/Gilliéron, Co-author for the commentary on Swiss Intellectual Property Law, Ed. Helbing & Lichtenhahn, Basel, 2013;*

*L'arbitre suisse face à l'arbitrabilité des litiges en matière de propriété intellectuelle dans un contexte international, Mélanges à l'honneur de Jacques Python, Bern/Zurich/Geneva, 2011;*

*Sind in Zukunft Patentstreitigkeiten in der Schweiz de lege lata nicht mehr schiedsfähig?, article on the jurisdiction of arbitral tribunals to hear patent matters after the introduction of the new Swiss Federal Patent Court, Bulletin ASA 2/2010, p. 253 ff;*

*Kommentar zum Schweizerischen Privatrecht, Internationales Privatrecht, Ed. Honsell/Vogt/Schnyder, Co-author for the Commentary on Swiss International Private Law, Section International Arbitration, Ed. Helbing & Lichtenhahn, Basel, 2007;*

*Le "Cyber-Notaire" – bientôt une réalité?, article concerning digital signatures for notary publics, published in: Mélanges à l'occasion des 200 ans de l'Association des notaires vaudois, Lausanne, 2005;*

*Le rôle des différents acteurs d'Internet, article on the responsibility of the various Internet providers, published in: Journée Internet, CEDIDAC, Lausanne, 2005;*

*La procédure de l'OMPI pour la résolution de disputes concernant les noms de domaine, article concerning the procedure of WIPO for the solution of domain name disputes in: Aktuelle Anwaltspraxis – La pratique de l'avocat 2001, Stämpfli Verlag AG, Bern;*

*Digitale Signaturen in der Schweiz: Vom realen zum virtuellen Notariat ?, article on the influence of digital signatures on the work of public notaries, ZBGR, 3/2001;*

*Electronic Commerce mit digitalen Signaturen in der Schweiz – Kurzkomentar zur Zertifizierungsdiensteverordnung, Stämpfli Verlag AG, Berne, 2001;*

*Switzerland's First Step Towards A Legal Framework for digital signatures, article published in the World Internet Law Report, 7/2000;*

*Private International Law, International Arbitration in Switzerland, Ed. Honsell/Vogt/Schnyder/Berti, Co-author, Ed. Helbing & Lichtenhahn and Kluwer Law International, Basle/Den Haag, 2000;*

*Startschuss für elektronische Zertifizierungsdienste, article on Public Key Infrastructures (PKI) for digital signatures in Switzerland, Neue Zürcher Zeitung (NZZ), April 20, 2000;*

*Internet en tant que canal d'information pour les juristes, article on Internet as an information channel for lawyers, AJP, Issue April 2000, p. 429 ff;*

*Federal Tribunal's landmark Internet forum decision, article published in the International Internet Law Review, Issue March 2, 2000, p. 31;*

*Das Recht am eigenen Bild auf der Datenautobahn, article on privacy law with regard to the Internet, Computer und Recht, No. 7/1998, p. 439 ff;*

*Paparazzi, Prominente und Privatsphäre – Der Schutz des Rechts am eigenen Bild in Europa, Neue Zürcher Zeitung (NZZ), September 30, 1997, p. 7;*

*Vie privée, image volée – La protection pénale de la personnalité, thesis in privacy law, ASR collection, Ed. Stämpfli & Cie, Bern, 1997;*

*Kommentar zum Schweizerischen Privatrecht, Internationales Privatrecht, Ed. Honsell/Vogt/Schnyder, Co-author for the Commentary on Swiss International Private Law, Section International Arbitration, Ed. Helbing & Lichtenhahn, Basel, 1996;*

*Internet: le droit a horreur du vide, Co-author, article on various legal problems of marketing via the Internet, Journal de Genève, March 23/24, 1996, p. 2;*

*Von der Datenbank zum elektronischen Kiosk – Juristische Aspekte der Werbung via Internet, Co-author, article on the legal problems of advertisement via the Internet, Neue Zürcher Zeitung (NZZ), December 12, 1995, p. 26.*

*"Mediation as an alternative method to resolve intellectual property disputes", Speaker/Panelist, IBA Conference, 20 October 2014 in Tokyo (Japan);*

*"Wie funktioniert der Schiedsplatz Schweiz?", Introduction to International Arbitration, Europainstitut Zürich / Universität Zürich, 25 April 2014;*

*Co-Chair of a Panel on the topic of "Asserting intellectual property rights without running afoul of antitrust laws", IBA Conference, 8 October 2013 in Boston (USA);*

*Co-Chair of a Panel on the topic of "Trademark bad faith applications: famous and 'almost famous' trademarks under attack!", IBA Conference, 9 October 2013 in Boston (USA);*

*Lecture at the University of Geneva on "Intellectual Property and Related Contracts", 26 march 2011;*

*Speaker before the association Cobaty International (Geneva), on "L'arbitrage en matière de construction", January 26, 2011;*

*Speaker at the University of Lausanne on "Le role de l'avocat dans l'arbitrage", December 1, 2010;*

*Speaker at the AIPPI/WIPO Seminar concerning arbitration and intellectual property in Zurich on the subject "Bemerkungen zur objektiven Schiedsfähigkeit und zur Formulierung von Schieds-klauseln", March 5, 2010;*

*Speaker at the Seminar "Resolving IT disputes through ADR mechanisms" on the subject of "Preparing for arbitration" during the annual conference of the International Bar Association (IBA), October 2009 in Madrid;*

*Speaker and panelist at the meeting entitled "International arbitration in multinational intellectual property disputes" during the annual conference of the International Bar Association (IBA), October 2009 in Madrid;*

*Speaker in a meeting of legal counsel from various multinational companies in Switzerland organized by Nestlé SA on February 25, 2009, concerning the "last developments in the field of domain name protection";*

*Speaker at the Seminar of ASA (Swiss Arbitration Association), Group Espace Mittelland, relating to arbitration and intellectual property (WIPO procedure), Berne June 2007;*

*Speaker at the 5th IDRC International Seminar (Internet Address Dispute Resolution Committee) held in Seoul (Corea) concerning legitimate rights in domain name disputes, May 2007;*

*Participation at a round table concerning "Le droit au nom dans le cadre des litiges de noms de domaine" at the Seminar of the Federal Institute for Intellectual Property and LES-CH, regarding "Développements récents en droit des marques", Geneva, May 2007;*

*Speaker at the Seminar on International Arbitration, subject: ADR in special fields – when and how is it useful? organised by the International Association of Young Lawyers (AIJA), Annual Congress, August 23, 2006, in Geneva;*

*Speaker at the Session "Use and Abuse of IP rights on the Internet", conference of the International Bar Association (IBA), September 2005, in Prague;*

*Speaker at the Conference on Internet Domain Name Dispute Resolution in Switzerland, organised by*

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*SWITCH on April 29 and June 29, 2005, in Zurich;*

*Speaker at the 5th Conference "Journée Internet" on November 17, 2004, organised by CEDIDAC, Lausanne, concerning the responsibilities of the various Internet providers;*

*Speaker and organiser of the "Softnet"-Conference on IT Risk Management on October 6, 2003 in Geneva;*

*Expert for Switzerland in the context of the EU Study on Legal and Market Aspects of the Applications of the Electronic Signatures Directive (1999/93/EC); Author of report and attendance to respective expert meeting in Brussels in July 2003;*

*Speaker at the General Assembly of the Federation of Swiss Lawyers, conference on e-commerce issues, in particular domain names, June 2001;*

*Speaker at the IFE-Conference on High tech business and IT security, February 2001;*

*Speaker at the General Assembly of the Federation of Swiss Notaries, Conference on digital signatures, November 2000;*

*Speaker at the IFE/AGEFI-Conference on IT contracts, May 2000;*

*Speaker, "Journées d'informatique juridique", University of Berne, September 1999;*

*Speaker, European Lawyer's Union (UAE) Conference, Internet and telecom law, September 1997.*

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#### **EXPERIENCE IN COURT LITIGATION**

Acted as counsel in more than 100 procedures before the First Instance Tribunal, the Court of Justice of Geneva and the Federal Tribunal from 1992 onwards (mostly in the field of commercial law and intellectual property).

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#### **PROFESSIONAL TRAINING IN ARBITRATION**

Diploma in International Commercial Arbitration and admission as Fellow of the Chartered Institute of Arbitrators (FCIArb), 2014;

Certificate in International Commercial Arbitration and admission as Member of the Chartered Institute of Arbitrators (MCI Arb), 2013;

Course on international arbitration with the Oxford Study Group, U.K., 1995;

Attendance to several conferences on arbitration, notably in the framework of the Swiss Arbitration Association (ASA), as well as the Geneva and Bern Group of the Swiss Arbitration Association.

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#### **EXPERIENCE IN ARBITRATION**

Counsel in more than 20 ICC, *ad hoc* or Swiss arbitration cases (disputes involving construction and IT contracts, sales, distributorship and licence agreements, manufacturing contracts, joint ventures, ground handling/aviation agreements);

Listed as Panelist on the WTO Indicative List, WIPO List of Panelists und ICC Arbitrators List (Swiss National Committee);

Chairman of an ICC arbitral tribunal with seat in Lugano related to a dispute regarding a complex IT contract;

Chairman of an ICC arbitral tribunal with seat in Zurich relating to a patent licence dispute in the pharmaceutical industry;

Chairman of an arbitral tribunal under the Swiss Rules with seat in Zurich relating to an importer contract and non competition issues;

Chairman of an arbitral tribunal under the Swiss Rules with seat in Lausanne concerning a dispute related to sports/broadcasting rights.

Chairman of an arbitral tribunal under the Swiss Rules with seat in Geneva concerning a steel sale contract;

Chairman of an ICC arbitral tribunal with seat in Paris concerning a steel sale contract;

Chairman of an arbitral tribunal (UNCITRAL Rules) with seat in Geneva concerning a patent licensing contract;

Chairman of an ICC arbitral tribunal with seat in Paris deciding a dispute concerning an important IT project;

Sole Arbitrator (ICC) in a dispute concerning a warehousing and distribution agreement, seat of the arbitral tribunal in Geneva;

Sole Arbitrator (Swiss Rules) in a dispute concerning a commodities' sales contract, seat of the arbitral tribunal in Geneva;

Sole Arbitrator (ICC) in a dispute between a bank and one of its IT suppliers, seat of the arbitral tribunal in Geneva;

Sole Arbitrator (ICC) in a dispute concerning a consultancy agreement in the water industry, seat of the arbitral tribunal in Paris;

Sole Arbitrator (ICC) in a dispute relating to a licence agreement in the health industry, seat of the arbitral tribunal in Geneva;

Sole Arbitrator (ICC) in a dispute relating to an exclusive licensing, manufacturing, services and distribution agreement, seat of the arbitral tribunal in Geneva.

Sole Arbitrator (Swiss Rules) in a dispute concerning the delivery of industrial material, seat of the arbitral tribunal in Geneva;

Sole Arbitrator (ICC) in a dispute concerning a patent infringement, seat of the arbitral tribunal in Zurich;

Sole Arbitrator in a dispute concerning intellectual property and commercial law under the Rules of WIPO, seat of the arbitral tribunal in Geneva;

Party-appointed arbitrator in a Swiss Rules arbitration in Zurich relating to the design industry;

Party-appointed arbitrator in a Swiss Rules arbitration in Neuchâtel relating to the watch industry;

Party-appointed arbitrator in a Swiss Rules arbitration in Zurich relating to a license agreement between two companies in the health industry;

Party-appointed arbitrator in an ICC arbitration in Zurich relating to a patent license dispute between two companies engaged in mobile telecommunication business;

Party-appointed arbitrator in an ICC arbitration in Geneva concerning patent and know how issues related to a joint venture between globally acting telecommunication companies (amount in dispute of approx. 1 billion USD); case settled.

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Party-appointed arbitrator in a ICC dispute concerning the delivery of steel, seat of the arbitral tribunal in Zurich;

Party-appointed arbitrator in a dispute (ICC) concerning intellectual property rights in the field of ski mountain lifts, seat of the arbitral tribunal in Geneva;

Party-appointed arbitrator in a domestic *ad hoc* arbitration concerning media law, seat of the arbitral tribunal in Bern;

Party-appointed arbitrator in a domestic *ad hoc* arbitration concerning a dispute in the field of transportation law, seat of the arbitral tribunal in Bern;

Secretary of an arbitral tribunal with seat in Geneva concerning a construction contract;

Secretary of an arbitral tribunal with seat in Geneva concerning a dispute with respect to the sale of a company.

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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	23	4	6	4	9
	LCIA					
	Ad Hoc (incl. Swiss Rules)	18	4	3	3	8
<b>Number of cases: sub-total</b>		41	8	9	7	17
Domestic Arbitrations	AAA					
	Ad Hoc	2			2	
	Chamber of Commerce	3				3
<b>Number of cases: sub-total</b>		5	0	0	2	3
<b>TOTAL</b>		<b>46</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>20</b>