

## TOBIAS MALTE MÜLLER

Partner at WIRSING HASS ZOLLER

Maximilianstraße 35 C  
D-80539 Munich/Germany  
Tel. +49 89 290071-22

[mueller@wirsing.de](mailto:mueller@wirsing.de)

## LANGUAGES

Native German  
Fluent English, Italian, French and Spanish

## EDUCATION

- |                 |  |
|-----------------|--|
| 10 October 2005 | <b>Juris Doctor</b> University of Mainz ( <i>magna cum laude</i> ) on UN-Sales Convention (CISG)   |
| 6 May 2003      | <b>Second State Exam in Law</b>  |
| 5 December 2001 | <b>Magister iuris</b> in Comparative Law within the joint academic exchange program between the Universities Paris XII and Mainz <ul style="list-style-type: none"><li>• Thesis in French and German language (with Prof. Emmanuel Gaillard)</li></ul> |
| 24 July 2000    | <b>First State Exam in Law</b> , Mainz University  |
| 16 October 1998 | <b>Maîtrise de droit, mention droit européen</b> , Paris XII   |
| 1983 – 1990     | German School Montevideo (Uruguay)   |

## PROFESSIONAL EXPERIENCE

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| Oct. 2009 – to date | <b>WIRSING HASS ZOLLER</b> , Munich <ul style="list-style-type: none"><li>• <b>Partner</b></li><li>• Responsible for the international IP department</li><li>• Representing national and international clients in UDRP and “.eu”-ADR proceedings and before Courts (German Federal Patent Court, German Appellate Courts, Court of the European Union) and trade mark Offices (WIPO, OHIM, German PTO)</li><li>• Advising and representing clients in all issues related to designs (EU and national), copyrights, e-commerce, patents/utility models, plant varieties and unfair competition (advertisement) etc.</li><li>• Further focus on contractual matters (technology transfer, Research &amp; Development, licenses, distribution including selective distribution systems, etc.)</li><li>• Sector focus: Food/Beverage, Fashion/Clothing, Music/Media/TV/Film, Consumer goods, Automotive/Mechanics, Sports/Fitness</li><li>• Working languages: German, English, French, Italian and Spanish</li></ul> |
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- July 2015 – to date      **Asian Domain Name Dispute Resolution Centre (ADNDRC)**, Hong Kong
- Panellist for UDRP-cases
- Nov. 2014 – to date      **World Intellectual Property Organization (WIPO)**, Geneva
- Panellist for UDRP-cases
  - Arbitrator for IP
  - Working languages: English, German, French, Spanish
- Oct. 2006 – to date      **Czech Arbitration Court (CAC)**, Prague
- Working languages: English, German, French
  - Panellist for UDRP-cases and .eu-ADR-cases
- Oct. 2004 – Sept. 2009   **Bird & Bird LLP**, Munich
- Senior associate in the IP/Litigation practice group
  - Working on all aspects of German, Community and international trademarks and German and Community designs (litigation, piracy, licensing, portfolio management, prosecution and strategy)
  - Representing clients in UDRP-proceedings
  - Working languages: English, German, French
- Sept. 2003 – Aug. 2004   **Lorenz Seidler Gossel**, Munich
- Associate lawyer in the trademark and unfair competition law sector, focusing on prosecution and enforcement of German, Community and International Trademarks; fighting against trademark infringements and piracy for major clients, especially in the sportswear sector
  - Copyright, Patent and Design infringements
- Mai 2001 – April 2003   **Legal clerkship** (“*Referendariat*”), e.g.
- **Gleiss Lutz**, Brussels (Febr. – April 2003)  
Working on trademark, state aid, community’s extra-contractual responsibility and environmental cases.  
Working languages: English, German
  - **Court of First Instance of the European Communities**, Luxembourg (Cabinet of Judge Prof. Dr. Jörg Pirrung) – (Nov. 2002 – Jan. 2003)  
Performing legal research in particular in Community trademark cases. Preparing and drafting Judgments.  
Working languages: French, English
  - **Shearman & Sterling**, Frankfurt a. M. (Aug. 2001 – Mar. 2002)  
Working for the Litigation/Arbitration practice group specially on **ICC- and DIS-arbitrations** and Swiss or French law as substantive law (responsible Partner: Prof. Dr. Richard Kreindler)  
Working language: English
- Sept. – Dec. 2000      **Shearman & Sterling**, Paris
- Working in the Litigation/Arbitration practice group on **ICC-arbitration** proceedings. Performing legal research on Swiss, French and German Law. Analyzing Case Law and Doctrine (responsible Partner: Prof. Emmanuel Gaillard)
  - Working on a *pro bono* Project giving support to the prosecutor of the UN-International Criminal Tribunal for Rwanda („media trials“)
  - Working languages: English, French

## AWARDS

2016	Recommended expert <i>WTR 1000 – The World’s Leading Trademark Professionals</i>
2016	Selected to <i>Managing Intellectual Property’s 2016 “IP-Stars” guide</i>
2016	<i>Client’s Choice Award 2014</i> for Trademarks (Germany)
2016	Named as IP Leader in World Intellectual Property Review's WIPR Leaders handbook 2016.
2014	Recommended expert <i>WTR 1000 – The World’s Leading Trademark Professionals</i>
2014	Selected to <i>Managing Intellectual Property’s 2014 “IP-Stars” guide</i>
2014	<i>Client’s Choice Award 2014</i> for Copy right (Germany)

## MEMBERSHIP IN PROFESSIONAL BODIES

INTA	International Trade mark Association
ECTA	European Communities Trademark Association (Member of the Internet Committee)
AIPPI	Association Internationale pour la Protection de la Propriété Intellectuelle
GRUR	Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht e.V.
APRAM	Association des Praticiens du Droit des Marques et des Modèles
UNION	European Practitioners in Intellectual Property

Italian Chamber of Commerce, Munich

## LECTURES, SPEECHES AND TUTORIALS

**Feb. 2007 – to date**

**University of Applied Sciences, Treves;** assistant lecturer for internet law, intellectual property, copyright and unfair competition

- (upcoming Seminar, winter term 2016/2017)
- Seminar, winter term 2015/2016)
- Seminar, winter term 2014/2015)
- Seminar, winter term 2013/2014
- Seminar, winter term 2012/2013
- Seminar, winter term 2011/2012
- Seminar, summer term 2011
- Seminar, winter term 2010/2011
- Seminar, summer term 2010
- Seminar, winter term 2009/2010
- Seminar, winter term 2008/2009
- Seminar, summer term 2008)
- Seminar, winter term 2007/2008
- Seminar, summer term 2007

- 2014**
- Seminar** (“*IV Seminario internacional de propiedad intelectual*”) **organized by the Colombian IP Association (ACPI) together with AIPPI**, Bogotá (8/9 June 2016) on the unregistered Community design (in Spanish language)
- 2014**
- CFRED Seminar co-organized with ADNDRC**, HKIAC Hong Kong (16 May 2014) on “*Domain names and DNS: Comparative, institutional perspectives and recent developments in the DNS governance*”
- 2013**
- Convegno Marchi**, Torino (11 February 2013); Trademark conference in Italian language (topic: “*colori come marchi*”)
- Ordine dei Consulenti in Proprietà Industriale**, Milan (31 January 2013); Conference in Italian language on trademark protection and Internet at the National Conference of Italian Intellectual Property Attorney’s Society (“*l’uso idoneo ad acquistare dei diritti – marchio non registrato*”)
- 2012**
- Institut de Recherche en Propriété Intellectuelle (IRPI)**, Paris (23 January 2013); Conference in French language on “*Maîtriser les risques en matière de marques et noms de domaine sur internet*”
- UNION Roundtable**, Amsterdam (9 November 2012); Conference on “*Preventing and Combating « Look-Alikes » - Protection and Enforcement Strategies in the EU*”
- Salone della Proprietà Industriale**, Parma (24 September 2012); Conference in Italian language on “*il Digitale*”
- Institut de Recherche en Propriété Intellectuelle (IRPI)**, Paris (24 May 2012), Conference in French language on “*Marques et noms de domaine des entreprises sur internet*”
- 2011**
- WIRSING HASS ZOLLER**, Munich (15 March 2012); Conference on Trademark Prosecution and Enforcement in Latin America
- China-EU School of Law**, Beijing (15/16 November 2011) Conference on criminal enforcement of IPRs in Germany and Europe:
- “*Customs Action Against Goods Suspected of Infringing intellectual property rights – Interplay between Customs and Prosecutors*”
  - “*Criminal Enforcement of intellectual property rights and the Internet From a Rightholder’s Perspective*”
- Ordine dei Consulenti in Proprietà Industriale**, Milan (29 March 2011), Conference in Italian language on trademark protection and Internet at the National Conference of Italian Intellectual Property Attorney’s Society
- Università Roma Tre**, Rome (11 February 2011), Conference in Italian language within the National Conference of Italian Association of University Professors in commercial law

**2010**

**Università degli Studi “Magna Graecia” Catanzaro**, Italy (20 April 2010); Conference in Italian language within the Ph.D-program on „*Recenti tendenze del diritto dei marchi in Europa*“

**2009**

**Université de Nantes**, France (10 April 2009) ; Conference in French language within the Master 2-program on „*La propriété industrielle en Allemagne - La mise en Œuvre du respect des droits respectifs*“

**University of Applied Sciences**, Darmstadt (March – July 2009); Assistant lecturer for intellectual property; Lectures on copyright and trade mark law

**2008**

**University Palermo**, Italy (9 May 2008); Lecture in Italian language in Ph.D. level classes on „*Risarcimento e recupero degli utili del contraffattore in Germania*“

**2007**

Bird & Bird, Munich (9 February 2007); Speech on new developments regarding „.eu“-domain names („*EU. – Domains: Neue Entwicklungen*“)

**2006**

Bird & Bird, Munich (14 December 2006); Speech on „.eu“-ADR and UDRP („*Alternative Dispute Resolution für Domains – ADR.eu, UDRP*“)

<b>(UPCOMING) PUBLICATIONS</b>
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**2016**

„*Beck'scher Online-Kommentar UMV*“ (Co-author), Commentary on the Regulation on the EU-Trademark, ed. by Büscher/Kochendörfer, Verlag C.H. Beck, 1st ed. Published in 2015. Currently: 2nd edition

**2015**

**IP KEY:** „*The use of jurisprudence in civil procedures in Germany*“, Expert assessment on the use of jurisprudence in civil procedures of France, Germany and China (Oct-Nov. 2015)

**2014**

„*Prozesskommentar zum gewerblichen Rechtsschutz*“ (Co-author), ed. by Cepl/Voß, Verlag C.H. Beck, expected for 2014

Annotations to ECJ's judgment dated 3 October 2013 (case no C-170/12) published in *GRUR Prax* issue 2/2014, p. 47

**2013**

„*DIRITTO DEL INTERNET*“ (Co-author), in Italian Language, ed. by Cassano, Scorza, Vaciago, *CEDAM*, 2013

Annotations to Hamburg District Court's judgment dated 7 February 2013 (case no 327 O 426/12) published in *GRUR Prax* issue 9/2013, p. 214

Annotations to German Constitutional Court's order dated 9 January 2013 (case no 2 BvR 2805/12) published in *GRUR Prax* issue 6/2013, p. 148

**2012**

Annotations to EU-Court of First Instance's judgment dated 26 September 2012 (case no T-301/09 – *CITIGATE*) published in *GRUR Prax* issue 23/2012, p. 55

„*Status of Intellectual Property Rights Protection in China*“ (Co-author) published in ***China International Business***, September 2012, p. 53 et seq.

„*La registrazione di marchi in mala fede*“ (Co-author), published in *Rivista di diritto industriale*, issue 1, 2012, p. 39 et seq.

Annotations to German Supreme Court's judgment dated 13 June 2012 (case no I ZR 228/10 – *Stadtwerke Wolfsburg*) published in *GWR Gesellschafts- und Wirtschaftsrecht* issue no 21/2012, p. 494

„*Die Bösgläubigkeit bei Markenmeldung im Spiegel der neueren deutschen und italienischen Rechtsprechung*“ (Co-author) published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int) 2012, p. 417 et seq.

## 2011

„*Is a single EU market for IP rights finally in sight?*“, in *World Trademark Review*, Issue 33, October/November 2011, p. 71 et seq.

„*Frankreich – Neues Gesetz zu den französischen Country Code Top-Level-Domains*“ (Co-author) published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int), 2011 p. 567 et seq.

„*Online-Marketing-Strategie: Neue TLDs bieten Chancen für Markeninhaber*“, published in *Absatzwirtschaft* (online) 21 July 2011

„*Applying the law - European courts act on AdWords*“, published in *World Trademark Review*, issue 31, June/July 2011, p. 50 et seq.

„*ICANN approves to launch New Generic Top-Level Domains*“, published in *Diritto Mercato Tecnologia*, issue 1, April/June 2011, p. 269 et seq.

„*Google AdWords: nuove pronunce giurisprudenziali in Francia, Austria e Germania*“, published in *Notiziario dell'Ordine dei Consulenti in Proprietà Industriale*, April 2011, p. 9 et seq.

Commentary on the Austrian Supreme Court's decision "*BergSpechte*", published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int) 2011, p. 173 et seq.

## 2010

*Searching for legal resolution- how keywords stayed high on the court agenda 2009*, published in *World Trademark Review*, issue 25, June/July 2010

Commentary on a decision of Arbitration Court of Appeal, Moscow on a case involving three-dimensional trademark of Ferrero ("*Raffaello*"), published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int) 2010 p. 251 et seq.

## 2009

**IPR2** - „*Roadmap on How to register a Community Trademark*“ within the framework of the European Patent Office EU-China Project for the Protection of Intellectual Property (**IPR2**), Spring 2009, published in English and Chinese language (欧洲知识产权保护指南 - 如何注册和保护共同体商标)

- „*Risarcimento e recupero degli utili del contraffattore in Germania*“ published in *Europa e diritto privato*, issue 2/2009, p. 457 et seq.
- „*eu-Domains: Widerruf aufgrund zweijähriger Nichtbenutzung ab Domainregistrierung*“ published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int) 2009, p. 653 et seq.
- „*Handbuch der Beweislast im Zivilrecht*“, 3rd edition, vol. I (Co-author), ed. by Baumgärtel, Laumen, Prütting, Carl Heymanns Verlag/Wolter Kluwer, 2009
- 2008**
- „*Das neue alternative Streitbeilegungsverfahren für „eu“-Domains: Einführung und erste Erkenntnisse aus der Praxis*“ published in *Zeitschrift für Schiedsverfahren/German Arbitration Journal (SchiedsVZ/German Arb. J.)* 2008, p. 76 et seq.
- 2007**
- „*Die Beweislastverteilung im UN-Kaufrecht im Spiegel der aktuellen weltweiten Rechtsprechung*“ published in *Recht der Internationalen Wirtschaft* (RIW) 2007, p. 673 et seq.
- „*eu-Domains: Erkenntnisse aus dem ersten Jahr Spruchpraxis*“ published in *Gewerblicher Rechtsschutz und Urheberrecht, internationaler Teil* (GRUR Int) 2007, p. 990 et seq.
- 2006**
- J. D.- thesis on burden of proof under UN-Sales Convention (CISG) as discussed by worldwide jurisprudence (Sellier European Law Publishers, February 2006)
- „*Kein Gelb Für Puffreis – Die Abschaffung der abstrakten Farbmarke?*“ (Co-author) published in *Gewerblicher Rechtsschutz und Urheberrecht* (GRUR) 2006, p. 724 et seq.
- 2005**
- „*Die Berücksichtigung der Überzeugungskraft ausländischer Präzedenzfälle bei der Auslegung des CISG – Die neuere italienische Rechtsprechung als Vorreiter und Vorbild*“, (Co-author) published in *Internationales Handelsrecht* (IHR) 2005, p. 102 et. seq.
- „*Die Beweislastverteilung für die Bösgläubigkeit des Verkäufers im Rahmen des Art. 40 CISG*“, published in *Internationales Handelsrecht* (IHR) 2005, p. 16 et. seq.
- 2003**
- „*Beweislastregelung im nationalen Recht in Bezug auf die Erschöpfung von Rechten aus einer Marke – Anmerkung zu EuGH ‚stüssy‘ –*“, published in *Gewerblicher Rechtsschutz und Urheberrecht* (GRUR) 2003, p. 668 et. seq.
- „*Die WTO-Widrigkeit des Byrd-Amendments und Schadensersatz für Amtshaftung*“ (Co-author) published in *Recht der Internationalen Wirtschaft* (RIW) 2003, p. 419 et. seq.

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