

亞洲域名爭議解決中心
ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTRE

RODNEY C. KYLE

RODNEY C. KYLE ADNDRC ROSTER MEMBER CV (June 5, 2005)

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ARBITRATION EXPERIENCE & EXPERTISE

- As an arbitrator, conducted 23 gTLD or ccTLD domain name proceedings (19 UDRP, 2 STOP, 1 usDRP, 1 CDRP— 1 as panel chairperson, 3 as co-panelist, 19 as sole panelist) through to decision-delivery in view of the applicable policies, rules, and laws as applied to the pleadings, evidence, and arguments.
- As a lawyer, had carriage of a BCICAC domestic commercial arbitration regarding a book publishing relationship, from pleadings to arguments as to establishing the arbitral tribunal and the arbitrability of the claims, to compliance with an effective settlement agreement; advised on the likely outcome of many arbitration proceedings such as domain name proceedings; and drafted many domestic or international commercial arbitration agreements.
- As a member of IPIC's Domain Names Committee and ADR Committee, and in collaboration with the members of those committees, analyzed and commented on a draft of the "dot-ca" CDRP.
- As the instructor, instructed on Finding and Applying the Relevant Law, in ADRIO's Introduction to Arbitration course through the School of Continuing Education, Carleton University, Ottawa

INTELLECTUAL PROPERTY EXPERIENCE & EXPERTISE

As an arbitrator, lawyer, and trademark agent: over 15 years experience advising, effecting, and directing on

- Domestic IP such as Canadian know-how, show-how, trade secrecy, confidentiality, copyrights, moral rights, industrial design registrations, patents, trademarks, and trade names;
- Foreign IP such as USA copyrights, patents, and trademarks;
- International IP Treaties such as Berne, Universal Copyright, Patent Co-operation, and Paris;
- IP-related matters such as licenses, waivers, bankruptcy context, anti-monopoly law, and contracts and torts relating to or similar to IP such as SLDs in the "dot-ca", "dot-us", and "dot-com" TLDs; and
- IP and IP-related proceedings such as oppositions, litigation, and arbitrations.

PRESENT POSITION & PREVIOUS POSITIONS

- Arbitrator, Lawyer, & Trademark Agent, private practice, Ottawa, since 1998
- IP & Contracts Counselor, Canadian Department of National Defense, Ottawa, 1991-1997
- IP & Business Counselor, A.N. Sadik (1990-1991) and Bell, Walter, Brousseau (1988-1989), Ottawa
- Articled Student, Blake, Cassels & Graydon, Toronto, 1986-1987

ARBITRATOR LISTINGS WITH DR CENTERS OR OTHER ORGANIZATIONS

- for arbitration of IP or IP-related disputes: BCICAC, since 2005; IPIC, NAF, and NovaForum (now DRS), since 2003; ADRIAC, since 1997; and WIPO and ADRIO, since 1995
- for arbitration of UDRP and similar disputes: ADNDRC, since 2004; Resolution Canada, since 2002; BCICAC, since 2001; NAF, since 2000; and eResolution from 2000 to 2001

PROFESSIONAL & ACADEMIC QUALIFICATIONS

- Canadian Trademark Agent Registration, CIPO, 1988 and since
- Admitted to the Ontario Bar, Law Society of Upper Canada, since 1988
- Bachelor of Laws, Osgoode Hall Law School (York University), 1986
- Honors Bachelor of Science (Earth Science & Physics), York University, 1982

ARBITRATION TRAINING COURSES COMPLETED

- 2002: Workshop for Arbitrators, WIPO, Geneva; Arbitrator Seminar, NAF, Minneapolis; and Workshop on Domain Name Dispute Resolution, WIPO, Geneva
- 1996: Arbitration for Justice Practitioners, Canadian Department of Justice, Ottawa
- 1994-1995: Introduction to Arbitration, ADRIO, Ottawa

PUBLICATIONS

Various publications on domestic, foreign, and international aspects of either or both of IP and ADR have currency by being widely cited or by introducing ideas only subsequently embodied in court reasons for decision: see e.g. “Arbitration Makes Sense in International Intellectual Property Disputes” (2001/2002) 56(4) *Dispute Resolution Journal* 30, *Whirlpool Corp. v. Camco Inc.* 2000 SCC 67, and “Applying the *Interpretation Act* to Canadian Intellectual Property Documents” (1991) 8 C.I.P.R. 1.

Papers:

- “Switching Between Arbitration and Mediation or Between Arbitration and Conciliation: Are Canadian, Foreign, and International Presumptions or Standards Regarding Enforceability of Resulting Arbitral Awards Lawful and Just, and if so Then How?” (work in progress);
- “*Chancellor’s Foot v. Vice-Chancellor’s Footrule*: Constitutionality of Some Aspects of Domain Name Dispute Resolution Agreements”, with Patrick L. Jones (work in progress);
- “Some Arbitration Panel Privileges, Immunities, and Disabilities: Contractual Confirmation or Replacement of Judge-made or Legislated Rules of Deliberative Privilege, Judicial Immunity, and *Functus Officio*” (submitted for publication);
- “Are Canadian and Other Domain Name Dispute Resolution Processes Arbitrations?” In *The Proceedings of the Thirteenth Annual Conflict Resolution Symposium: 2004*, (Ottawa: Carleton University, 2005) 111;
- “Ghosts in the Ratios: A Response to Some Contentions that Various Intellectual Property Documents are not Enactments”, *Canadian Intellectual Property Review* 19(1), 2003: 95-132;
- “Intellectual Property Documents as Enactments: It All Comes Out in the Wash”, *Canadian Intellectual Property Review* 18(2), 2002: 501-542;
- “Arbitration Makes Sense in International Intellectual Property Disputes”, *American Arbitration Association Dispute Resolution Journal*, November 2001-January 2002: 30-31;
- “Some Analytical Jurisprudence on Canadian Arbitration Law”, *American Arbitration Association Dispute Resolution Journal*, August-October 2000: 24-31;
- “Legal Relations Resulting from Canadian Bankruptcies Associated with Patent Licenses”, Intellectual Property Institute of Canada, Licensing Committee, Patent Licensing Subcommittee, Draft Report with Ywe Looper as co-author, Autumn, 1999 (revised and updated under Subcommittee Co-captaincy with Ywe Looper, 2002);
- “Applying the *Interpretation Act* to Canadian Intellectual Property Documents”, *Canadian Intellectual Property Review* 8, 1991: 1-11;
- “Proposed Amendments to Canada’s *Copyright Act* in the *Act to Implement the Canada-United States Free Trade Agreement*”, *Canadian Intellectual Property Reports* 21, 1989: 161-179;
- “Canadian Industrial Design Law and Practice: An Hohfeldian Analysis”, *Intellectual Property Journal* 5, 1989: 71-102;
- “Is, or Should, any Kind of Information be Any Kind of Property”, “A Comparison of the Purposes and Bases of Canadian Patent and Trade Mark Law” and “Patents and Trade Marks in Relation to Anti-Monopoly Law”, Papers prepared for Independent Research Projects, Osgoode Hall Law School LL.B. Program, 1985-1986.

Articles:

- “Engaging & Working with a Lawyer: Whether, When and How”, *Canadian Artists’ Representation Ontario Dispatch* 7(3), October 2001: 1-2;
- “Some I.P. Basics” and “Technology Marketing: A Legal Toolkit”, *Canadian Defense Industries Association Report*, Volume IX, Issue 3, May/June 2000: 4 et seq and Volume IX, Issue 5, Spring 2001: 10;
- “Protecting Your Work Through Copyright & Industrial Design Rights”, *Ontario Crafts Council Newsletter*, March 1999: 4;
- “A Legal Tool Kit for Technology Marketing”, *Canadian Council of Technicians and Technologists Tech Can*, Winter 1999: 4;
- “Mind Your Own Business”, (A Three-Part Article consisting of “Contracts and Intellectual Property”, “How You Can Protect Yourself From Bankruptcies of People With Whom You Do Business” and “Appropriate Dispute Resolution”), *Canadian Artists’ Representation Calendar* 3(1), 1999: 1-7;
- “The ABC’s of Contracts & Intellectual Properties”, *Canadian Council of Technicians and Technologists Tech Can*, Spring 1998: 2 and 4;
- “An Hohfeldian Analysis of Canadian Arbitration Law” (A Three Article Series), *Canadian Arbitration and Mediation Journal* 5(2), 1997: 16-19, 4(2), 1996: 4-6 and 4(1), 1995: 3-4.
- “If Your Publisher Goes Bankrupt”, *Canadian Author & Bookman* 67, 1992: 4-5 and *League of Canadian Poets Museletter* 79, 1990: 21-24;
- “The Canadian *Copyright Act*: Its Impact on Canadian Industrial Design Law”, *Canadian Ceramics Quarterly* 60, 1991: 24-26;
- “What Can Artists Do if Their Dealers Go Bankrupt?”, *Art Action* 15, 1991: 6-7 and *Studio File* 1, 1991: 2-4;
- “Bankruptcy Focus”, *The Professional Administrator* 13, 1991: 11-13.