

## BIOGRAPHY

### **Gabriela KENNEDY**

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Nationality: Irish

### **EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

LL.M., Information Technology and Telecommunications Laws, (*awarded with distinction*), Strathclyde University;

Common Professional Examination, Manchester Metropolitan University;

Postgraduate Certificate in Laws, (*awarded John Griffiths Prize in Advocacy*) University of Hong Kong;

### **ACCOLADES/AWARDS**

Widely recognized as an outstanding practitioner and has been named over a number of years in legal directories, including "*Chamber's Global*" as a leading individual in Communications, TMT, and Intellectual Property practices, "*Asia Pacific Legal 500*" as a leading individual in IT & Telecommunications and intellectual property practices and "*Asia Law & Practice*" as a leading lawyer in intellectual property practice. "*Outstanding Gabriela Kennedy wins the respect of contemporaries for her strong work in domain name disputes and infringement issues arising from company names*" Chambers Asia 2008.

"Sources commend Gabriela Kennedy as a 'quality all-round lawyer in both IP and TMT matters'. 'She knows her practice areas inside out' and working with her is a 'consistently positive experience'. Her 'impressive intellect' and 'ability to think laterally' are cited as chief amongst the reasons why she commands high respect in the market" - Chambers Asia Pacific (2009 and 2011).

- "A highly respected IP and IT lawyer, Gabriela Kennedy is considered a major driver of the Hong Kong practice" - Chambers Asia Pacific (2013)
- Information Technology Lawyers - Who's Who Legal (2013)
- The World's Leading Patent Professionals - IAM Patent 1000 (2012 and 2013)
- Listed Lawyer in Client Choice Hot 75 Survey - Asian Legal Business (2012)
- Listed Lawyer in WTR 1000 - World Trademark Lawyers (2012 and 2013)
- Listed Lawyer IAM Patent 1000 - Patent Practitioners (2012 and 2013)
- Listed as one of two Hong Kong IP Litigators in Asia IP "50 IP Litigators in Asia" (2013)

- Leading Individual in Intellectual Property - Chambers Asia Pacific (2008-2013)
- Leading Individual in Information Technology - Chambers Asia Pacific (2008-2013)
- Leading Individual in Technology, Media and Telecommunications - Legal 500 Asia Pacific (2005-2013)
- e-Commerce and Data Protection - Who's Who Legal - Internet (2010-2012)
- Leading Individual in Telecommunications - PLC Which Lawyer? (2009-2012)
- Best Lawyer in TMT Award - Euromoney Asia Women in Business Law Awards (2011 and 2012)
- External Counsel of the Year 2009 at Representing Corporate Asia Survey - Asian-Counsel (2009)

## **LANGUAGES**

English, French, Spanish Romanian.  
Italian and Portuguese (working knowledge)

## **PRESENT POSITION**

Partner, Head of Asia IP & TMT Group at Mayer Brown JSM. Practising information technology, media, telecommunications and intellectual property law. Involved in all aspects of contentious and non-contentious work relating to the information technology, media and telecommunications industry

## **AREAS OF SPECIALIZATION**

Information Technology and Telecommunications Laws, Intellectual Property Law.

## **MEMBERSHIP IN PROFESSIONAL BODIES**

Member, Asian Patent Attorneys Association;  
Member, Institute for Trade Mark Practitioners in Hong Kong;  
Legal adviser to Hong Kong Internet Forum;  
Board member of the International Institute of Communications (Hong Kong Chapter);  
IP Committee Co-chair, American Chamber of Commerce;  
Member of Council of Governors, Cable and Satellite Broadcasting Association of Asia (CASBAA);  
Board Member, ITeclaw (premier association of technology lawyers);  
Board Member, Hong Kong University of Science and Technology (HKUST) R&D Corporation;  
Board Member and Co-Chair, Hong Kong International Literary Festival Ltd;  
Board Member and Vice President, Hong Kong Chapter and International Women's Forum;

International Trademark Association (INTA);  
Hong Kong Institute of Trademark Practitioners;  
Legal Advisor, Internet Society of Hong Kong.

## **EXPERIENCE IN INTELLECTUAL PROPERTY/TELECOMMUNICATIONS/INFORMATION TECHNOLOGY**

Over the years, has acted for a number of brand owners and devised enforcement strategies for them in Greater China and elsewhere in Asia. Gabriela handled scores of company name hijacking cases in Hong Kong, devising a successful strategy to enforce court orders against company name hijackers. This strategy is now widely adopted by other legal practitioners in Hong Kong.

Has written over 200 articles on issues concerning information technology, e-commerce, telecommunications and intellectual property law for various publications, such as "Computers and Telecommunications Law Review", "Business and Technology Information Quarterly", "Computerworld", "China Business Review", "Copyright World", "Computer Law and Security Report", "International Financial Law Review", "eLaw Asia", "European Intellectual Property Review" and "IP Asia". Is the Asia Regional Editor for "Computer and Telecommunications Law Review"; and also sits on the editorial board of "Computer Law and Security Report" for which she contributes the regular Pacific Rim news column. Has contributed chapters to a number of books including

“Intellectual Property in Asia” book published by Kluwer Law in 2003, “Parallel Imports in Asia” book published by Kluwer Law in 2004; New Frontiers of Intellectual Property Law published by Hart Publishing in 2005. Co-author of the Hong Kong Halsbury copyright book.

Talks regularly at international conferences on domain names and information technology, e-commerce, telecommunications and intellectual property issues.

Telecommunications/Information Technology:

Taught on the LLM in Information Technology and Telecommunications Laws at the University of Hong Kong and has designed the syllabuses for three modules of this course. Has lectured on competition provisions in the Telecommunications Ordinance and on the merger and acquisition regulation for the telecoms industry in Hong Kong. Was an online tutor for the LLM in Information Technology and Telecommunications Laws offered by Strathclyde University for a number of years since 2001.

### **EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Has extensive experience in domain name portfolio management and domain name recovery and has advised a number of ccTLD registries and registrars on their rules, policies and dispute resolution procedures. Has recovered over 200 domain names for clients including .com; .hk; .jp; .in; .mobi; .cn; .cc; .info and .net domain names and has rendered more than 100 domain name decisions for both WIPO and the Asian Domain Name Dispute Resolution Centre (ADNDRC).

### **MAJOR PUBLICATIONS**

Wheare, H. & Kennedy, G. *Bid to Keep Pace with Technological Change* (March 1997) IP Asia, Vol. 10 no. 2, pp 21-25;

Wheare, H. & Kennedy, G. *Hong Kong Telecommunications Law and the Internet: Some Current Issues* (April 1997) Computer and Telecommunications Law Review, Vol. 3 issue 2, pp 66-69;

Kennedy, G. *E-commerce: The Taming of the Internet in China* (July / August 2000) The China Business Review, Vol. 27 no. 4, pp 34-39;

Kennedy, G. *Domains of the day: Names System set for a Shake-up* (July / August 2000) IP Asia, Euromoney Institutional Investor PLC, Vol. 13 no. 6, pp 33-36;

Kennedy, G. *Crouching Dragon, Hidden Tiger: Hong Kong's Special Administrative Rules for Domain Names* (November 2000) IP Asia, Vol. 13 no. 9, Euromoney Institutional Investor PLC, pp 28-30;

Kennedy, G. *Domain Names - Hong Kong* (November / December 2000) Computer Law & Security Report, Vol. 16 no. 6, Elsevier Science Ltd, pp 391-393;

Kennedy, G. *New Codes and Protocols for Cyberspace: Current Issues in Internet Governance* (December 2000) Computer and Telecommunications Law Review, Vol. 6 Issue 8, pp 223-229;

Kennedy, G. *Intellectual Property Issues in E-Learning* (June 2001) e-Law Asia, pp 16-20;

Kennedy, G. *Missed Opportunity to Reshape Dot-hk's Future* (July / August 2001) IP Asia, Vol. 14 no. 6, Euromoney Institutional Investor PLC, pp 21-23;

Kennedy, G. *Electronic Commerce in Hong Kong* (2001) Heath & Sanders' Intellectual Property in the Digital Age, Kluwer Law International, pp 177-196;

Kennedy, G. *Intellectual Property in Hong Kong* (2001) IP Profiles, Euromoney Institutional Investor PLC, pp 49-53;

Kennedy, G. *E-Learning: Intellectual Property Issues in E-Learning* (March / April 2002) Computer Law & Security Report, Vol. 18 no. 2, Elsevier Science Ltd, pp 91-97;

Kennedy, G. *First Decisions Issued Under the New .HK Domain Name Dispute Resolution Policy in Hong Kong* (May 2002) World E-Commerce & IP Report, BNA International Inc., pp 15-16;

Kennedy, G. *Securing and Defending Domain Names in China* (30 May 2002) World eBusiness Law Report, Globe Business Publishing;

Kennedy, G. *Domain names DRS - Hong Kong - On the Trail of "Outblaze.com.hk" - First Decisions Under the New .HK Domain Name Dispute Resolution Procedures* (March / April 2002) Computer Law & Security Report, Vol. 18 no. 4, Elsevier Science Ltd, pp 278-279;

Kennedy, G. *Intellectual Property Rights and the Legal Challenges of e-Learning* (2002) Lifelong Learning in Action - Hong Kong Practitioner's Perspectives, Hong Kong University Press, pp 395-433;

Kennedy, G. *First Decisions Issued by the Hong Kong office of the Asian Domain Name Dispute Resolution Centre* (January 2003) *Asian Dispute Review*, Informa Asia Publishing Ltd, pp 199-200;

Kennedy, G. & Taylor, D. *China Opens its Domain Name Registrations to the World* (March 2003) *World Internet Law Report*, Vol. 4 issue 3, BNA International Inc., pp 6-9;

Kennedy, G. & Taylor, D. *Prepare for China's Domain Name Explosion* (April 2003) *Managing Intellectual Property*, Euromoney Institutional Investor PLC, pp 35-38;

Kennedy, G. & Lam, K. *First Decisions Issued by the Beijing Office of the Asian Domain Name Dispute Resolution Centre* (April 2003) *Asian Dispute Review*, Hong Kong International Arbitration Centre, pp 19-21;

Kennedy, G. *Hong Kong* (2003) *Intellectual Property Law in Asia*, Kluwer Law International, pp 117-150;

Kennedy, G. & Harland, J. *Launch of Second Level .hk Domain Names* (January 2004) *World Internet Law Report*, Vol. 7 no. 1, BNA International, Inc., p 24;

Kennedy, G. & Wang, P. *Beijing Cinet Loses to Well-Known Brand Owner Again (Case No. DCN-030000067)* (March 2004) *Asian Dispute Review*, Hong Kong International Arbitration Centre, pp 17-18;

Kennedy, G. & Wang, P. *Haixin Jiang v Koninklijke Philips Electronics N.V. - Shanghai Court Hears Appeal from WIP Decision* (June 2004) *Intellectual Property Forum*, Issue 57, The Intellectual Property Society of Australia and New Zealand, p 74;

Kennedy, G. & Wang, P. *Trade fair organiser settles domain name dispute* (June 2004) *World Trademark Law Report*, Globe Business Publishing Ltd;

Kennedy, G. & Wang, P. *Wal-Mart Recovers Chinese Domain Name* (July 2004) *World Internet Law Report*, Vol. 5 no. 7, BNA International, Inc. pp 9-10;

Kennedy, G. & Wang, P. *Patek Philippe Recovers .cn Domain Names* (July 2004) *World Internet Law Report*, Vol. 5 no. 7, BNA International, Inc. pp 10-11;

Kennedy, G. *Cyber branding - How to Protect Your Domain Name in the Virtual World* (November 2004) *Asian Counsel*, Vol. 2 Issue 9, Pacific Business Press Limited, pp 44-46;

Kennedy, G. & Lui, V. *How to Protect Your Rights in the Virtual World* (2004) *Xpress*, Vol. 10, the Hong Kong Designers' Association, pp 13-15;

Kennedy, G. & Tai, J. *“.HK” Chinese Domain Name to be Available in 2006* (December 2005) *Intellectual Property Forum*, Issue 63, The Intellectual Property Society of Australia and New Zealand, p 64;

Kennedy, G. & Lam, J. *Study the Small Print in Domain Name Dispute Rules* (December 2005 / January 2006) *Managing Intellectual Property*, Euromoney Institutional Investor PLC, pp 21-23;

Kennedy, G. & Chung, V. *New .CN Domain Name Dispute Resolution Policy Makes Recovery More Difficult* (June 2006) *Intellectual Property Forum*, Issue 65, The Intellectual Property Society of Australia and New Zealand, p 61;

Kennedy, G. *Soft Launch Period Starts for Chinese “.HK” Domain Names* (3 October 2006) *World Trademark Law Report*, Globe Business Publishing Ltd;

Kennedy, G. & Lam, J. *China - Electronic Commerce - Domain Names* (June 2006) *Computer and Telecommunications Law Review*, Vol. 12 Issue 4, Sweet & Maxwell Limited, pp 81-82;

Kennedy, G. *What are Internationalized Domain Names and Should One Embrace such Names Openly?* (January 2007) *Internet & E-Commerce Alternative Dispute Resolution*, University Malaya Press, pp 73-80;

Kennedy, G. & Chow, R. *Fight for Your Domain Rights - China & Hong Kong* (June 2007) *Managing Intellectual Property*, Euromoney Institutional Investor PLC, pp 45-48;

Kennedy, G. & Chow, R. *Official Launch of .HK Chinese Domain Names* (May / June 2007) *Computer Law & Security Report*, Vol. 23, No. 3, Elsevier Science Ltd, p 241;

Kennedy, G. & Doyle, S. *Hong Kong* (2008) *E-Commerce in 27 Jurisdictions Worldwide, Getting the Deal Through*, pp 70-75.

## **SELECTION OF RELEVANT PRESENTATIONS (DOMAIN NAMES)**

*E-Commerce in Hong Kong - the legal issues* (6 March 2000);  
*Conducting Business Over the Internet - the Legal Issues* (13 January 2001);  
*E-Commerce - Domain Names* (16 February 2001);  
*Dotcoms - Tangible & Intangible Assets* (March 2001);  
*Securing and Protecting Your Domain Names - Practical Strategies* (4 June 2002);  
*An Introduction to Trade Marks and Domain Names* (29 June 2004);  
*Dispute Resolution Procedures for Domain Name Disputes* (23 September 2004);  
*What are Internationalized Domain Names and Should One Embrace Such Names Openly?* (4 October 2005, Kuala Lumpur) Conference: Alternative Dispute Resolution in Internet and E-Commerce: Asian Perspective, jointly organized by the Asian Domain Name Dispute Resolution Centre and the Malaysian Dispute Resolution Centre;  
*Domain Name Dispute Resolution in Asia* (6 October 2005);  
*The Domain Name System and the UDRP* (26 October 2006, Hong Kong) Asian Domain Name Dispute Resolution Centre Conference: Domain Name Dispute Resolution;  
*Rights or Legitimate Interests - focusing on UDRP para 4(a)(ii)* (26 October 2007, Beijing) CIETAC/HKIAC/ADNDRC Conference on Domain Name Dispute Resolution & ODR: Asian Perspective;  
*Domain Names: Telephone Numbers or an Extension of your Brand?* (26 September 2008).