

**Dr. Holger P. Hestermeyer**

Dickson Poon School of Law  
King's College London, Strand  
London WC2R 2LS, UK  
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**Personal Data**

Date of birth: 19.03.1975  
Place of birth: Paderborn, Germany (German)

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**Employment**

- King's College Dickson Poon School of Law, 2015 – London**  
Shell Reader in International Dispute Resolution  
Fellow, Institute for Transnational Law; Director King's Forum on International Dispute Resolution, Convenor and pathway leader LL.M. pathway on international dispute resolution
- House of Lords, European Union Committee 2016 – 2017 London**  
Specialist Adviser to assist the External Affairs Sub-Committee for its inquiry into trade in goods with the EU after Brexit
- Court of Justice of the European Union, 2012 – 2014 Luxembourg**  
Référéndaire in the cabinet of Advocate General Pedro Cruz Villalón, 2013-2014 First Advocate General, draft opinions in all areas of EU law as well as international law; research on EU law, international law, the law of EU Member States and comparative law
- Max Planck Institute for Comparative Public and International Law Heidelberg, 2006-2012 Germany**  
Head of a Research Group (2007-2012), Senior Research Fellow (2006-2007), press spokesperson of the Institute (2011-2012); research, teaching (University of Heidelberg), consultancies (e.g. on nuclear non-Proliferation for the German Foreign Office and as court-appointed expert on US corporate law), internal advisor, Max Planck Encyclopaedia of Public International Law; academic positions during this time:
- Heidelberg Centre for Latin America, 2007-today Chile**  
Member of the faculty of the LL.M. in International Law, Investment and Trade offered by the Universities of Heidelberg and the University of Chile, teaching classes on general international law
- Westfälische Wilhelms-Universität Münster, winter term 2011 / 2012 Germany**  
Lecturer for European Union Law II
- European University Institute Fiesole, 2009 Italy**  
Visiting Fellow
- Instituto de Investigaciones Jurídicas, UNAM, 2009 Mexico**  
Visiting Fellow
- UC Berkeley School of Law 2008 USA**  
Lecturer for WTO Law (fall term), senior visiting research fellow (spring term)
- Court of Appeals Hamburg, 2004-2006 Germany**  
Articles (Referendar), working at Lovells (Hamburg, Madrid, Alicante, 2005/2006, EU law, ECHR, trademark law, competition law, international civil procedure, unfair advertising), German University of Administrative Sciences Speyer (2005, classes on leadership and media law), German Foreign Office (2005, task force ICC), Local Court Hamburg (2004-2005, assist judges in civil law / criminal law)
- Max Planck Institute for Comparative Public and International Law Heidelberg, 2001-2002 Germany**  
Junior Research Fellow
- Ministère de l'Intérieur, Paris, Winter 1998 France**  
Intern at the Dept. of public liberties and legal affairs / sub-dept. for litigation and legal affairs, research on EU law
- Legislative Council Secretariat, Hong Kong, Winter 1997 Hong Kong**  
Intern at the Legal Service Division, research on subversion and secession

## Selected Professional Activities and Qualification

### **Society of International Economic Law**

Co-Executive Vice President (2014 – today), Member of the Executive Council (2008 – today)

### **European Society of International Law**

Co-Convenor of the Interest Group in International Courts and Tribunals (with H el ene Ruiz-Fabri, Serena Forlati) (2016 – today)

Co-Convenor of the Interest Group in International Economic Law (with Peter-Tobias Stoll, Elisa Baroncini, Marina Trunk-Fedorova, Catharine Titi (2016 – today)

### **Bar Admissions**

New York State Bar (2001), 2<sup>nd</sup> German State Examination (2006)

### **Red Latinoamericana de Derecho Econ mico Internacional,**

Co-Director (2009-2014)

## Education

### **Doctorate in Law, University of Hamburg, 2006 (summa cum laude)**

Grade: *summa cum laude*

**Germany**

### **LL.M. UC Berkeley School of Law, 2000-2001 (high honours)**

**USA**

### **J.D. equivalent, Westf alische Wilhelms-University, M nster, 1995-2000 (distinction)**

Studied German law, English Law and Language, French Law and Language

**Germany**

## Honours

2012

### **ISUS-Prize**

Awarded by the Innovationsstiftung U. Sauer

2007

### **Otto-Hahn-Award, Otto-Hahn-Medal**

Awarded by the Max Planck Society for outstanding young researchers

2002 – 2004

### **German National Merit Foundation Doctoral Fellow**

Awarded by the German National Merit Foundation for work on a doctorate

2000 – 2001

### **Fulbright Fellow**

Awarded by the Fulbright Commission for an LL.M. programme

1998 - 2000

### **German National Merit Foundation Fellow**

Awarded by the German National Merit Foundation for university studies

1994

### **2<sup>nd</sup> prize Federal Competition in Foreign Languages (English, French, Russian) Special Prize USA of the Federal Ministry of Education and Science**

1993 and 1992

### **1<sup>st</sup> prize Russian Olympics, State of North Rhine-Westphalia**

## **Referee**

European Research Council, Oxford University Press, Cambridge University Press, BRILL, Israel Law Review, Leiden Journal of International Law, Revista Espa ola de Derecho Constitucional, Hungarian Yearbook of International Law, Verfassung und Recht in  bersee, Journal of International Dispute Settlement, Luxembourg National Research Fund

## **Editorial Boards**

Revista Latinoamericana de Derecho Comercial Internacional / Latin American Journal of International Trade (UNAM / Mexico); Revista de Derecho Econ mico Internacional (ITAM / Mexico); Contexto (Colombia)

## **Advisory Board**

Master in Human Rights Law, Universidade do Minho, Portugal

## **Languages**

Fluent in German, English, Spanish and French,  
good knowledge of Italian,  
some knowledge of Russian and Portuguese

## **Publications**

### **Monographs**

#### **Human Rights and the WTO: The Case of Patents and Access to Medicines**

Oxford University Press, Oxford, New York, 2007, 369 pages, Hardcover (ISBN 13: 978-0-19-921520-1; ISBN10: 0-19-921520-0)

Oxford University Press, Oxford, New York, 2008, 369 pages, Paperback (ISBN 13: 978-0-19-955217-7)

#### **translations**

- into Vietnamese: **Quyền con người và WTO nhìn từ mối tương quan giữa bằng sáng chế và quyền tiếp cận thuốc** (transl. by Tran Thi Thuy Duong), Ho Chi Minh City, Hong Duc (2014)
- into Farsi as: **Huqūq-i bashar va Sāzmān-i Jahānī-i Tijārat : ikhtirā'āt va dastrisi bih dārū** (transl. by Haleh Hosseini Akbamezhad and Hoorieh Hosseini Akbamezhad), Teheran, Mu'assasa-i Muṭāli'āt va Pazhūhish'hāyi Huqūq-i Shahr-i Dānish (2011).

**Reviews:** 1 The IP Law Book Review 46-49 (2010) (A. W. Torrance); 11(2) Bio-Science Law Review 39 (2010) (M. Blakeney – review article); 58 ICLQ 747-748 (2009) (F. Baetens); 20 EJIL 235-236 (2009) (D. Matthews); Book Review Monday (S. Albainy-Jenei); 84(4) International Affairs 837-838 (2008) (W. O. Scharlemann); 7 World Trade Review 584-586 (2008) (S. K. Sell); 14(6) International Trade Law & Regulation 122-129 (2008) (G. E. Evans); European Human Rights Law Review 2008, 561-562 (C. Stothers); Max Planck Yearbook of United Nations Law 12 (2008), 556-560 (C. Herrmann); 5 (2) Manchester Journal of International Economic Law 154-156 (2008) (D. Collins); IPRinfo 2/2008 (N. Bruun); 11 Mediterranean Journal of Human Rights 317-320 (2007) (M. Durfee); 9 (1) Bio-Science Law Review 36 (2006/2007) (M. Blakeney)

#### **WTO – Trade in Goods, Max Planck Commentaries on World Trade Law, Volume 5**

(ed. together with Rüdiger Wolfrum, Peter-Tobias Stoll), Martinus Nijhoff Publishers, Leiden, Boston, 2011, 1265 pages (ISBN 978-90-04-14566-5)

**Reviews:** 22 EJIL 1209-1211 (2011) (S. Cho)

#### **The Reception of International Law in South Africa – Strengthening the Rule of Law by Following the German Model**

(ed. together with Erika de Wet & Rüdiger Wolfrum), University of Pretoria Press, 2015, 528 pages (ISBN 978-1-920538-36-1)

#### **Estado y Futuro del Derecho Económico Internacional en América Latina, I Conferencia Bianual de la Red Latinoamericana de Derecho Económico Internacional**

(ed. together with José Manuel Álvarez Zárate, Michelle Grando), Universidad Externado de Colombia, Bogotá, 2013)

#### **Coexistence, Cooperation and Solidarity, Liber Amicorum Rüdiger Wolfrum**

(ed. together with Doris König, Nele Matz-Lück, Volker Röben, Anja Seibert-Fohr, Peter-Tobias Stoll, Silja Vöneky), Martinus Nijhoff Publishers, Leiden, Boston, 2012 (ISBN 978-90-04-18893-8)  
Vol. I 1082 pages

Vol. II 1130 pages

#### **Law of the Sea in Dialogue**

(ed. together with Nele Matz-Lück; Anja Seibert-Fohr; Silja Vöneky), Springer Verlag, Heidelberg, 2011, 189 pages (ISBN 0172-4770; ISBN 978-3-642-15656-4)

## ARTICLES & CHAPTERS

### WIPO

in: T. Cottier & K. Nadakavukaren Schefer, *Encyclopedia of International Economic Law*, Edward Elgar 2016 (forthcoming)

### Preguntas relativas al ATCI y el Acceso a Medicamentos

in: Becerra Ramírez & Martínez, *patentes y acceso a medicamentos* (UNAM 2016) (title of the volume subject to change)

### Towards a UK Trade Policy Post-Brexit: The Beginning of a Complex Journey

(together with Federico Ortino) In: *King's Law Journal* 2016, 452-462

### How Brexit Will Happen: A Brief Primer on EU Law and Constitutional Law Questions Raised by Brexit

in: *33 Journal of International Arbitration* 2016, 429-450

### A Rights-Based Approach to the Rule of Law in International Law

in: C. Feinäugle (ed.), *The UN and the Rule of Law*, Nomos 2016, 131-148

### The implementation of European Union Law in Germany

in: E. de Wet & H. Hestermeyer & R. Wolfrum (eds), *The Implementation of International Law in Germany and South Africa*, University of Pretoria Press, 444-467, 2015

### The reception of international law in the German legal order: An introduction

(together with Rüdiger Wolfrum & Silja Vöneky), in: E. de Wet & H. Hestermeyer & R. Wolfrum (eds), *The Implementation of International Law in Germany and South Africa*, University of Pretoria Press, 2-22, 2015

### The First Condition of Progress? Freedom of Speech and the Limits of International Trade Law

(together with Tomer Broude), *54 Virginia Journal of International Law* 295-321 (2014)

Reprinted in: C.L. Lim & Bryan Mercurio (eds), *International Economic Law after the Crisis: A Tale of Fragmented Disciplines*, Cambridge University Press, Cambridge 209-236 (2015)

### The Legality of Local Content Measures Under WTO Law

(together with Laura Nielson), *48 Journal of World Trade* 553-591 (2014)

### The Notion of "Trade-Related" Aspects of Intellectual Property Rights: From World Trade to EU Law – and Back Again

*International Review of Intellectual Property and Competition Law* 2013, 925-931

### Economic, Social and Cultural Rights in the World Trade Organization: Legal Aspects and Reality

in: Eibe Riedel, Gilles Giacca & Christophe Golay, *Economic, Social, and Cultural Rights: Contemporary Issues and Challenges*, Oxford University, Oxford, 260-285 (2014)

Translated into Spanish: **Los Derechos Económicos, Sociales y Culturales en la Organización Mundial del Comercio**, *Revista Tribunal Internacional* (Facultad de Derecho, Universidad de Chile) 1 (2012) 71-106

### Staatsvolk and Homogeneity

in: A. Annoni, S. Forlati & P. Franzina (eds), *The Changing Role of Nationality in International Law*, Routledge, Oxon 2013, 1-18 (hardcover)

in: A. Annoni, S. Forlati & P. Franzina (eds), *The Changing Role of Nationality in International Law*, Routledge, Oxon 2014, 1-18 (paperback)

### Reality or Aspiration? Solidarity in International Environmental and World Trade Law

in: *Coexistence, Cooperation and Solidarity: Liber Amicorum Rüdiger Wolfrum, H. Hestermeyer et al.* (Hrsg.), Martinus Nijhoff, Vol. 1, Leiden 2012, 45-63 (also published as a working paper)

### Mercenaries

In: Rüdiger Wolfrum (Hrsg.), *Max Planck Encyclopedia of Public International Law: Volume VII*, Oxford University

Press, Oxford 2012, 89-98 (2012)

### **Vienna Convention on Diplomatic Relations (1961)**

In: Rüdiger Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law: Volume X*, Oxford University Press, Oxford 2012, 697-709 (2012)

### **Art. 170 TFEU**

In: *The Law of the European Union*, Smit, Herzog (eds), LexisNexis, New Providence 2012, 1-24

### **Art. 171 TFEU**

In: *The Law of the European Union*, Smit, Herzog (eds), LexisNexis, New Providence 2012, 1-22 (together with F. Arndt)

### **Art. 172 TFEU**

In: *The Law of the European Union*, Smit, Herzog (eds), LexisNexis, New Providence 2012, 1-10 (together with F. Arndt)

### **Un análisis sincrónico del principio de la homogeneidad: Un principio clave de sistemas federales y sistemas de integración**

Published in Spain: *Las implicaciones constitucionales de los procesos de integración en América Latina: un análisis desde la Unión Europea*, Alejandro Saiz Arnaiz et al. (eds.), Instituto Vasco de Administración Pública, Bilbao 2011, 85-112.

In Brazil: *Direitos Humanos, Democracia e Integração Jurídica*, Armin von Bogdandy et al. (eds.), Lumen Juris, Rio de Janeiro 2011, 53-77.

In Chile: *Nuevas perspectivas en Derecho Público*, J. Ignacio Núñez Leiva (ed.), Librotecnia, Santiago 2011, 559-590.

in Venezuela: *Descentralización, Autonomía e Inclusión Social. El Desafío Actual de la Democracia*, C. Tablante & M. Morales Antoniazzi (eds), observatoriointernacional, Carracas 2011

### **Verschränkte Verfassungsräume: das Homogenitätsprinzip in Bund und Land**

in: *Jahrbuch des Föderalismus 2011, Nomos, Baden-Baden 2011, 127-140.* (also published as a working paper)

### **Preamble GATT**

(together with Andrew Grotto) in: Rüdiger Wolfrum & Peter-Tobias Stoll & Holger P. Hestermeyer (eds.), *Max-Planck Commentaries on WTO Law. Volume 5: Trade in Goods*, Martinus Nijhoff, Leiden, Boston, 42-52 (2011)

### **Art. III GATT**

in: Rüdiger Wolfrum & Peter-Tobias Stoll & Holger P. Hestermeyer (Hrsg.), *Max-Planck Commentaries on WTO Law. Volume 5: Trade in Goods*, Martinus Nijhoff, Leiden, Boston, 116-165 (2011)

### **Art. XIII GATT**

(together with Friedl Weiss) in: Rüdiger Wolfrum & Peter-Tobias Stoll & Holger P. Hestermeyer (eds.), *Max-Planck Commentaries on WTO Law. Volume 5: Trade in Goods*, Martinus Nijhoff, Leiden, Boston, 317-341 (2011)

### **Art. XVI GATT**

(together with Freya Baetens) in: Rüdiger Wolfrum & Peter-Tobias Stoll & Holger P. Hestermeyer (eds.), *Max-Planck Commentaries on WTO Law. Volume 5: Trade in Goods*, Martinus Nijhoff, Leiden, Boston, 365-385 (2011)

### **Art. XXI GATT**

in: Rüdiger Wolfrum & Peter-Tobias Stoll & Holger P. Hestermeyer (eds.), *Max-Planck Commentaries on WTO Law. Volume 5: Trade in Goods*, Martinus Nijhoff, Leiden, Boston, 569-593 (2011)

### **Tortuous Boundaries and Overlaps: Free Trade and Free Speech in International Law**

(together with Tomer Broude) in: ASIL (ed.), *Proceedings of the 103<sup>rd</sup> Annual Meeting of ASIL 2009*, 484-485 (2010)

### **Access to Medicines 2.0: Preferential Trade Agreements as an Impediment to Access**

In the Netherlands: André den Exter (ed.), *International Trade Law and Health Care: In Search of Good Sense*, Erasmus University Press, Rotterdam, 77-88 (2010)

In Brazil: Flávia Piovesan & Inês Virgínia Prado Soares (ed.), *Direito ao Desenvolvimento*, Editora Fórum, Belo Horizonte, 231-248 (2010)

Translated into Spanish: **Acceso a medicamentos 2.0: los acuerdos comerciales preferenciales como un impedimento al acceso**, in: Manuel Becerra Ramírez (ed.), *Propiedad Intelectual y Farmacéutica. Hacia una Política de Estado*, Universidad Nacional Autónoma de México, México, 33-52 (2013)

### **Chapter 245 Introduction to TEC, Title XV – Trans-European Networks**

in: Hans Smit et al. (eds.), *Smit & Herzog on The Law of the European Union*, LexisNexis Matthew Bender, Newark, San Francisco, 1-9 (looseleaf, 2008)

### **Chapter 246 Article 154 TEC On the Establishment and Development of Trans-European Networks**

in: Hans Smit et al. (eds.), *Smit & Herzog on The Law of the European Union*, LexisNexis Matthew Bender, Newark, San Francisco, 1-13 (looseleaf, 2008)

### **Chapter 247 Article 155 TEC On Achieving Trans-European Networks**

(together with Felix Arndt) in: Hans Smit et al. (eds.), *Smit & Herzog on The Law of the European Union*, LexisNexis Matthew Bender, Newark, San Francisco, 1-16 (looseleaf, 2008)

### **Chapter 248 Article 156 TEC On Trans-European Networks Measures**

(together with Felix Arndt) in: Hans Smit et al. (eds.), *Smit & Herzog on The Law of the European Union*, LexisNexis Matthew Bender, Newark, San Francisco, 1-8 (looseleaf, 2008)

### **Preamble GATS**

in: Rüdiger Wolfrum & Peter-Tobias Stoll & Clemens Feinäugle (eds.), *Max-Planck Commentaries on WTO Law. Volume 6: Trade in Services*, Martinus Nijhoff, Leiden, Boston, 17-29 (2008)

### **Art. XXVI GATS**

(together with Thamara Romero Montoya) in: Rüdiger Wolfrum & Peter-Tobias Stoll & Clemens Feinäugle (eds.), *Max-Planck Commentaries on WTO Law. Volume 6: Trade in Services*, Martinus Nijhoff, Leiden, Boston, 524-532 (2008)

**Reviews:** European Yearbook of Int. Econ. L. 2011, 477-480 (C. Ohler)

### **Canadian-made Drugs for Rwanda: The First Application of the WTO Waiver on Patents and Medicines**

In: 11 ASIL Insights 28 (2007)

### **Where Unity Is at Risk: When International Tribunals Proliferate**

in: Doris König & al. (eds.), *International Law Today: New Challenges and the Need for Reform?*, Springer, Heidelberg, 123-140 (2007)

### **Art. III GATT**

in: Rüdiger Wolfrum & Peter-Tobias Stoll & Anja Seibert-Fohr (eds.), *Max-Planck Commentaries on WTO Law. Volume 3: Technical Barriers and SPS Measures*, Martinus Nijhoff, Leiden, Boston, 2-45 (2007)

### **Das Recht auf ein faires Verfahren - Ausbildung von Richtern und Staatsanwälten in Afghanistan**

(together with Ramin Moshtaghi & Tilmann Röder), in: MPG (ed.), *Jahresbericht / Annual Report 2006* (DVD Jahrbuch 2006/2007 Tätigkeitsbericht Publikationen 2006), München (2007)

### **Personal Jurisdiction for Internet Torts: Towards an International Solution?**

in: 26 Northwestern Journal of International Law and Business 267 (2006)

### **Transboundary Harm: Internet Torts**

in: Russell Miller & Rebecca Bratspies (eds.), *Transboundary Harm in International Law. Lessons from the Trail Smelter Arbitration*, Cambridge University Press, Cambridge, 305 (2006)

**The Language of Trade Linkage: Lessons for the Singapore Issues Learned from TRIPS**

in: Steinmann & Höhne & Stoll (eds.), *Die WTO vor neuen Herausforderungen*, Boorberg, Stuttgart, München, Hannover, Berlin, Weimar, Dresden, 139-156 (2005)

**Access to Medication as a Human Right**

in: 8 *Max Planck Yearbook for United Nations Law* 101 (2005)

partly translated into Spanish: **Acceso a la Medicación en las Convenciones Internacionales**, en: Laura Clérico et al (eds), *Tratado del Derecho a la Salud Tomo II*, Abeledo Perrot, Buenos Aires, 1551-1584 (2013)

**Yearly Report from the Civil Decisions of the Bundesgerichtshof**

in: Russell Miller & Peer Zumbansen (eds.), *The Annual of German & European Law*, Berghahn Books, New York, Oxford, 437 (2004)

**Die völkerrechtliche Beurteilung des Irakkriegs im Lichte transatlantischer Rechtskulturunterschiede**

in: *ZaöRV* 64, 315 (2004)

**Flexible Entscheidungsfindung in der WTO. Die Rechtsnatur der neuen WTO Beschlüsse über TRIPS und Zugang zu Medikamenten**

in: *GRUR Int.* 2004, 194

**The Invalidity of ICANN's UDRP under National Law**

in: 3 *Minnesota Intellectual Property Review* 1 (2002)

**Transition from the Organization of African Unity to the African Union**

in: 3 *German Law Journal* 8 (1 August 2002)

**A Chamber of the Federal Constitutional Court Endorses Private Dentists' Information Service and Directory Within the Framework of the Right to Occupational Freedom**

in: 2 *German Law Journal* 18 (1.12.2001)

**Verfassungsgemäßheit eines Verschlüsselungsverbot es elektronischer Post: nationale Rechtslage**

in: Bernd Holz nage l & Stefan Pooth & Christoph Werthmann (eds.), *Datenschutz und Multimedia*, Schriften zum Informations-, Telekommunikations- und Medienrecht, Münster, Lit Verlag 1998

**NEWSPAPER CONTRIBUTIONS**

**Medicamentos, direitos humanos e patentes**

in: *Folha de São Paulo*, 6/15/2007 (together with Flavia Piovesan)

**Why Should We Trust the United Nations?**

in: *The Daily Californian*, 3/18/2003

**INTERVIEWS / EXPERT CITATIONS**

**Hans Joachim von der Burchard, EU makes big step toward setting investor court as global norm,**  
*Politico*, 2 February 2017

**Iana Dreyer, Advocate General says BITs with Singapore can only be terminated by member states,**  
*Borderlex*, 22 December 2016

**Joanna Sopinska, Malmström: TTIP to remain „in a freezer for quite some time“,**  
*EU Trade Insights*, 12 November 2016

**Joanna Sopinska, Brexit: Experts shed light on what UK can and cannot do next,**  
*EU Trade Insights*, 29 July 2016

**Ian Dunt, Everything you need to know about Theresa May's Brexit nightmare in five minutes,**  
*politics.co.uk*, 14 July 2016



**Hendrik Kafsack & Maximilian Weingartner, TTIP: Amerika soll bei unseren Gesetzen mitreden,**  
FAZ 27 January 2015

**PARLIAMENTARY REPORTS, FOR WHICH I ACTED AS EXPERT ADVISOR**

**House of Lords European Union Committee 16th Report of Session 2016-17, Brexit: trade in goods**  
Published 14 March 2017 (HL Paper 129, 111 pages)

**House of Lords European Union Committee 5th Report of Session 2016-17, Brexit: the options for trade**  
Published 13 December 2016 (HL Paper 72, 85 pages)