

NEHA MISHRA

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OVERVIEW

I am a legal academic researching on international legal issues in the digital economy and developing/teaching a diverse range of undergraduate and postgraduate law courses. I am a dual-qualified lawyer and have practiced law in top-tier law firms in the UK and India, as well as worked in two top technology companies in Singapore. I hold undergraduate and postgraduate degrees in law and public policy from top universities in Australia, India, Singapore, and the United Kingdom. My research interests include international economic law, digital trade, law of emerging technologies including Artificial Intelligence, internet governance, privacy, and cybersecurity governance.

WORK EXPERIENCE

Assistant Professor, Graduate Institute

September 2022 onwards

Lecturer, ANU College of Law, Australian National University

February 2021 – June 2022

- Teaching undergraduate and postgraduate courses at the ANU College of Law
 - Undergraduate: Competition Law, Property Law, Foundations of Australian Law
 - Postgraduate: Artificial Intelligence Law and Competition Law
- Conducting research and working on grants/collaborations in international economic law, digital trade, and data governance.
- Engaging in various service roles including:
 - Co-Editor, ANU College of Law SSRN Series.
 - Law Representative, ANU Press Board.
 - Custodian and Leadership Group, Network for Early Career Teachers and Researchers, ANU.
 - ECR Representative, Research Committee.

Postdoctoral Fellow, Centre for International Law, National University of Singapore

October 2019 – December 2020

Developing a research project on the interface of data governance and the digital economy, covering issues such as cybersecurity governance, data ethics and data protection. Some key research outputs of the postdoctoral fellowship are:

- Presenting in workshops for training government officials and international conferences as well as contributing to a team developing research initiatives and teaching for the Investment Law and Policy Programme at the Centre, including being a part of the team running the TradeLab Clinic at NUS.
- Developing research on data ethics and international trade law, key outputs include:
 - Article titled 'When International Trade Law Meets Data Ethics: A Brave New World' (published in *NYU Journal of International Law & Politics*).
 - Book Chapter on data ethics in international trade law (forthcoming in Shin-yi Peng et al (eds), *Artificial Intelligence and International Trade Law* (CUP, 2021)).
- Researching on cybersecurity and international trade, key research outputs include:
 - 'The Trade – (Cyber)security Dilemma and Its Impact on Global Cybersecurity Governance' (*Journal of World Trade*, 2020).
 - Book Chapter in an edited volume titled 'WTO Law and Cross-Border Data Flows: An Unfinished Agenda' (Mira Burri (ed), *Big Data and Global Trade Law*, Cambridge University Press, 2021).
 - Book chapter in *Empowering Digital Trade: The Future of Data Flows at the WTO* (with Andrew Mitchell) in Bryan Mercurio (ed), *Empowering Transformation: Connectivity and Cross-Border Data Flows* (Cambridge University Press, Forthcoming).
- Consulting international organisations on different projects related to digital trade and data governance:
 - A commissioned paper for the United Nations Economic and Social Commission for Asia and the Pacific on digital trade integration in ASEAN Region.
 - Commissioned paper for the UNCTAD Digital Economy Report 2021 on data flow regulations across the world.

Intern, Legal and Corporate Affairs, Microsoft Corporation, Singapore

January - May 2015

Working on a variety of matters with the Government Affairs team such as providing inputs and drafting industry submissions on policy issues in the Asia-Pacific region concerning IT services and electronic devices, including cloud computing; reviewing a variety of legal issues concerning IT services/products including reviewing trade policy and WTO law issues, competition law and IP issues in South-East Asia; and drafting internal memos on trade policy issues in Indonesia.

Intern, Government Relations, eBay Inc., Singapore

May 2014 - August 2014

Drafting policy submissions on e-commerce and e-payments within the ASEAN region and participating in various industry association meetings and meetings with public officials; funded by the Government Relations team for a year-long project for assessing the prospects of harmonization of e-payment regulations in the ASEAN region.

Lecturer, National Law School of India University, Bangalore, India

2012-13

Responsible for designing the curriculum and teaching undergraduate courses in Public International Law, Competition Law, and Law, Poverty and Development.

Associate, Economic Laws Practice, New Delhi, India **

2011-12

Leading a team of junior economists and lawyers in the competition/trade practice and reporting directly to the partner, on various mandates including:

- Advising one of the world's foremost internet search engine companies on competition law compatibility of proposed online marketing projects and an ongoing abuse of dominance proceeding before the Competition Commission of India. Recommended changes to the marketing methods of the company to avoid legal liability within India, which was adopted by the company while launching their products.
- Drafting of pleadings and instructing senior counsel in various competition law cases before the Competition Commission of India, including cartels in cement and pharmaceutical industry, and abuse of dominance in the media aggregation and sports industry. My inputs were particularly instrumental in adapting jurisprudence from EU competition law practice to the Indian context.
- Advising foreign governments on the compatibility of their domestic measures with international trade law.
- Involved in a project relating to the preparation of a database on non-tariff measures in India for International Trade Centre, Geneva.

Graduate Solicitor, Herbert Smith Freehills LLP, London, UK**

2008-10

As a graduate solicitor, I was placed in four different departments in the London offices of the firm: tax, competition law, infrastructure/projects and litigation. Some of the key assignments where I made notable contributions included:

- Assisting the litigation team working on a high-profile dispute between a private contractor and the London Underground by managing the document review for the case as well as drafting parts of the plaint.
- Assisting various teams drafting key contracts for various infrastructure development projects in different geographies including India, the Middle East and the UK; providing legal assistance on a World Bank project for drafting the transport policy of a developing country.
- Working on an abuse of dominance proceeding before the Office of Fair Trading (UK) in the online education software sector.
- Working on tax-restructuring for various M&A transactions in the UK.
- Was actively involved in preparing a petition filed before the Inter-American Commission on Human Rights for a death row convict based in Trinidad and Tobago.

**** Admitted to the bar in India and qualified as a solicitor in the UK**

EDUCATION

Melbourne Law School, University of Melbourne, Australia

2016 – 2019

PhD in Law; Approved with no corrections; Awarded the Harold Luntz Graduate Research Thesis Prize 2019 and Chancellors Prize for Research Excellence in Thesis 2020

Thesis title and brief description: *When Data Flows Across Borders: Aligning International Trade Law with Internet Policy Objectives*

This thesis studied the linkages between international trade law and internet governance, more specifically, focusing on government measures restricting cross-border data flows through the internet. The thesis developed a legal and policy framework to balance the objectives of international trade law with policy goals in internet governance, focusing on cybersecurity, privacy and online content regulation. In course of the PhD, I was selected/funded for the following visiting fellowships:

Visiting Research Fellow, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law
Researcher in Residence, World Trade Organization (Doctoral Support Programme), Geneva
Research Assistant, Global Economic Law Network, University of Melbourne

February – May 2019
 June – August 2019
 April 2016 – September 2019

Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore

2013-15

Masters in Public Policy; CGPA: 4.72/5; Placed in the Student's Roll of Honour for 2 semesters

Subjects: Policy Challenges, Policy Process and Analysis, International Trade Policy, International Political Economy, Urban Policy, Energy/Climate Change Policy, Dynamic Modelling, and Japanese

Dissertation: Harmonization of E-payments regulations in ASEAN: Opportunities and Challenges

London School of Economics, London, UK

2010-11

Master of Laws (LLM) in Public International Law; Graduated with distinction.

Subjects: Public International Law, International Economic Law, International Law of Self-Determination, EU Competition Law, Public International Law and Poverty, and French

Dissertation: Arguing a Case for Self-Determination in Kashmir

National Law School of India University, Bangalore, India

2003-08

Bachelor of Humanities, Bachelor of Laws (B.A. LLB. Hons.); C.G.P.A.: 5.72/7.00.

PUBLICATIONS

Books/Monographs

- International Trade Law and Data Governance: Aligning Perspectives and Practices (Hart Publishing, Forthcoming – under contract).

Journal Articles

- Breaking Down Digital Walls: The Interface of International Trade Law and Online Content Regulation through the Lens of the Chinese VPN Measure, *Brooklyn Journal of International Law*, Vol 47(2), Forthcoming).
- International Trade Law Meets Data Ethics: A Brave New World, 53(2) *NYU Journal of International Law & Politics* 305-79 (2021).
- The Trade-(Cyber)security Dilemma and its Impact on Global Cybersecurity Governance, 54(4) *Journal of World Trade* 567-590 (2020).
- Privacy, Cybersecurity and GATS Article XIV: A New Frontier for Trade and Internet Regulation?, 19(3) *World Trade Review* 341-64 (2020).
- Building Bridges: International Trade Law, Internet Governance, and the Regulation of Data Flows, 52(2) *Vanderbilt Journal of Transnational Law* 463-509 (2019).

- Regulating Cross-Border Data Flows in a Data-Driven World: How WTO Law Can Contribute (with Andrew Mitchell), 22(3) *Journal of International Economic Law* (2019).
- Data at the Docks: Modernising International Trade Law for the Digital Economy (with Andrew Mitchell), 20(4) *Vanderbilt Journal of Entertainment and Technology Law* 1073- 1134(2018).
- The Role of the Trans-Pacific Partnership in the Internet Ecosystem, 20 (1) *Journal of International Economic Law* 31-60 (2017).
- Dear Prudence: Allowances under International Trade and Investment Law for Prudential Regulation in the Financial Services Sector (With Andrew Mitchell and Jennifer Hawkins), 19(4) *Journal of International Economic Law* 787-820 (2016).
- Data Localization Laws in a Digital World: Data Protection or Data Protectionism? 4(1) *The Public Sphere: Journal of Public Policy* 135-158 (2016).
- Registration of Non-traditional Trademarks, 13(1) *Journal of Intellectual Property Rights* 35-42 (2008).
- Food Security through WTO Rules: Should the Policy Space be Expanded, *The Public Sphere* (January 2015).
- Proper Purpose Doctrine in Relation to Director's Fiduciary Duties, 06(01) *Company Law Journal* 17-24 (2006).

Book Chapters (Refereed)

- Data Governance and Digital Trade in India: Losing Sight of the Forest for the Trees? in Anupam Chander and Haochen Sun (ed), *Data Sovereignty Along the Digital Silk Road* (Oxford University Press, Forthcoming).
- Restrictions on Cross-Border Data Flows in Andrew Mitchell and Elizabeth Sheargold, *Principles of International Trade and Investment Law* (Edward Elgar, 2021).
- Empowering Digital Trade: The Future of Data Flows at the WTO (with Andrew Mitchell) in Bryan Mercurio (ed), *Empowering Transformation: Connectivity and Cross-Border Data Flows* (Cambridge University Press, Forthcoming).
- Digital Trade in the Australia – EU FTA: A Future-Forward Perspective in *European Yearbook of International Economic Law* (Springer, 2022).
- International Trade Law and Data Ethics in Shin-yi Peng et al (eds), *Artificial Intelligence and International Trade Law* (Cambridge University Press, 2021).
- WTO Law and Cross-Border Data Flows: An Unfinished Agenda (with Andrew Mitchell) in Mira Burri (ed), *Big Data and Global Trade Law* (Cambridge University Press, 2021).

Commissioned Papers

- Can Trade Agreements Narrow the Global Data Divide? A Novel Agenda for Digital Trade Law, Hinrich Foundation Research Paper Series, January 2022.
- India: Leading or Thwarting Data Governance and Digital Trade, Hinrich Foundation Research Paper Series, August 2021.
- Background Paper, UNCTAD Digital Economy Report 2021.
- Digital Trade Integration in Preferential Trade Agreements (with Andrew Mitchell), *UNESCAP ARTNeT Working Paper Series*, no. 191 (2020).
- International Trade, Internet Governance, and the Shaping of the Digital Economy, *UNESCAP ARTNeT Working Paper Series*, No. 168 (2017).
- International Trade Law Perspectives on Paperless Trade and Inclusive Digital Trade (with Andrew Mitchell), *UNESCAP ARTNeT Working Paper Series*, No. 170 (2017).

Blog Posts

- Digital Trade in the Time of COVID-19, *CIL Blog* (10 May 2020).
- Cross-Border Data Flows in WTO Law: Moving Towards an Open, Secure and Privacy-Compliant Data Governance Framework, *Spicy IP* (27 April 2020).
- Modernising International Trade Law for the Digital Economy: Towards a Multidimensional and Multistakeholder Approach (with Andrew Mitchell), *APEC Currents* (November 2018).
- El Papel de los Acuerdos Comerciales en el Ecosistema de Internet: Un Estudio del CPTPP, *Puentes*, Vol 9, Number 18 (November 2018).

AWARDS

- Recipient of the University of Melbourne Chancellor's Prize for Excellence in the PhD Thesis, 2020 (awarded to six theses from all disciplines across University of Melbourne in 2020).
- Recipient of the Harold Luntz Graduate Research Thesis Prize, 2019 (awarded to the best thesis in Melbourne Law School in 2019).
- Recipient of the John H Jackson Prize, 2017 (Shared with Andrew Mitchell and Jennifer Hawkins) (awarded annually to the article or other contribution in the *Journal of International Economic Law* that most significantly breaks new ground and adds new insights to the study and understanding of international economic law, especially in fields beyond a self-contained analysis of WTO law).
- Recipient of Australian Postgraduate Award and International Postgraduate Research Scholarship, 2016-19.
- Recipient of Melbourne Research Scholarship, 2015-16.
- Recipient of the Lee Kuan Yew School of Public Policy Kewalram Chanrai Award, 2013-15.

CONFERENCE PRESENTATIONS AND PUBLIC SPEAKING ENGAGEMENTS

- Chair/Panelist, Asian International Economic Law Network Biennial Conference, December 2021 (Session titled "Dispute Settlement: New Trends and Issues").
- Panelist, EU-Australia Free Trade Agreement Conference, organised by University of Wollongong, Jindal Global University and IIFT, November 2021 (Paper titled "Digital Trade in Australia – India CEC").
- Panelist, Workshop on Regulating the Digital Economy, organised by Blavatnik School of Government (Oxford), September 2021.
- Panelist, Society of International Law Biennial Conference, 7-9 July 2021 (Session on Global and Regional Data Governance in Digital Trade, Paper titled "Trade and Data Governance: Calling for a Multipronged Approach in International Trade Agreement").
- Speaker, CATO Online Live Policy Forum on "Can International Rules Improve Domestic Regulation of Digital Trade?", June 2021.

- Panelist, Data Sovereignty along the Digital Silk Road, 5-6 January 2021, organised by Georgetown University and University of Hong Kong (Paper titled “India’s Data Sovereignty Approach”).
- Panelist, Taiwan Internet Governance Forum, 11-12 November 2020; Session on “The WTO’s Digital Trade Initiative: Implications for Asia”.
- Panelist, Geneva Trade Week, 29 September 2020; Session on “Competition and Innovation in the Digital Age”.
- Panelist, International Law and Security Interests Conference, University of Amsterdam, 14-15 November 2019 (Paper titled “Unravelling the Trade – Cybersecurity Dilemma: Justifying Cybersecurity Measures in International Trade Law”).
- Panelist, 6th Biennial Conference of the Asian International Economic Law Network, Taipei, 26-27 October 2019 (Paper titled “Data Ethics and International Trade Law: Possibilities and Challenges”).
- Panelist, WTO Public Forum 2019 on “The Next Generation and Trust in the Internet: Best Practices for Addressing Cross-Border Legal Challenges”, 11 October 2019.
- Panelist, Internet Law Research Colloquium, University of Geneva, 21 June 2019 (Presentation titled “Cross-Border Data Flows and International Trade Law: Aligning Trade and Internet Policy Objectives”).
- Panelist, 8th PEPA SIEL Conference, King’s College London, 30-31 May 2019 (Paper titled “Justifying Cybersecurity Measures Under Security Exceptions in International Trade Law”).
- Panelist, Conference on Big Data and Global Trade Law, University of Lucerne, 14-15 November 2018 (Paper titled “Regulating Cross-Border Data Flows in a Data-Driven World”).
- Panelist, WTO Public Forum on Data Localization: Balancing Trade Disciplines and National Policy Objectives, 4 October 2018.
- Panelist, 26th Annual ANZSIL Conference, Wellington, 5-7 July 2018 (Presentation titled “From Cyber Sovereignty to Internet Openness: How International Trade Law Regulates Data Flows”).
- Panelist, 7th PEPA/SIEL Conference, European University Cyprus, 13-14 April 2018 (Paper titled “Privacy, Cybersecurity and GATS Article XIV: A New Frontier for Trade and Internet Regulation?”).
- Panelist, Conference on Digital Trade in the Asia-Pacific: Identifying Challenges, Seeking Solutions, Singapore Management University, 6 December 2017 (Paper Entitled “Modernising International Trade Law for the Digital Economy”).
- Panelist, Workshop on Building a New Multistakeholder Model for Cross-Border Data Flows Governance: Identifying Best Practices and Achieving Impact, World Economic Forum, 25 September 2017.

EXTERNAL TEACHING

- Conducting training for Australian Government Officials (Department of Foreign Affairs and Trade) on Digital Trade Law, July 2022.
- Guest Lecturer, LLB/LLM Seminar Course on Digital Trade and the Digital Economy, National University of Singapore, Jan 2022.
- Invited as a Guest Speaker for the Trade and Investment Law Timeout Seminar Series, Department of Foreign Affairs and Trade (Australia), August 2021 (Seminar on WTO Law, Public Policy Exceptions and Cross-Border Data Flows).
- International Institutions and Global Governance, Monash Law School, August 2021 (Session on Digital Trade).
- Seminar on International Data Regulations, Udayana University (Bali), Indonesia, June 2021.
- Winter School on Internet Governance in Brazil, Universidad de San Andrés and Universidad Federal do Rio Grande do Sul, August 2019.
- Digital Trade Law (convened by Dr Joshua Meltzer), Melbourne Law School Masters Programme, August 2018.

OTHER ACADEMIC ENGAGEMENTS

- Advisory Board Member, Trade Law 4.0: Trade Law for the Data-Driven Economy, University of Lucerne (2021-present).
- Core Organizing Team, Asian International Economic Law Network Biennial Conference 2021.
- Member, UNCTAD Digital Economy Report 2021, Peer Review Panel.
- Affiliate Fellow, Centre for Public Policy Research, 2020-present.
- Expert Witness, Inquiry into the Trade System and the Digital Economy, Government of Australia, 23 August 2018.
- Lead Organizer, Conference on Digital Trade in the Asia-Pacific: Identifying Challenges, Seeking Solutions, Singapore Management University, 6 December 2017.
- Peer Review Board, NLIU International Trade Law Journal.
- Peer reviewer for various journals including Journal of World Investment and Trade, Journal of International Trade Law & Policy, Melbourne Journal of International Law, Natural Resources Forum, Journal of International Economic Law, Journal of International Dispute Settlement, Asia-Pacific Journal of Human Rights, Australian Yearbook of International Law, Social Science Computer Review and World Trade Review.

GRANTS

- Chief Investigator, *Connecting the Global to the Local: How Global E-Commerce Can Empower Cottage Industries in India, with a Case Study of the Khadi sector* (Primary Chief Investigator: D Dhanuraj (CPPR, India) and Chief Investigator: Andrew Mitchell (Monash Law)); Project report due: August 2021; Grant amount: US\$32,000; Grant agency: Atlas Network.

CONSULTING ENGAGEMENTS

- Consultant for Digital Cooperation Organization, Project on Regulatory Mapping of Cross-Border Data Flows in DCO Countries
- Consultant for Hinrich Foundation for their Digital Trade Project.
- Consultant for UNCTAD Digital Economy Report 2021.
- Consultant for UNESCAP Asia-Pacific Regional Integration: Measuring, Monitoring, and Improving Performance for Sustainable Development.

MEMBERSHIPS

Society of International Economic Law; Australia New Zealand Society of International Law; International Law Association (Singapore Branch); Asian Privacy Scholars Network; Asian International Economic Law Network.