

Australian Centre for Intellectual
Property in Agriculture

Annual Report
2005

Australian Centre for Intellectual Property in Agriculture

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Director's Report

2005 was a very successful and important year for the Centre. In the fifth year of the Centre's operations, the Centre expanded its operations to The University of Queensland where it is hosted by the TC Beirne School of Law. The Centre maintains nodes at Griffith University and The Australian National University. The Centre was also pleased with its grant success: the Centre was awarded new research funding from the Grains Research and Development Corporation (GRDC) and the Rural Industries Research and Development Corporation (RIRDC). ACIPA was also successful in its application for funding from Horticulture Australia Limited (HAL) which enables the Centre to further extend its activities across the Australian agricultural sector.

The Centre welcomed Associate Professor Leanne Wiseman as Associate Director of ACIPA at Griffith University. We also welcomed Jay Sanderson as a Research Fellow in the Centre, based at Griffith University.

I would like to take this opportunity to extend our thanks to the many individuals and organisations that have helped to make 2005 such a success for the Centre. In particular, I would like to thank GRDC, HAL, RIRDC, the Australian Research Council (ARC), The University of Queensland, Griffith University and The Australian National University for their support. I would also like to thank the Plant Breeder's Rights Office at IP Australia, and the Australian Institute for Commercialisation (AIC) for their assistance with our ARC Linkage projects.

Professor Brad Sherman
Director

Structure and Operation

Directorate

Director: Professor Brad Sherman, The University of Queensland

Associate Directors Associate Professor Robert Burrell, The University of Queensland
Dr Matthew Rimmer, The Australian National University
Associate Professor Leanne Wiseman, Griffith University

Academic

Research Fellows: Ms Kathryn Adams, Griffith University
Mr Michael Handler, The Australian National University
Mr Stephen Hubicki, The University of Queensland
Dr Charles Lawson, The University of Queensland
Mr Jay Sanderson, Griffith University
Mr Antony Taubman, The Australian National University

Adjunct Research Fellows: Professor Lionel Bentley, University of Cambridge
Associate Professor Mark Lunney, The University of New England
Associate Professor Justin Malbon, Griffith University

Administrative

Centre Manager: Ms Carol Ballard, Griffith University

Administrators: Mr Allan Eedy, Griffith University
Mrs Vera Joveska, The Australian National University

Research

Research forms a core part of ACIPA's activities. In particular, it underpins, shapes and directs our education, training and policy work. Our aim is to produce high quality research focusing on intellectual property and agriculture, and to highlight the unique and distinctive intellectual property issues that arise in the agricultural sector.

Research Grants

New Grants in 2005

- Sherman, B., *Improving Understanding and Awareness of Intellectual Property Amongst Grain Growers in Australia*, Grains Research and Development Corporation, July 2005-June 2008
- Sherman, B., *Maximising the Benefits of Intellectual Property for Australian Rural Industries*, Rural Industries Research and Development Corporation, July 2005-June 2006
- Burrell, R., & Morrison, D., *Management and Commercialisation of Intellectual Property*, Cotton Research & Development Corporation, 2005
- Burrell, R., *Copyright Reform in Australia 1900–1913*, Frederick Watson Fellowship, National Archives of Australia, September 2005-July 2006

- Sherman, B., *Maximising the Benefits of Intellectual Property for the Australian Horticultural Industry*, Horticulture Australia Limited, 2005–2008
- Sherman, B and Burrell, R., *Legal Liability of Farmers Growing Crops*, Department of Agriculture, Fisheries and Forestry, 2005

Existing Grants

- Sherman, B., Burrell, R., & Rimmer, M., *Gene Patents in Australia: Options for Reform*, Australian Research Council, ARC Discovery Project, 2003–2005
- Sherman, B., Burrell, R., & Wiseman, L., *Intellectual Property and the Rural Sector: Harvesting the Benefits of Science and Technology*, Australian Research Council, ARC Linkage Project, 2003–2005
- Malbon, J., Davison, M., Lawson, C., *Developing a Systematic, Inclusive and Just Jurisprudential Account of TRIPS*, 2004–2006, Australian Research Council, ARC Discovery Project

Current Research Programs

Intellectual Property: Understanding Plant Breeder's Rights

This project was undertaken as an ARC Linkage Grant with IP Australia as the industry partner. *Intellectual Property: Understanding Plant Breeder's Rights* project is an online web-based tool to explain plant breeder's rights to a range of different stakeholders at different levels of detail. It can be accessed at http://www.acipa.edu.au/frame_PBR.html.

Maximising the Benefits of Intellectual Property for the Australian Horticultural Industry

Intellectual property plays, and has the potential to play an even greater role, in the on-going competitiveness, sustainability and profitability of the Australian horticultural industry. This project aims to help the horticultural industry *as a whole* to maximise the benefits, and to minimise the costs, associated with intellectual property. This will be done through a range of means including ongoing advice and support, the delivery of targeted *IP Training Workshops* to rural based audiences, more specialised *IP Masterclasses*, the provisions and widespread distribution of *IP Fact Sheets* and *Reports* of key areas of importance to the industry, and the promotion of best practice in relation to the acquisition, commercialisation and management of intellectual property through, amongst other things, the production of a *Manual on Best Practice*.

Developing a Systematic, Inclusive and Just Jurisprudential Account of TRIPS

The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provides for the international regulation of the knowledge economy. Yet much of its text is legally uncertain, undermining its utility. This project will provide the first comprehensive scholarly jurisprudential account of TRIPS. This will enable greater certainty and efficiency in the enactment and implementation of compliant domestic legislation. The project will also provide the first socio-legal account of the WTO Dispute Resolution Body and the interpretive methodologies it employs for interpreting TRIPS. The project will also provide a jurisprudential account that promotes formally and substantively just dispute resolution outcomes.

Intellectual Property and the Rural Sector: Harvesting the Benefits of Science and Technology

Recent developments in agribusiness and biotechnology promise benefits for the rural sector. However, there has been little research into the Intellectual Property needs and expectations of the sector. This hampers policy debate, the development of effective commercialisation strategies, and undermines the effectiveness of Intellectual Property education. This project addresses these problems by ascertaining the Intellectual Property needs of rural Australia and aims to provide the understanding necessary to support the economic and social development of rural communities.

Gene Patents in Australia: Options for Reform

There has been vigorous public debate in Europe and the US over the patenting of genes and gene sequences. The Human Genome Project has highlighted some of the issues surrounding the commercialisation of knowledge gained through such applied research. In particular concerns have been expressed that patent monopolies and the costs associated with licensing fees may reduce access to genetic testing. This project will look at the important issue of intellectual property protection for genetic material. As well as looking at the status of patent protection for gene patenting in Australia, the project will look at issues raised by Myriad Genetics gene patents in relation to breast cancer (BRCA1 and BRCA2); which have fundamental ramifications for the delivery of health care in Australia. It will also look at the lessons to be drawn from the opposition proceedings underway in Europe challenging the validity of the patents such as those issued to Myriad Genetics.

Public Sector Research and Intellectual Property

In recent years, increased attention has been given to the nature and role that intellectual property law plays in relation to publicly funded research. This has given rise to questions about the extent to which such institutions should protect research via intellectual property, and the

impact that this may have upon the research culture. Similarly, questions have arisen about the best way for institutions to proceed when they wish to place research in the public domain. For the most part, these discussions have taken place in a research vacuum. This project will attempt to remedy this problem.

Biodiscovery and Access to Genetic Resources

This project will consider the interaction between currently recognised intellectual property rights and the conservation and exploitation of genetic resources, both in situ and in germplasm collections. This involves reviewing the international legal mechanisms that have been developed (notably in the FAO and the CBD), and ongoing negotiations concerning their development and implementation, as well as policy development undertaken by other agencies such as WIPO and UNESCO concerning intellectual property rights, access to genetic resources and traditional knowledge. It will consider the policy options at a domestic level, and the implications for resource management, as well as the practical legal tools that are available to custodians or collections of genetic resources.

International Intellectual Property

This project will concentrate on the legal and policy consequences of intellectual property rights forming part of the international trade rules system, through the incorporation of the TRIPS Agreement within the World Trade Organization package of agreements. It will consider the conception of intellectual property in the international trading environment, its role in multilateral and regional agreements on trade and related matters, the interaction between TRIPS and other international legal instruments, and the development of TRIPS dispute-settlement jurisprudence.

Access to Scientific Information

This project will examine the impact of intellectual property law upon the flow and exchange of scientific information. More specifically, it will consider the impact that patent law, copyright law, contract and database protection have upon scientific research. The project team will draw upon history of the scientific publishing as well as recent events such as the public library of science and digital archives as a way of ensuring public access to scientific information.

Biological Property

This project takes as its starting point the belief that the history of intellectual property law can teach us a lot about many of the issues that confronts contemporary legal system. The project will explore the impetus for, and the problems encountered when intellectual property law first began to consider whether protection should be extended to living matter. The scope of the project will include case studies on the US Plant Patent Act of 1930, UPOV, and the process by which plants were protected under Australian law.

Legal Recognition and Protection of Traditional Knowledge

This program will analyse the policy debate and specific negotiations concerning the protection of traditional knowledge, both within the existing national and international framework of intellectual property rights and in parallel forms. It will assess the implications of these developments for Australian policymakers and for the Australian legal and policy environment, and explore the possibilities within the Australian legal system for recognition and protection of traditional knowledge. The program will review the implications of strengthened international recognition of traditional knowledge for Australia's rural industries, in particular, access to plant varieties and related germplasm, and continuing access to export markets.

Publications

Books and Reports

- Adams, K. & Sherman, B., *Plant Breeder's Rights: A guide for Grain Growers* (2005)
- Burrell, R. & Handler, M., *Commercialisation and Management of Intellectual Property – Guidelines for Researchers and Research Managers*, Rural Industries Research and Development Corporation Report 05/005 (Canberra: Canprint, 2005), 52 + x pp
- Burrell, R. & Coleman, A., *Copyright Exceptions: The Digital Impact* (Cambridge: Cambridge University Press, 2005), 426 + xxix pp
- Lunney, M., *A Farmer's Choice?: Legal Liability of Farmers Growing Crops*, Department of Agriculture, Fisheries and Forestry Report (Draft), August

Book Chapters

- Burrell, R., 'Legal Protection for Multimedia Works' in C. Heath and A. Kamperman Sanders (eds), *Legal Regulation of the Gaming Industry* (Kluwer, 2005) (in press)
- Burrell R., and Bently, L., 'Copyright and Archives: the UK Position' in J. Besek, M. Crespin, and J. Ginsburg (eds), *The Legal Treatment of Archives* (New York: Kernochan Centre for Law, Media and the Arts, 2005), pp E1-E33
- Burrell, R. & Stellios, J., 'Copyright and Freedom of Political Communication in Australia' in J. Griffiths and U. Suthersanen (eds),

Copyright and Freedom of Expression: International and Comparative Perspectives (Oxford: Oxford University Press, 2005), pp 257- 286

- Handler, M., 'Television Broadcast Copyright: The Australian Experience' in F. Macmillan (ed), *New Directions in Copyright*, Volume 2 (Cheltenham: Edward Elgar)
- Sherman, B. & Hubicki, S., 'Terminator Genes as 'Technical' Protection Measures for Patents' in C. Heath and A. Kamperman Sanders (eds) *New Frontiers of Intellectual Property Law*, (Kluwer/Hart Publishing, 2005)
- Sherman, B. & Wiseman, L., 'Towards an Indigenous Public Domain?' in B. Hugenholtz (ed), *Intellectual Property and the Public Domain* (Kluwer, 2005)
- Taubman, A. 'Saving the Village: Conserving Jurisprudential Diversity in the International Protection of Traditional Knowledge' in J. Reichman & K.E. Maskus (eds), *International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime* (Cambridge: Cambridge University Press, July 2005)

Articles in Refereed Journals

- Burrell, R., 'The Requirement of Trade Mark Use' (2005) 16(4) *Australian Intellectual Property Journal*, pp 230-247
- Burrell, R. & Hubicki, S., 'Patent Law and Genetic Drift', (2005) 7(4) *Environmental Law Review*, pp 282-289
- Handler, M., 'The WTO Geographical Indications Dispute' (forthcoming) 69 *Modern Law Review*

- Handler, M., 'The Distinctive Problem of European Trade Mark Law' (2005) *European Intellectual Property Review*, pp 306-312
- Lawson, C., 'Information Asymmetry, GMOs and Strict Liability under the Gene Technology Act 2000 (Cth)' (2005) 5(2) *Queensland University of Technology Law and Justice Journal*
- Lawson, C. & Hindmarsh, R., 'Releasing GM Canola into the Environment – Deconstructing a Decision of the Gene Technology Regulator under the Gene Technology Act 2000 (Cth)' (2005) *Environmental and Planning Law Journal*
- Lawson, C., 'Rethinking the Exemption of Some Patent License and Assignment Conditions from the Trade Practices Act 1974 (Cth) Competition Laws' (2005) *Macquarie Journal of Business Law*, pp 1-43
- Lawson, C., 'Grant's Application: It's Time for a New Approach to a 'Public Interest' Exclusion from Patentability' (2005) 13(1) *Journal of Law and Medicine*, pp 135-146
- Lawson, C., 'Patenting Health-Related Databases and Information in Australia' (2005) 17(1) *Bond Law Review*, pp 58-91
- Lawson, C., 'Amgen, TKT and the Erythropoietin Patents – Patent Privileges in Preference to Competition' (2005) 16(3) *Australian Intellectual Property Journal*, pp 129-136
- Lawson, C., 'Implementing an Objective of the Convention on Biological Diversity: Intellectual Property, Access to Genetic Resources and Benefit Sharing in Australia' (2005) 22(2) *Environmental and Planning Law Journal*, pp 130-157

- Lawson, C., 'Patent Privileges and the National Competition Policy – Patent Scope and Allocation?' (2005) 33(1) *Australian Business Law Review*, pp 7-29
- Lunney, M., 'Personal Responsibility and the New Volenti' (2005) 13 *Tort Law Review*, pp 76-91
- Rimmer, M., 'A Piracy of the Public Domain' (2005) (submitted)
- Rimmer, M., 'Bloomsday: Copyright Estates and Cultural Festivals' (2005) 2(3) *SCRIPT-ed*, pp 383-428
- Rimmer, M., 'Japonica Rice: Intellectual Property, Scientific Publishing, and Data-Sharing', (2005) 23(3), *Prometheus*, pp 325-347
- Rimmer, M., 'The Jean Chretien Pledge to Africa Act: Patent Law and Humanitarian Aid' (2005) 15(7) *Expert Opinion on Therapeutic Patents*, pp 889-909
- Rimmer, M., 'Hail To The Thief: A Tribute To Kazaa', (2005) 2(1), *The University of Ottawa Law and Technology Journal*, pp 173-218
- Rimmer, M. & Bowrey, K., 'Rip, Mix, Burn: The Politics of Peer to Peer and Copyright Law' (2005) 10(7) *First Monday*. Reprinted as part of a retrospective collection on "Music and the Internet" edited by David Beer
- Rimmer, M., 'The Grey Album: Copyright Law and Digital Sampling' (2005) 114 *Media International Australia*, pp 40-53

- Rimmer, M., 'The Freedom To Tinker: Patent Law and Experimental Use' (2005) 15(2) *Expert Opinion on Therapeutic Patents*, pp 167-200
- Sherman, B. & Hubicki, S., 'The Killing Fields: Intellectual Property and Genetic Use Restriction Technologies', forthcoming *University of New South Wales Law Journal*
- Sherman, B. & Hubicki, S., 'Intellectual Property and Genetic Use Restriction Technologies', (2005) 6 *Intellectual Property Law and Policy Journal* (in Japanese), pp 1-31
- Wiseman, L., 'Moral Rights in the Australia Academy: Where to now?' (2005) 28(1) *UNSW Law Journal*, pp 98-121.

Reviews and Editorials

- Burrell, R., Review of 'Taplin (ed.), "Valuing Intellectual Property Rights in the Japan, Britain and the United States" (2005) 25 *Japanese Studies*, pp 210-213
- Rimmer, M., 'A Magic of Academia: Intellectual Property and Public Research' (2005) 26(9) *Incite*, p 10
- Rimmer, M., 'Hands off my iPod' (2005) Winter *ANU Reporter*
- Rimmer, M., 'Lessons from the Orchard' (2005), 57 *Ground Cover*
- Rimmer, M., 'A Sport of Nature: Patent Law and Plant Breeder's Rights', (2005) April/ May, *Ground Cover*, p 26
- Rimmer, M., 'A Sport of Nature: Patent Law and Plant Breeder's Rights' (2005) April/May *Ground Cover*, p 26

- Rimmer, M., 'High Court Rejects 'Uber-Copyright' in Stevens v Sony', CCH-Online, 12 October 2005
- Rimmer, M., 'A Nobility of Science and a Magic of Academia: Intellectual Property and Public Research', CCH-Online, 1 September 2005.

Conference Presentations

- Adams, K., *Plant Breeder's Rights and End Point Royalties*, Minter Ellison, Brisbane, April
- Adams, K., *Understanding End Point Royalties*, ABARE Regional Outlook Conference, Parkes, June
- Adams, K., *Understanding End Point Royalties*, ABARE Regional Outlook Conference, Renmark, September
- Burrell, R., *The US-Australia Free Trade Agreement and Fair Use*, 10th Annual ACIPA Copyright Conference, Brisbane, February
- Burrell, R., *The Requirement of Trade Mark Use: Recent Developments in Australia*, 13th Fordham IP Conference, New York, April
- Burrell, R., *Copyright Exceptions and the Australia/US Free Trade Agreement*, 'The Future of Copyright Exceptions', Sydney, June
- Burrell, R., *GM Crops and the Legal Liability of Farmers*, Biotechnology Australia 'Meeting of Minds' Conference, Canberra, July
- Burrell, R., *A Cautious Case for a Bill of Rights*, University of Glasgow, December

- Rimmer, M., *Gene Patents*, National Youth Science Forum, Canberra, January
- Rimmer, M., *The Garden of Australian Dreams: The Moral Rights of Landscape Artists*, AHRB Copyright Research Network, University of New South Wales in association with Birbeck College, University of London, March
- Rimmer, M., *Australian Icons: Authenticity Marks and Identity Politics*, University of Tasmania, April
- Rimmer, M., *The Copyright Term and the US-Australia Free Trade Agreement*, University of Tasmania, April
- Rimmer, M., *Intellectual Property for Scientists*, Co-operative Research Centre for Greenhouse Accounting, May
- Rimmer, M., *The Liberty Spire: International Intellectual Property Rights and International Architecture*, New Voices, The Lowy Institute, June
- Rimmer, M., *Intellectual Property and Agricultural Biotechnology*, 'Meeting of the Minds: Biotechnology Australia Roundtable on GM Crops', Canberra, July
- Rimmer, M., *Plant Breeder's Rights*, Plant Genomics Centre, The University of Adelaide, 25 August
- Rimmer, M., *Miami Heat: Patent Law, Informed Consent and Benefit-Sharing*, Genomics Directorate, Department of Health, WA Government, August

- Rimmer, M., *Freedom to Tinker: Patent Law and Experimental Use*, Copenhagen Business School, September
- Rimmer, M., *A Piracy of the Public Domain: Copyright Law and the Australia-United States Free Trade Agreement*, Structures of Power: Information, Knowledge, and Property, Uppsala University, September
- Rimmer, M., *In the Line of Copyright Fire: Culture, Knowledge and the Information Age*, Uppsala University, September
- Rimmer, M., *Hands off my iPod: Copyright Law and Consumers' Rights in the Digital Millennium*, The University of Ottawa, September/October
- Rimmer, M., *Intellectual Property Issues in Agriculture: Trends and Challenges*, Avcare Summit, Gold Coast, October
- Sherman, B., *The Prehistory of Intellectual Property Rights in Living Organisms*, 'Normativities: Law, Science 'Society' Conference, Bielefeld, Germany, July
- Sherman, B., *The Nature of the Intangible: Intellectual Property and Biological Innovations*, The University of Queensland Inaugural Lecture Series, Brisbane, August
- Sherman, B., *Intellectual Property: Challenges for Growers*, Crop Science Society of SA, Roseworthy, August

Appointments

- Kathryn Adams was appointed as a member of the Independent Panel to review the *Gene Technology Act 2000*.

- Brad Sherman was appointed a member of the Prime Minister's Science, Engineering and Innovation Council (PMSIEC) Working Group looking at biodiscovery in Australia. He was also appointed a member of the Desert Knowledge Cooperative Research Centre's Indigenous Intellectual Property Working Group.

Training

Intellectual property training forms a core part of ACIPA's primary activities. The aim of our training is to ensure that growers are properly equipped to understand the nature of intellectual property law and how it affects them in their daily activities. We also aim to ensure that the money invested in agricultural intellectual property is protected in a way that provides the most appropriate returns to growers. To this end we also aim to provide intellectual property training to research scientists and research managers.

In 2005, ACIPA delivered 43 IP Training Workshops for farmers, research scientists and the rural and horticulture industries. ACIPA also held its inaugural IP Master Class for Horticulture Australia Limited.

Intellectual Property Training Workshops

- *Intellectual Property: Challenges for Grain Growers*, Emerald (QLD), February
- *Intellectual Property: Challenges for Grain Growers*, York (WA), March
- *Intellectual Property: Challenges for Grain Growers*, Katanning (WA), March
- *Intellectual Property: Challenges for Grain Growers*, Geraldton (WA), March
- *Intellectual Property: Challenges for Grain Growers*, Esperance (WA), March
- *Intellectual Property: Challenges for Grain Growers*, Mildura (VIC), March
- *Intellectual Property: Challenges for Grain Growers*, Geelong (VIC), March

- *Intellectual Property: Challenges for Grain Growers*, Charlton (VIC), March
- *Intellectual Property: Challenges for Grain Growers*, Naracoorte (SA), March
- *Intellectual Property: Challenges for Grain Growers*, Maitland (SA), March
- *Intellectual Property: Challenges for Grain Growers*, Dubbo (NSW), March
- *Intellectual Property: Challenges for Grain Growers*, Clare (SA), March
- *Intellectual Property: Challenges for Grain Growers*, Roma (QLD), March
- *Intellectual Property: Challenges for Grain Growers*, Dalby (QLD), March
- *Intellectual Property: Challenges for Grain Growers*, Wagga Wagga (NSW), March
- *Intellectual Property: Challenges for Grain Growers*, Moree (NSW), March
- *Cotton RDC Intellectual Property Policy & Procedures*, Narrabri (NSW), April
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Nambour (QLD), May
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Cleveland (QLD), May
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Cairns (QLD), July
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Sydney (NSW), July
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Alstonville (NSW), July
- *Intellectual Property for Scientists*, Toowoomba (QLD), August
- *Intellectual Property for Scientists*, Brisbane (QLD), August

- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Knoxfield (VIC), August
- *Intellectual Property for Scientists*, Wagga Wagga (NSW), August
- *Cotton RDC Intellectual Property Policy & Procedures*, Narrabri (NSW), August
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Hobart (TAS), August
- *Intellectual Property for Scientists*, Hobart (TAS), August
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Lenswood (SA), August
- *Intellectual Property for Scientists*, Melbourne (VIC), August
- *Intellectual Property for Scientists*, Canberra (ACT), August
- *Intellectual Property for Scientists*, Perth (WA), August
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Bunbury (WA), August
- *Intellectual Property for Scientists*, Adelaide (SA), August
- *Intellectual Property: Challenges for Growers*, Roseworthy (SA), August
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Virginia (SA), September
- *Intellectual Property for Scientists*, Camden (NSW), September
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Loxton (SA), September
- *Intellectual Property for Scientists*, Tamworth (NSW), September
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Shepparton (VIC), September
- *Plant Breeder's Rights: Intellectual Property Issues for Horticulture Industries*, Mildura (VIC), September
- *End Point Royalties: Implications for Growers*, Renmark (SA), September

Intellectual Property Master Class

Intellectual Property Master Class for Horticulture Australia Limited, Sydney, 11-12 October

The Master Class was run by ACIPA staff members: Kathryn Adams (HAL Senior Research Fellow); Michael Handler (RIRDC Research Fellow) and Stephen Hubicki (Research Fellow). The following topics were covered in the Master Class:

Day 1: 11 October

- The Essential Features of Intellectual Property
- The Acquisition of Intellectual Property Rights
- Legal Issues Relating to the Ownership of Intellectual Property
- Exploiting and Commercialising Intellectual Property
- How Intellectual Property Rights are Enforced

Day 2: 12 October

- Legal Issues relating to the Valuation of Intellectual Property
- Valuing Background Intellectual Property
- The Branding of Horticulture Products
- The Impact of Plant Breeder's Rights on the Horticulture Industries
- Patent Law, Experimentation and 'Freedom to Operate'
- Growers' Liability in relation to GM Plants and Products

Events

Conferences

Copyright: New Futures, New Agendas Conference, Brisbane, 18 February (10th conference in this series)

Opened by The Hon Philip Ruddock MP, Attorney-General Australia

Speakers and Topics:

- **The Hon Justice Kevin Lindgren**, Federal Court of Australia, *Copyright and Indigenous Communal Moral Rights*
- **Professor Graeme W Austin**, J Byron McCormick Professor of Law, James E Rogers College of Law, University of Arizona, *De-Constitutionalising Copyright*
- **Associate Professor Robert Burrell**, Associate Professor of Law, The University of Queensland and Associate Director, Australian Centre for Intellectual Property in Agriculture, *Fair Use and the US-Australia Free Trade Agreement*
- **Lindy Morrison**, Musical Director/Performer and Director on the Board of the Music Council of Australia and Artist Director on the Board of the Phonographic Performance Company of Australia, *The Free Trade Agreement Implementation Act 2004 and Performers' Rights*
- **Dr Manon Ress**, Director, Information Society Projects, Consumer Project on Technology, Washington DC, *The Broadcasters, Cablecasters and Webcasters Treaty: The Wrong Paradigm for Access to Knowledge?*
- **Dr Dale Spender AM**, Principal Director, Digital Style Pty Ltd, *What the Creative Commons offer Authors*

- **Professor Alain Strowel**, Professor of Law, Facultés universitaires Saint-Louis, Brussels and University of Liège, and Attorney at Covington & Burling, Brussels, *A Copyright Journey in the EU and the EC Enforcement Directive*
- **Tamara Winikoff**, Executive Director, National Association for the Visual Arts, *Artists: What Do They Want, and When Do They Want It?*

The Geneva Declaration: Intellectual Property and Development Symposium, Canberra, 17 June

Speakers and Topics:

- **Mr Geoff Burton**, Director, Genetic Resources Management Policy, Department of the Environment and Heritage, *Australian Government, IP and the International Trade in Genetic Resources*
- **Dr Sasha Courville**, Research Fellow in RegNet at The Australian National University and Chairperson of the Fair Trade Association of Australia and New Zealand, *Protecting the Integrity of Fairtrade Labelling*
- **Dr Warwick Neville**, Solicitor, Bioethicist, and Researcher, RegNet, The Australian National University, Patent law, *Health Care and Access to Essential Medicines*
- **Mr Ian Oi**, Project Leader, Creative Commons Australia, and Special Counsel, Blake, Dawson and Waldron, Copyright Law, *Access to Knowledge, and the Creative Commons*
- **Dr Matthew Rimmer**, Senior Lecturer and Associate Director, Australian Centre for Intellectual Property in Agriculture, Faculty of Law, The Australian National University, *Indian Spices: Intellectual Property, Agriculture and Food Security*
- **Ms Tanya Spisbah**, *Knowledge Diffusion or Development Delusion – Technology Transfer in the WIPO Development Agenda*

Seminars

Balancing Freedom of Expression and Copyright in Europe: A Civil Law Perspective, Canberra, February

Professor Alain Strowel, Professor of Law, Facultés universitaires Saint-Louis, Brussels and University of Liège, and Attorney, Covington & Burling, Brussels

Unlocking IP: The Education Sectors Moving into Open Content Licensing Models for Sharing and Trading, Brisbane, February

Carol Fripp, General Manager, AEShareNet Ltd

What is Fair Comment For?, Brisbane, August

Paul Mitchell, Centre for Media and Intellectual Property Law, The University of Melbourne and Lecturer in Law, King's College, London