

Australian Centre for Intellectual Property in Agriculture



Annual Report
2007

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Property in Agriculture

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Director's Report

2007 saw the Australian Centre for Intellectual Property in Agriculture (ACIPA) in its eighth year of operation. The Centre maintained its nodes at The University of Queensland, Griffith University and The Australian National University with a team of eleven Researchers and three Administrative staff. The Centre continued to conduct research into the agriculture and horticulture sectors within Australia.

I would like to take this opportunity to extend our thanks to the many individuals and organisations that have helped to make 2007 such a success for the Centre. In particular, I would like to thank the Grains Research and Development Corporation (GRDC), Horticulture Australia Limited (HAL), the Rural Industries Research and Development Corporation (RIRDC), the Australian Research Council (ARC), The University of Queensland, Griffith University and The Australian National University for their support.

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
Ms Rhonda Chesmond, Griffith 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
Mr Michael Handler, The University of New South Wales
Dr Kanchana Kariyawasam, Griffith University
Associate Professor Mark Lunney, The University of New England
Associate Professor Justin Malbon, Griffith University
Ms Kimberlee Weatherall, The University of Queensland

Administrative

Centre Manager: Ms Carol Ballard, The University Of Queensland

Administrators: Mrs Hayley Valiantis, Griffith University
Ms Mary Okello, The University of Queensland

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. Our principal focus remains on intellectual property as it relates to agriculture but over recent years our research has expanded into a number of related areas, including Indigenous intellectual property.

Research Grants

New Grants in 2007

- Sherman, B., Adams, K., Wiseman, L., Burrell, R., Sanderson, J., Lawson, C., Hubicki, S., *Intellectual Property Education and Training for the Australian Horticulture Industries*, Horticulture Australia Limited, December 2007-May 2010
- Sherman, B., Lawson, C., Sanderson, J., Hubicki, S., *The Potential Impact of Patents on Australian Horticulture Industries*, Horticulture Australia Limited, October 2007-September 2009
- Sherman, B., Wiseman, L., Hubicki, S., Burrell, R., Sanderson, J., *Current Issues in Intellectual Property for the Australian Rural Sector*, Rural Industries Research and Development Corporation, June 2007-May 2008

Existing Grants

- Sherman, B., *Improving Understanding and Awareness of Intellectual Property Amongst Grain Growers in Australia*, Grains Research and Development Corporation, July 2005-June 2008

- Malbon, J., Davison, M. & Lawson, C., *Developing a Systematic, Inclusive and Just Jurisprudential Account of TRIPS*, Australian Research Council, ARC Discovery Project, January 2004-December 2007
- Sherman, B., *Maximising the Benefits of Intellectual Property for the Australian Horticultural Industry*, Horticulture Australia Limited, February 2005-May 2007

Research Programs

Intellectual Property Education and Training for the Australian Horticulture Industries

To ensure that Australian horticulture industries reap the maximum benefits from intellectual property, a number of potential problems need to be resolved. In particular, there is a need for greater education and training on intellectual property (IP) matters. The speed of change in IP law means that Industry also needs to be kept abreast of imminent changes, as well as being able to seek advice on issues when and as they arise. The project aims to achieve these goals through a range of means, including: the delivery of targeted Grower and Researcher Seminars and specialised IP Master Classes; the production and widespread distribution of Communiqués on key areas of importance to the industry; and IP Management: Education and Training, to ensure that it meets the industry need for increased ability to optimise the value of IP assets from research and development (R&D).

The Potential Impact of Patents on Australian Horticulture Industries

ACIPA has been undertaking research education and training on intellectual property issues pertaining to Australian agriculture for over eight years. During this time, a range of literature reviews have been undertaken by ACIPA staff. As the research programs of ACIPA have

developed, a number of issues have emerged or been identified as requiring further investigation. One of the issues that has arisen repeatedly, and seems only likely to increase in the future, relates to the impact of patenting on Horticulture, and the relationship between patent and PBR protection. It has become clear that there is an urgent need for better understanding of the role of patents in protecting plant innovations, how patents impact upon plant breeding and development, and the relationship between patents and plant breeder's rights more generally. The aim of this project is to undertake research that enables us to answer these questions.

Improving Understanding and Awareness of Intellectual Property amongst Grain Growers in Australia

The increased use of PBR protection for new varieties of grain and the use of more technical seed contracts mean that IP is playing a more important role in the business practices of grain growers in Australia. As a result, growers need to understand their rights and obligations in relation to IP. They also need to be aware of changes in IP so that they can make informed choices. IP is also important to grain growers in so far as it provides a mechanism to protect grower funded investment in research. To ensure that this investment is properly protected, scientists must understand how to protect their research. The upshot of this is that there is a clear need for education and training of growers, scientists, and research managers. This project aims to meet this need through the delivery of training workshops; more detailed training will be provided in the form of an annual Master Class. The project will also deliver accessible, practical and relevant information for growers.

Current Issues in Intellectual Property for the Australian Rural Sector

ACIPA has been undertaking research on intellectual property as it impacts on Australian agriculture for over 7 years. Over this time a range of literature reviews have been undertaken by ACIPA staff. As the

research programs of ACIPA have developed, new research questions have been identified. Our research in relation to the commercialisation of technologies funded by rural R&D corporations has revealed a gap in the literature relating to the important issue of how research funded by rural R&D corporations can be co-ordinated to ensure maximum uptake of this research by Australian growers and industry, whilst at the same time minimising the benefit that overseas competitors are able to obtain from this research. Recent literature reviews have also highlighted the growing importance of patents in agriculture. These reviews have revealed that there has been a marked increase in the use of patents to protect plant and animal innovations in the USA, which has had a profound impact on rural life. It has also revealed that, despite this, little research has thus far been undertaken concerning the possible impact that a replication of this trend in Australia may have on Australian agriculture.

Intellectual Property: Understanding Plant Breeder's Rights

This project was undertaken as part of an ARC Linkage grant with IP Australia as the industry partner. The *Intellectual Property: Understanding Plant Breeder's Rights* project, which was launched in April 2006, 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.

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.

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 the history of 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 confront 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 project 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 project 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

- Lunney, M., *The Law of Torts in Australia*, Melbourne: OUP, 4th ed, 2007 (with F. Trindade and P. Cane)
- Rimmer, M., *Digital Copyright and the Consumer Revolution: Hands off my iPod*, Cheltenham (UK) and Northampton (Mass): Edward Elgar, 2007

Book Chapters

- Handler, M., 'Continuing Problems with Film Copyright' in F. Macmillan (ed), *New Directions in Copyright: Volume 6*, Cheltenham: Edward Elgar, 2007, pp 173-195
- Lunney, M., 'Capacity to Commit a Tort and to Sue' in K. Oliphant (ed), *The Law of Tort*, London: LexisNexis Butterworths, 2nd ed, 2007, pp 39-85
- Lunney, M., 'Trespass to Land' in K. Oliphant (ed), *The Law of Tort*, London: LexisNexis Butterworths, 2nd ed, 2007, pp 485-534
- Lunney, M., 'Wrongful Interference with Goods' in K. Oliphant (ed), *The Law of Tort*, London: LexisNexis Butterworths, 2nd ed, 2007, pp 535-627
- Lunney, M., 'Intentional Interference with the Person' in K. Oliphant (ed), *The Law of Tort*, London: LexisNexis Butterworths, 2nd ed, 2007, pp 437-484 (with P. Mitchell)

- Weatherall, K., 'The Impact of Copyright Treaties on Broadcast Policy', in Andrew Kenyon (ed), *TV Futures*, Melbourne: Melbourne University Press, 2007, pp 242-273
- Weatherall, K., 'Exporting the DMCA through Free Trade Agreements', in Christopher Heath and Anselm Kamperman Sanders (eds), *Intellectual Property and Free Trade Agreements*, Oxford: Hart Publishing, 2007, pp 211-223; also published as 'Exportando os Dispositivos da 'US Digital Millennium Copyright Act' por Meio de Acordos de Livre-comercio', in Edson Beas Rodrigues Jr and Fabricio Polido, *Propriedade Intelectual: Novos Paradigmas Internacionais, Conflitos e Desafios*, Rio de Janeiro: Campus Juridico, 2007, pp 185-200 (with A. Christie and S. Waller)
- Wiseman, L., 'Copyright and the Regulation of the Book Publishing Industry', in D. Carter and A. Galligan (eds), *Making Books: Contemporary Australian Publishing*, St Lucia: University of Queensland Press, 2007, pp 177-197

Articles

- Burrell, R., 'The Intersection between Registered and Unregistered Trade Marks', (2007) 35 *Federal Law Review*, pp 375-397 (with M. Handler)
- Chesmond, R., 'Protection or Privatisation of Culture? The Cultural Dimension of the International Intellectual Property Debate on Geographical Indications of Origin', (2007) 29 (9) *European Intellectual Property Review*, pp 379-388
- Handler, M., 'The Intersection between Registered and Unregistered Trade Marks', (2007) 35 *Federal Law Review*, pp 375-397 (with R. Burrell)

- Handler, M., 'Trade Mark Dilution in Australia?' (2007) *European Intellectual Property Review*, pp 307-318, republished in (2007) 70 *Intellectual Property Forum*, pp 36-49
- Hubicki, S., 'Intellectual Property and Agricultural Biotechnology in Australia' (2007) 10 *Journal of Biolaw and Business*, Australia Edition 2007, pp 48-51 (with B. Sherman)
- Kariyawasam, K., 'Intellectual Property Protection of Indigenous Knowledge: Implementing Initiatives at National and Regional Levels' (2007) 12(2) *Deakin Law Review*, pp 101-121 (with S. Guy)
- Kariyawasam, K., 'Access to Biological Resources and Benefit Sharing: Exploring a Regional Mechanism to Implement the Convention on Biological Diversity (CBD) in SAARC Countries' (2007) *European Intellectual Property Review (EIPR)*, pp 325-335
- Kariyawasam, K., 'The Philosophical Ideals and Political Orientation of Thomas McCawley: A Social Democrat or a Pragmatist?' (2007) 19(2) *Bond Law Review*, pp 58-101 (with S. Guy and B. Hocking)
- Lawson, C., 'The Intellectual Property Debate: Perspectives from Law, Economics and Political Economy', (2007) 16(1) *Griffith Law Review*, pp 271-275
- Lawson, C., 'The Evolution of "Inventive Step"-like Elements in Australian Patent Laws' (2007) 18(3) *Australian Intellectual Property Journal*, pp 130-148
- Lawson, C., 'Revisiting Merits Review of Patent Application, Grant and Validity Decisions under the Patents Act 1990 (Cth)' (2007) 14(4) *Australian Journal of Administrative Law*, pp 178-195
- Lawson, C., 'Regulating Genetically Modified Organisms: A Case Study Assessing Regulatory Quality and Performance' (2007) 35(3) *Australian Business Law Review*, pp 181-203 (with R. Hindmarsh)

- Rimmer, M., 'The Genographic Project: Traditional Knowledge and Population Genetics', (2007) 11(2) *Australian Indigenous Law Review*, pp 33-55
- Rimmer, M., 'The New Conquistadors: Patent Law and Expressed Sequence Tags', (2007) 16 *Journal of Law, Information and Science*, pp 10-50
- Sanderson, J., 'Back to the Future: Possible Mechanisms for the Management of Plant Varieties in Australia', (2007) 20(3) *University of New South Wales Law Journal*, pp 686-712
- Sherman, B., 'Intellectual Property and Agricultural Biotechnology in Australia' (2007) 10 *Journal of Biolaw and Business*, Australia Edition 2007, pp 48-51 (with S. Hubicki)
- Sherman, B., 'Organisms and Manufactures: On the History of Plant Inventions' (2007) 31(2) *Melbourne University Law Review*, pp 539-568 (with A. Pottage)
- Weatherall, K., 'Filing and Settlement of Patent Disputes in the Federal Court 1995-2005' (2007) 68 *Intellectual Property Forum*, pp 65-74 (with F. Rothstein)

Other Publications

- Rimmer, M., 'How to be Alone: New Dimensions in Privacy Law; a Book Review', (2007) 12(4) *Media and Arts Law Review*, pp 544-547
- Rimmer, M., 'A Right of Resale? Indigenous Art under the Hammer', ABC News Opinion, 27 July 2007
- Rimmer, M. 'Copyright Laws Caught in the Web', ABC News Opinion, 4 May 2007

- Weatherall, K., 'Response: The elusive "link" to infringement in the Copyright Amendment Bill 2006: now you see it, now you don't', (2007) 19 *Intellectual Property Law Bulletin*, pp 145-146
- Weatherall, K., 'In the Shadow of the China–Australia FTA Negotiations: What Australian Business Thinks about IP', IPRIA/MIAESR Working Paper No. 07/07; (with Anne Leahy, Donald McClaren, David Morgan, Elizabeth Webster, and Jongsay Yong)

Conference and Seminar Presentations

- Bently, L., *International Regime of IP*, 'International Symposium on Intellectual Property Law and Policy in the New Era', Kanazawa, Japan, 23 September
- Handler, M., *Trade Mark Dilution in Australia?*, 'Intellectual Property Society of Australia and New Zealand Conference', Melbourne, 26 July
- Lawson, C., *Intellectual Property and Creativity/Innovation – Critiques and Alternatives* Workshop, Faculty of Law, Bond University, 30 November – 1 December
- Lawson, C., *GM and the Law* Seminar, Victorian Environment Defenders Office, 7 August
- Lunney, M., *Federation Follies: Press Reaction to Balmain New Ferry Company v Robertson*, '26th Annual Australia and New Zealand Law and History Society Conference', School of Law, University of New England, 21-23 September
- Lunney, M., *Federation and Fare Dodging*, '18th British Legal History Conference', St Catherine's College, Oxford, 2-5 July
- Rimmer, M., *The Grapes of Wrath: Geographical Indications and International Trade*, 'Landmarks in Australian IP Conference', The University of Melbourne, School of Law, 7 December

- Rimmer, M., *Law and Technology: The Year in Review*, ANU Media Office, 4 December
- Rimmer, M., *Intellectual Property and Climate Change: Technology Transfer and Greenhouse Accounting*, '4th Australian Government Solicitor IP Law, Policy and Practice Seminar', 9 August
- Rimmer, M., *Contracting Cultures: Indigenous Intellectual Property and the Creative Commons*, 'Contracting Cultures Conference', National Centre for Indigenous Studies, ANU, 17 July
- Rimmer, M., *Rebel, Rebel: Plant Breeder's Rights and Trade Mark Law*, '20 Years of Plant Breeder's Rights in Australia', ACIPA Symposium, Canberra, 8 June
- Rimmer, M., *Outlaws: Peter Carey and Legal Storytelling*, 'ANU Postgraduate Research Conference', 6 June
- Rimmer, M., *YouTube: Copyright Law and Internet Videos*, ANU College of Law, 2 May
- Rimmer, M., *YouTube: Copyright Law and Internet Videos*, ACIPA 12th Annual Copyright Conference, 'Copyright: From 'The Da Vinci Code' to YouTube', Brisbane, 16 February
- Sanderson, J., *Disparity between Science and Law? Distinctiveness and Essential Derivation as (possible) Examples*, '20 Years of Plant Breeder's Rights in Australia', ACIPA Symposium, Canberra, 8 June
- Sherman, B., *Traditional Knowledge and Genetic Resources*, 'International Symposium on Intellectual Property Law and Policy in the New Era', Kanazawa, Japan, 22 September
- Sherman, B., *Options for the Development of a Plant Breeders/Variety Rights System*, 'Consultation on Genetic Resources for Food and Agriculture in the Pacific', Nadi, Fiji, 9 August

- Sherman, B., *Taxonomic Property: Intellectual Property and Plants*, 'Second Annual International Intellectual Property Lecture', Emmanuel College, Cambridge University, UK, 15 May
- Weatherall, K., *Open Source Software and Technological Protection Measures*, ACIPA 12th Annual Copyright Conference, 'Copyright: From 'The Da Vinci Code' to YouTube', Brisbane, 16 February
- Wiseman, L., *Authorisation of Copyright Infringement in Australia: Infringement by Multi-Actors*, 'International Symposium on Intellectual Property Law and Policy in the New Era', Kanazawa, Japan, 23 September

Appointments

- Adams, K., appointed to the New South Wales independent panel formed by the Minister for Primary Industries in July 2007 to review the NSW moratorium on commercial planting of genetically modified food crops
- Malbon, J., Visiting Scholar at the Centre for Intellectual Property and Information Law, Cambridge University, and a Visiting Fellow at Wolfson College, Cambridge University, from 1 January to 1 July

Submissions

- Adams, K., Submission to the Advisory Council on Intellectual Property: Review of Enforcement of Plant Breeder's Rights, Issues Paper – March 2007
- Lawson, C., Submission to the Advisory Council on Intellectual Property: Review of Enforcement of Plant Breeder's Rights, Issues Paper – March 2007

- Rimmer, M., Submission to the Advisory Council on Intellectual Property: Review of Enforcement of Plant Breeder's Rights, Issues Paper – March 2007
- Sanderson, J., Submission to the Advisory Council on Intellectual Property: Review of Enforcement of Plant Breeder's Rights, Issues Paper – March 2007

Training

ACIPA delivered 15 IP Training Workshops for farmers, research scientists and the rural and horticulture industries.

Intellectual Property Training Workshops

- *Accessing Plant Genetic Resources and Material Transfer Agreements*, Launceston (TAS), 23 August
- *Accessing Plant Genetic Resources and Material Transfer Agreements*, Urrbrae (SA), 10 August
- *Accessing Plant Genetic Resources and Material Transfer Agreements*, Horsham (VIC), 8 August
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Wycheproof (VIC), 30 July
- *Accessing Plant Genetic Resources and Material Transfer Agreements*, Parkes (NSW), 26 July
- *Accessing Plant Genetic Resources and Material Transfer Agreements*, Gatton (QLD), 20 July
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Geelong (VIC), 18 July
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Young (NSW), 6 June
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Emerald (QLD), 18 April
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Mulwala (NSW), 21 March

- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Griffith (NSW), 20 March
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Mullaley (NSW), 27 February
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Bendigo (VIC), 15 February
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Karoonda (SA), 2 February
- *New Plant Varieties in Australia: Growers' Rights & Obligations*, Urrbrae (SA), 1 February

Events

Conferences

12th Annual Copyright Conference, Brisbane, 16 February:
Copyright: From 'The Da Vinci Code' to YouTube

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

Speakers and topics

- **Dr David Brennan**, Copyright Consultant, Screenrights - The Audio Visual Copyright Society, and Senior Lecturer, Melbourne Law School, The University of Melbourne, *Waving the Flag in the Digital Jungle*
- **Carolyn Dalton**, Special Counsel, Minter Ellison Lawyers, *Copyright Law Reform and its Impact on Education in Australia*
- **Helen Daniels**, Assistant Secretary, Copyright Law Branch, Attorney-General's Department, *Copyright Law Reform in Australia*
- **Sharon Givoni**, Principal, Sharon Givoni Consulting, and General Editor of the Australian Intellectual Property Bulletin, *Copyright: Holy Grail or Media Circus?*
- **Emily Hudson**, Research Fellow, Intellectual Property Research Institute of Australia (IPRIA), Faculty of Law, The University of Melbourne, *Orphan Works*
- **Dr Matthew Rimmer**, Associate Director and Senior Lecturer in Law, ACIPA, The Australian National University, *YouTube: Copyright Law and Internet Video*
- **Sarah Waladan**, Executive Director, Australian Digital Alliance, *Fair Dealing and the New Copyright Exceptions Legislation*

- **Kimberlee Weatherall**, Adjunct Research Fellow, ACIPA and Senior Lecturer, TC Beirne School of Law, The University of Queensland, *Open Source Software and Technological Protection Measures*

20 Years of Plant Breeder's Rights in Australia, Canberra 8 June

Speakers and topics

- **Doug Waterhouse**, President of UPOV, Registrar of Plant Breeder's Rights and Director of Plant Breeder's Rights Office (Keynote Speaker), *International and National Perspective of PBR over the last 20 Years*
- **Kathryn Adams**, Senior Research Fellow, ACIPA, and the First Registrar of Plant Breeder's Rights
- **Dr Paul Brennan**, Consultant, and Member of the Plant Breeder's Rights Advisory Committee (PBRAC) and the Advisory Council on Intellectual Property (ACIP), *Plant Variety Intellectual Property Rights in a Challenging and Changing Future*
- **Geoff Budd**, General Counsel, Grains Research and Development Corporation, *Plant Breeder's Right and the Grains Industry: How to get Practical Outcomes using the Legal Framework*
- **Donald Coles**, Managing Director, Valley Seeds, *A User's Perspective of Plant Breeder's Rights: Risk or Reward?*
- **Graham Fleming**, Fleming's Nurseries Pty Ltd, *Enforcing Plant Breeder's Rights: A Perspective from a Rights Owner/Licensee*
- **Garry Fullelove**, Business Manager, Department of Primary Industries and Fisheries, QLD, *Plant Breeder's Rights from the Perspective of an Organisation Tasked with Economic Development*
- **Dr Matthew Rimmer**, Associate Director, ACIPA, *Rebel, Rebel: Plant Breeder's Rights and Trade Mark Law*

- **Jay Sanderson**, Research Fellow, ACIPA, *Disparity between Science and Law? Distinctiveness and Essential Derivation as (possible) Examples*
- **Dr Warwick Stiller**, Cotton Breeder, CSIRO, *Plant Breeder's Rights, Patents, or Something Else?*
- **Ralph Wilson**, Apple Grower, *What about Grower's Rights and Obligations?*

Seminars

- Gibson, Dr J. and Johnson, Dr P., *Patenting Lives: GMOs and (Cultural) Co-Existence in Europe*, Brisbane, 13 April
- Gibson, Dr J. and Johnson, Dr P., *Putting Invention to Use: The Question of Scope in Gene Patents*, Brisbane, 3 April