Contributors

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He acknowledges the late Vartan Arnold.

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Indigenous intellectual property

Robert Dearn was admitted to practise in the Supreme Court of the Australian Capital Territory and the High Court of Australia in 2005. Robert is an experienced intellectual property and commercial lawyer, regularly advising clients on IP protection and commercialisation, collaborative joint ventures, and privacy and technology law. Robert has a particular interest in research collaborations and eHealth.

Robert began researching the interface between law and the creative industries as part of his Honours studies in Law at the Australian National University. He was inspired to research and write on the issue of resale royalties for visual artists following the publicity surrounding Indigenous art auctions in the early 2000s. Robert co-authored a submission to the Australian parliament’s Inquiry into the Resale Royalty Right for Visual Artists Bill 2008 (Cth) in 2009, and appeared to give evidence before the committee.

Robert regularly writes and presents on copyright, trade mark law and privacy.

Jeremy de Beer is a Professor in the Faculty of Law at the University of Ottawa, working on technological innovation, intellectual property and international trade and development.

Many of his refereed publications on intellectual property issues relating to innovation and creativity appear in top-ranked journals recognised across the disciplines of law, business, communications and political science. He has authored numerous other papers, studies and commissioned reports, and published four books, including most recently, Access to Knowledge in Africa: The Role of Copyright. He is a frequent public speaker at invited lectures, conferences and other events in Canada, the United States, Europe, Asia and Africa.

Professor de Beer teaches multidisciplinary seminars on intellectual property policy, the digital music business, and sustainable international development, as well as an introduction to the fundamentals of property law. Academic qualifications include a graduate degree in law from the University of Oxford and undergraduate degrees in business and in law from the University of Saskatchewan.

He is also a practicing lawyer and consultant to technology companies, creator groups, law firms, think tanks, governments and international organisations. After working at MacLeod Dixon LLP and clerking at the Federal Court of Appeal, he was legal counsel to the Copyright Board. He has appeared in court as counsel before the Federal Court of Appeal and, most recently, in a series of landmark copyright cases before the Supreme Court of Canada.

Daniel Dylan was called to the Bar of Nunavut in April 2012, and is a member of the Law Society of Nunavut. He is a past member of the Law Society of Nunavut’s Membership Admission Committee, and is currently Vice-Chair of the Legal Ethics and Unauthorized Practice Committee. He was called to the Bar of Ontario in June 2011, and is a member of the Law Society of Upper Canada. He received his LLM, which focused on Canada’s intellectual property regime in relation to the Nunavut Land Claims Agreement, from the University of Ottawa, Faculty of Law in April 2011. He received his LLB from the University of Ottawa in 2010, and his JD from the Michigan State University College of Law in 2010 as part of a dual-degree programme between these two institutions. He clerked at the Federal Court (of Canada) for the Honourable
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In addition to his law degrees, he earned an Honours BA (with distinction) in Political Science from Carleton University, in 1997. He returned to his alma mater in the fall of 2011 to teach ‘Law and Aboriginal Peoples’ at undergraduate level as well as ‘Social Justice and Human Rights’ in the winter of 2012. During his time at law school, he was a member of three different law journals, and served as executive editor for the Journal of Animal Law. He has received numerous academic awards. He also prepared a paper for the Canadian Department of Justice that dealt with Canadian Indigenous intellectual property law and issues. The views expressed in his chapter with Professor de Beer are his own and do not necessarily represent those of the Government of Nunavut.

Stephen Gray is a Senior Lecturer at Monash University Faculty of Law. His main research interests are Indigenous people and the law, Malaysian law and politics, criminal law, and intellectual property and Indigenous art. His PhD concerned the ‘stolen wages’ issue in the Northern Territory. He lived and worked in Darwin for 16 years, and was a member of the Northern Territory Law Reform Committee from 1994 until 2005. His published books include Criminal Laws: Northern Territory (Federation Press; 2nd edn 2012), as well as a novel The Artist is a Thief (Allen & Unwin, 2001), and a non-fiction work on Aboriginal ‘protection’, The Protectors (Allen & Unwin, 2011).

Martin Hardie has managed bands (such as the Laughing Clowns and Warumpi Band) and worked in Aboriginal Art and Craft centres. He has been a solicitor, and a barrister, acting in matters concerning administrative law and constitutional law – in particular, acting as counsel for Australian Indigenous artists in their quest for copyright protection, with respect to the challenge by the East Timorese Resistance to Australian legislation implementing an agreement with the Republic of Indonesia concerning the division of East Timor’s oil and gas resources, and in a case concerning legislation in Australia legalising euthanasia. He has also been an advisor to various members of the former East Timorese Resistance and Government, a university lecturer, a cyclist, cycling journalist and team manager. He has lived in Australia, the UK, Timor Leste, Panama, Mozambique and the Basque Country. He currently lives in Australia and teaches law at Deakin University.

His ambition is to become the archetype of life within communism; at the break of dawn a sea kayaker, during the day a teacher and a cook, cyber-conspiracist and
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She was NAIDOC Person of the Year 2011 and the Attorney General’s Indigenous Lawyer of the Year 2012. She is enrolled in a PHD at the National Centre for Indigenous Studies at the Australian National University (ANU).

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Property: Collaborative Dynamics in Africa (University of Cape Town, 2013) and Knowledge and Innovation in Africa: Scenarios for the Future (University of Cape Town: 2013).

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David Rolph is an associate professor at the University of Sydney Faculty of Law. He is the author of Reputation, Celebrity and Defamation Law (Ashgate, 2008) as well as a range of book chapters and journal articles, published nationally and internationally. His principal area of interest is media law, particularly defamation and privacy. Dr Rolph was the editor of the Sydney Law Review from 2007 to 2013 and is a member of the editorial boards of the Media and Arts Law Review, the Communications Law Bulletin and the International Journal for the Semiotics of Law.

Sarah Rosanowski is a solicitor in the litigation department at James and Wells Intellectual Property in Auckland, New Zealand. She was admitted to the Bar of the High Court of New Zealand in 2012, after graduating from the University of Canterbury with a BA (Media & Communications; Philosophy) and an LLB in 2011.
After her studies, Sarah completed a Summer Research Scholarship under the supervision of Dr Matthew Rimmer at the Australian National University entitled ‘Internet Freedom, Human Rights and Corporate Social Responsibility’. She co-authored ‘The Impact of Law on Media Reporting of Earthquakes in Christchurch 2010–11’ with Professor Ursula Cheer of the University of Canterbury, which was published in the September 2013 edition of *Media & Arts Law Review* (Vol. 18, No. 3). Sarah has recently been elected to sit on the committee of Auckland Young Lawyers, a section of the New Zealand Law Society.

Sarah would like to thank Dr Matthew Rimmer for his comments on this chapter and also her mother, Dr Myra Kunowski, for proofreading early drafts (and many other pieces of written work over the years). Any errors are the author’s own.

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Brendan has been active in international negotiations on access to genetic resources and traditional knowledge since 1993. In 2002, as a member of the Peruvian national delegation, he co-chaired the negotiations leading to the adoption of the Bonn Guidelines on Access to Genetic Resources and Benefit Sharing. In 1997 he was awarded an Ashoka fellowship for his work on Indigenous rights and the promotion of concepts of disclosure of origin and certificates of origin as the basis for securing equitable governance of access to genetic resources and the protection of traditional knowledge. He has published widely in both Spanish and English. His latest publication is Indigenous Peoples, Customary Law and Human Rights (Routledge, 2014).


William van Caenegem is Professor at the Faculty of Law, Bond University. He studied law at Antwerp and Leuven in Belgium and holds an LLM and PhD from the University of Cambridge, UK. He is an Honorary Visiting Professor of the University of Gothenburg in Sweden, and has been a visiting professor at the Universities of Ghent in Belgium and Sorbonne/Panthéon-Assas in Paris. He is a Barrister of the Supreme Court of Queensland. At present he is engaged in a research project relating to Geographical Indications of Origin in Australia funded by the Rural Industries Research and Development Corporation (RIRDC). He is the author of Intellectual and Industrial Property in Australia (LexisNexis) and more recently Trade Secrets and Intellectual Property: Breach of Confidence, Misappropriation and Unfair Competition (KIL, 2014), as well as Intellectual Property Law and Innovation (CUP, 2007). He has published a number of pieces on Geographical Indications of Origin, including ‘Registered GIs: Intellectual Property, Agricultural Policy and International Trade’ (EIPR 2004) and ‘Registered Geographical Indications Between Intellectual Property and Rural Policy’, Parts I and II, published in the Journal of World IP in 2003. He has published extensively in other areas of IP and comparative law.

Tania Voon is Professor at Melbourne Law School, where she was Associate Dean (Research) from 2012 to 2014. She is a former Legal Officer of the WTO Appellate Body Secretariat and has previously practised law with Mallesons Stephen Jaques and the Australian Government Solicitor and taught law at Georgetown University, the University of Western Ontario, the Australian National University, Monash University...
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