



THE UNIVERSITY OF
MELBOURNE

Intellectual Property
Research Institute of Australia

Annual Report 2004 - 2005

Highlights 2004/05

An external review of **ipria**, which was conducted during May 2005 was, in general, highly complimentary of **ipria's** performance in the first three years of its operation (March 2002 to February 2005). In particular, the Review Panel found that "the quality, quantity and relevance of the Institute's research and research related activities to be of a very high quality". It also found that "the interdisciplinary approach chosen for much of its research is unique at the international level". The Panel recommended that **ipria** should continue to operate as a Centre of the University, and made 13 recommendations to ensure its viability and enhance its future performance.

The Institute's national profile was increased by dissemination of research outputs at national conferences and workshops on the Gold Coast, in Melbourne and in Sydney, to a broad range of audiences. Feedback from the audience at these events indicated a high degree of satisfaction with the content of presentations, the relevance of the research and the concept of the Institute.

The international profile of **ipria** was enhanced by the delivery of invited conference presentations by **ipria** staff in Atlanta, Copenhagen, Geneva, Macau and Singapore.

The impact of **ipria's** work during the year was evidenced by the favourable comment made on, and/or by the utilisation of, **ipria's** work by important policy bodies, including the following:

- Advisory Council on Intellectual Property (regarding submissions arising from the patent research exemption project)
- Attorney-General's Department (regarding outputs from the project on private digital copying)
- Australian Law Reform Commission (regarding submissions on the gene patenting review)
- Australian Parliament's Joint Standing Committee on Treaties and Senate Select Committee on the Free Trade Agreement (regarding submissions on the Australia-United States Free Trade Agreement)
- Department of Communications, Information Technologies and the Arts (regarding outputs from the project on resale royalties)
- Department of Industry, Tourism and Resources (regarding outputs from the project on IP usage by SMEs)
- IP Australia (regarding output from the IP enforcement project)
- Minister for Industry, Tourism and Resources (regarding information about strategic use and misuse of the patent system, through practices such as 'evergreening')

A collaborative research project continues to be undertaken with AIATSIS, investigating ownership of, access to and control of cultural property held in cultural institutions (no. 20). The collaborative project with the Queen Mary Intellectual Property Research Institute (no. 40), commissioned by the IP Academy, was successfully completed in this reporting period. Another collaborative project commissioned by the IP Academy, this time with the Max Planck Institute for Intellectual Property, Competition and Tax Law, is under discussion.

The Institute's research output during 2004/05 was extremely solid: 17 Working Papers and 4 Occasional Papers were published. Work was also undertaken on nine detailed submissions to the Government.

There continued to be demonstration of the quality of **ipria's** research output, through its inclusion in refereed publications. In this reporting



Professor Andrew Christie
Director

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period, 13 articles were published in refereed journals and 12 further pieces of work were accepted for future publication. Three reports and 2 scoreboards were also completed.

ipria staff delivered 23 conference papers or other presentations by invitation, both in Australia and overseas, in this reporting period.

ipria ran 3 conferences or workshops and 13 public seminars, in Canberra, Melbourne and Sydney. The average attendance at the workshops and seminars was approximately 70. As with the previous year, there was a change in the composition of attendees at **ipria** events, away from the professions and into the categories of industry, government and academia. The proportion of industry attendees again increased slightly over the previous year, to 19%.

Over the course of the year, the Institute appointed a Communications and Relations Manager (Leanne McDonald), a legal Research Fellow (Dr Chris Dent) and two legal Researchers (Jason Bosland and Justine Clarke). The legal Senior Research Fellow and Deputy Director (Dr Owen Morgan) resigned

Research Expertise

ipria's expertise spans the broadest definition of intellectual property, covering issues relating to knowledge, personnel and intangible assets in addition to those associated with formal intellectual property rights, such as patents, trade marks and copyright. Its research examines issues associated with the creation, management and exploitation of intellectual property for both commercial gain and public good. **ipria** is a multidisciplinary centre which aims to:

- Support the development of world's best practice public policy in relation to issues associated with the creation, protection, management, exploitation and enforcement of intellectual property rights
- Improve the ability of Australian organisations to protect, manage and exploit intellectual property
- Contribute to the ongoing public debate in Australia about intellectual property issues and related matters, including innovation policy and economic growth, from an informed perspective

The Institute's research portfolio can be categorised under the following broad themes:

Enforcement of IP: examines issues related to the enforcement and protection of IP both in Australia and overseas.

The Use of IP by Business and Other Entities: focuses on intra-organisational issues relating to IP creation, protection and exploitation. Projects cover a wide range of issues from internal management of IP assets to strategies for maximising value and access to IP.

The Role of IP in Facilitating Innovation and Knowledge Transfer: investigates inter-organisational effects of IP with a particular

emphasis on the transfer of knowledge and IP. Projects in this theme explore issues associated with broader definitions of IP.

The International Scope of IP Protection and its Impact on Trade and Knowledge Flows: examines the influence of the international IP system and markets on trade and knowledge flows. Projects in this theme consider, for example, how IP policies influence the free trade agreements.

The Responsiveness and Effectiveness of the IP System – Examination and Innovator Engagement: focuses on the IP rights system and ways of improving it.

Understanding IP: current research projects under this theme consider the history of Australian patent policy and patent attorney privilege.

Within these themes **ipria's** core staff have specialist expertise in:

- Intangible asset measurement, management and reporting
- Information technology law
- Organisation of innovative activity
- Copyright, patent and trademark law
- Competitive effects of, and strategy for, IP
- Drivers of national innovation
- Relationship between firm productivity and innovation
- Role of spillovers
- Appropriability of intellectual property

Knowledge Transfer

ipria has generated diverse output in 2004/05. In terms of its growing relevance as a centre of thinking on intellectual property issues, the breadth of topics covered by its outputs provide a measure of the distance **ipria** has travelled since its inception in 2002. These outputs target **ipria's** stakeholders collectively and as individual interest groups.

Events

ipria regularly hosted, sponsored and contributed to public seminars, conferences and workshops around Australia and internationally, which focused on topical intellectual property related themes, and featured eminent Australian and international speakers. These events were designed to inform and stimulate discussion. During the past year, **ipria** participated in and organised events ranging from digitisation of public collections to the taxation regimes for venture capital. Below is a list of events during the period covered by this report (July 2004 to December 2005).

Conference and Workshop Addresses

Australian

Elizabeth Webster, Creative Capital Seminar, MJCC Event, Center for Innovation and Technology Commercialisation, Melbourne, 20 June 2005.

Paul Jensen, *Determinants of international patent examination outcomes*, Centre for Microeconometrics Workshop, University of Melbourne, 11 May 2005.

Elizabeth Webster, *Trends in the value of intellectual property in Australia*, Licensing Executives Society Annual Conference, Australia and New Zealand, Sydney, 17-18 March 2005

Andrew Christie, *Intellectual Property Law and Policy-Making in Australia: A Review and a Proposal for Action*, Conference in Honour of Jim Lahore on his retirement from the University of Melbourne, University of Melbourne Law School, 27 January 2005

Kimberlee Weatherall, 'Public Culture/Private Culture: Copyright Law, Creative Commons and the Elusive Role of the Public Domain', *Unlocking IP: New Models for Sharing and Trading Intellectual Property*, University of New South Wales Baker & McKenzie Cyberspace Law and Policy Center, 18-19 November 2004

Peter Eckersley, 'Free' and 'Open Source' software - new business models?', *Unlocking IP: New Models for Sharing and Trading Intellectual Property*, University of New South Wales Baker and McKenzie Cyberspace Law and Policy Center, 18-19 November 2004

Elizabeth Webster, *The Determinants of Research and Development and Intellectual Property Usage among Australian Companies, 1989 to 2002* University of Adelaide 'Workshop' Adelaide, 16-17 November 2004

Alfons Palangkaraya, *R&D and Intellectual Property Scoreboard 2004*, Melbourne Business School, Innovation Measurement

Symposium, 9 November 2004

Paul Jensen, *Examining Biases in Measures of Firm Innovation*, Melbourne Business School, Innovation Measurement Symposium, 9 November 2004

Kimberlee Weatherall, *Intellectual Property Rights Entering a New Era: Australia and Internationally* (Chair, Copyright Session), Leo Cussens Institute, Legal Professional Development Seminar, 29 October 2004

Kimberlee Weatherall, *Free Trade Agreement: Opportunities and Implications for Australia's Film, Television and New Media Sectors*, Film Victoria, 28 October 2004

Kimberlee Weatherall, *Studying IP Enforcement Empirically*, Australian Centre for Intellectual Property and Agriculture (ACIPA), ANU, 7 October 2004

Elizabeth Webster, *Examining Biases in Measures of Firm Innovation*, Australian Conference of Economists, Sydney, 29 September 2004

Emily Hudson, presentation at the Digital Collections Forum hosted by the National Museum of Australia, 16 September 2004

Andrew Christie, *Structuring Collaborations: How should IP Ownership and Entitlements be Allocated?* BHERT Symposium on Intellectual Property Management and Knowledge Transfer, Sheraton Towers Hotel, Melbourne, 29 September 2004

Paul Jensen "Risk-incentive trade-offs in the presence of demand and cost uncertainty", 33rd Australian Conference of Economists, University of Sydney, 27-29th September 2004.

Kimberlee Weatherall, *Fudging the question: the FTA and the future of digital copyright in Australia*, 18th Annual IPSANZ Conference, Sheraton Noosa Resort, Noosa, 11 September 2004

Emily Hudson, *Copyright, Digitisation and Cultural Institutions*, Australia and New Zealand Communication Association Conference, 9 July 2004

Andrew T Kenyon and Emily Hudson, *Copyright, Digitisation and Cultural Institutions*, refereed stream of the Australian and New Zealand Communication Association (ANZCA) Conference held in Sydney, 7 to 9 July 2004

Andrew Christie, *Intellectual Property Rights for Indigenous Knowledge and Cultural Expressions: The Challenges*, Advisory Council on Intellectual Property workshop, Tradewinds Esplanade Hotel, Cairns, 1 July 2004

International

Elizabeth Webster, *The Effects on Firm Profits of the Stock of Intellectual Property Rights*, Danish Research Unit for Industrial Dynamics (DRUID) Summer Conference, Copenhagen, Denmark, 27-29 June 2005

Paul Jensen, *Examining biases in measures of firm innovation*, Danish Research Unit for Industrial Dynamics (DRUID) Summer Conference, Copenhagen Business School, Denmark, 27-29 June 2005

Elizabeth Webster, *Appropriating Innovation Profits and Firms' Learning Behaviour*, International Industrial Organisation Conference, Atlanta, USA, 8-9 April 2005

Elizabeth Webster, *Determinants of Patent Examination Outcomes across the Trilateral Patent Offices*, International Industrial Organisation Conference, Atlanta, USA, 8-9 April 2005

Paul Jensen, *Patent application outcomes across the trilateral patent offices*, International Industrial Organisation Society Conference, Georgia Tech, Atlanta, USA, 8-9 April 2005

Kimberlee Weatherall, *Peer to Peer File Sharing in Australia*, Software Protection in the Digital Environment, The Computer Program Deliberation and Mediation Committee in South Korea, 24 November 2004

Kimberlee Weatherall, *Database Rights: The Australian Model*, The Case for and Against Database Rights, IP Academy of Singapore, IPRIA, Queen Mary Institute, Fordham, 22 November 2004

Andrew Christie, *The Future of Intellectual Property Rights for Databases*, University of Cambridge and National Graduate Institute for Policy Studies Conference on Bioethical Issues of Intellectual Property Rights, Tokyo International Exchange Center, Tokyo, 7 September 2004

Andrew Christie, *Ethical Fairness in the Legal Tests for Patenting*, University of Cambridge and National Graduate Institute for Policy Studies Conference on Bioethical Issues of Intellectual Property Rights, Tokyo International Exchange Center, Tokyo, 6 September 2004

Elizabeth Webster, *Patterns and Trademarking Activities in Australia*, AEA Conference on Intellectual Property and Management, Singapore, 15-16 July 2004

Paul Jensen, *Examining biases in measures of firm innovation*, European Applied Econometrics Association Conference Innovation and Intellectual Property, INSEAD, Singapore, 15-16 July 2004

Andrew Christie, *Copyright Unification - One Inclusive Economic Right to Use*, ALAI Canada Conference on Rethinking Copyright: A Roadmap to the Future of Copyright, University of Ottawa, Ottawa, 20 May 2004

Elizabeth Webster 'Firms' Decisions to Innovate and Innovation Routines. Evidence from Large Australian Organisations', Australian Graduate School of Entrepreneurship-Babson Conference, Hawthorn, 24-25 February 2004

Conferences

Innovation Measurement Symposium, The University of Melbourne, 9 November 2004, Melbourne

Innovation and the Patent System: Maximising Australia's Economic Development, The University of Melbourne, 5 November 2004, Melbourne

IP Management and Knowledge Transfer Symposium: Realise, Systemise, Optimise, 24 September 2004, one-day symposium presented in Association with Business/Higher Education Roundtable

Public Seminars

Andrew Christie, *Simplification of Copyright Rights: A Desirable Path?*, IP Academy and Intellectual Property Office of Singapore roundtable, Intellectual Property Office of Singapore, Singapore, 27 May 2004

Andrew Christie, *Intellectual Property, Traditional Knowledge and Indigenous Cultural Expressions*, Australian Innovation Festival/ Department of Industry and Resources (WA) seminar, Technology Park Function Centre Theatre, Perth, 4 May 2004
Copyright and Peer-to-Peer: Are Levies a Solution? Professor Bernt Hugenholtz, Presented in Association with Monash law Faculty, 16 November 2004, Melbourne

IP Management and Knowledge Transfer Symposium: Realise, Systemise, Optimise, Presented in Association with Business/ Higher Education Roundtable, 29 September 2004, Melbourne

The Culture Ware, Dr Dan Hunter, University of Pennsylvania, 12 August 2004, Melbourne

The Free Trade Agreement and Intellectual Property – The Negotiators, Mr Chris Creswell, Commonwealth Attorney-General's Department; Mr Martin Quinn, Director, Intellectual Property Section, Department of Foreign Affairs and Trade; Ms Jessica Wyers, IP Australia, 18 June 2004, Melbourne

The Value of Innovation: The Interaction of Competition, R&D and IP, Dr Mark Rogers, Oxford Intellectual Property Research Centre and Harris Manchester College, University of Oxford and Melbourne Institute of Applied Economic and Social Research (MIAESR), University of Melbourne; Dr Christine Greenhalgh, Oxford intellectual Property Research Centre and St. Peters College, University of Oxford, 6 April 2004, Melbourne

International Developments in IP – The View from Geneva, Dr Francis Gurry, Deputy Director General of WIPO, 1 April 2004, Melbourne

Public Launch of Creative Commons (CC) Australia, Mr Tom Cochrane, DVC, QUT; Professor Brian FitzGerald, Head of Law School QUT; Mr Ian Oi, Special Counsel, Blake Dawson Waldron, 23 March 2004, Melbourne

Us Patent Practice: An Update from the New York Bar, Mike Rackman and Ted Weisz, Gottlieb Rackman and Reisman, New York, 21 February 2005, Sydney

Current Issues in Broadcasting Law, (in conjunction with the Centre for Media and Communications law (CMCL)), Mr Chris Creswell, Commonwealth Attorney-General's Department; Mr Jim Thomson, Asia-Pacific Broadcasting Union & Television New Zealand; Mr John MacPhail, Baker and McKenzie, Mr Andrew Stewart, Nine Network; Ms Karen Gettens, Blake Dawson Waldron; Ms Jill McKeogh, University of New South Wales; Mr Ian McGill, Allens Arthur Robinson; David Lindsay, Centre for Media and Communications Law, Faculty of Law, University of Melbourne, 27 April 2004, Sydney

International Developments in IP – the view from Geneva, Dr Francis Gurry, Deputy Director General of WIPO, 22 March 2004, Wellington, New Zealand

International Developments in IP – the view from Geneva, Dr Francis Gurry, Deputy Director General of WIPO, 22 March 2004, Auckland, New Zealand

Publications

Refereed Publications

Journal Articles

A Leahy, Joanna Loundes, Elizabeth Webster and J Yong, 'Industrial Capabilities in Victoria', (2004) *Economic and Labour Relations Review*, 15(1), 74-98

Peter Eckersley, 'Virtual Markets for Virtual Goods: The Mirror Image of Digital Copyright?' (2004) *Harvard Journal of Law and Technology*, 85-166

Saba Elkman and Andrew F Christie, 'Regulating Private Copying of Musical Works: Lessons from the US Audio Home Recording Act of 1992', (2004) 27 *University of New South Wales Law Journal*

Jeffrey L Fruman and Richard Hayes, 'Catching up or standing still? National innovative productivity among 'follower' countries, 1978-1999', (2004) *Research Policy*, Vol. 33 (9): 1329-1354

Joshua Gans, Stephen King and Ryan Lampe, 'Patent Renewal Fees and Self-Funding Patent Offices', *Topics in Theoretical Economics*, (2004) Vol. 4, Issue 1, Article 6

Joshua S Gans, Philip L Williamson and David Briggs, 'Intellectual Property Rights: a Grant of Monopoly or an Aid to Competition?', (2004), *Australian Economic Review*, Vol. 37, No. 4, pp 436-445

Melanie J Howlett and Andrew F Christie, 'An Analysis of the Approach of Trilateral and Australian Patent Offices to Patenting Partial DNA Sequences (ESTs)', (2004) 15(3) *Australian Intellectual Property Journal* 156-172

Paul H Jensen and Elizabeth Webster, 'Patterns of Trademarking Activity in Australia', (2004) 15(2) *Australian Intellectual Property Journal*, 112-126

Andrew T Kenyon and Emily Hudson, 'Copyright, Digitisation and Cultural Institutions' (2004) 31(1) *Australian Journal of Communication* 89-105

Owen J Morgan, 'Protecting Indigenous Signs and Trade Marks – The New Zealand Experiment', (2004) *Intellectual Property Quarterly*, 58-84

Owen J Morgan, 'Protection of National Icons Under the Trade Marks Act 1995', (2004) 15(2) *Australian Intellectual Property Journal*, 94-105

Kimberlee Weatherall, 'On Technology locks and the proper source of digital copyright – Sony in the High Court', (2004) 26(4) *Sydney Law Review* 613-638

Elizabeth Webster, 'Firms' Decisions to Innovate and Innovation Routines', (2004) *Economics of Innovation and New Technology*, 1-14

Chapters in Books

Andrew Christie (2004), 'Private Copying Licence and Levy Schemes: Resolving the Paradox of Civilian and Common Law Approaches', in Bentley and Vaver (eds) *Festschrift for William Cornish*, Cambridge University Press, Cambridge, 248-258

Non-Refereed Publications

Journal Articles

Emma Caine and Kimberlee Weatherall, 'Australia-US Free trade Agreement - circumventing the rationale for anti-circumvention' (2005) 7(9) *Internet Law Bulletin*, 121-126

Nisvan Erkal, 'On the Interaction Between Patent Policy and Trade Secret', *Australian Economic Review*, 37(4)

Emily Hudson and Andrew T Kenyon, 'Libraries and the Digital Agenda', (2004) 7(4) *Internet Law Bulletin*, 54-56

Paul Jensen and Elizabeth Webster, 'Achieving the Optimal Power of Patent Rights', (2004) *Australian Economic Review*, 37(4), 419-426

Owen J Morgan and Emma Caine, 'IPRIA – The Vision is to be a Research Institute of World Repute', (2004), 3 *New Zealand Intellectual Property Journal*, 285-290

Kimberlee Weatherall and David Rolph, 'Dow Jones v Gutnick: 'Sturm und Drang' or storm in a teacup? (Part 1)', (2004) 6(1) *Internet Law Bulletin*, 11

Other Publications

Andrew F Christie and S Gare (eds), *Blackstone's Intellectual Property Statutes* (7th ed.) (2004), Oxford University Press, Oxford

R Mitch Casselman and Danny Samson (2004), *Aligning Knowledge Strategy and Knowledge Capability*, Conference Proceedings: Shifting Boundaries, Governance, Competence and Economic Organization in the Knowledge Economy, Bristol Business School, The University of West of England, September 2004

R Mitch Casselman (2004), *Aligning Knowledge Strategy and Knowledge Capability: An Outline of Research in Progress*, The 3rd Annual Knowledge Management Doctoral Consortium at Queen's University Centre for Knowledge-based Enterprises, Kingston, Canada, November 2004

Les Coleman and R Mitch Casselman (2004), *What You Don't Know Can Hurt You: Towards an Integrated Theory of Knowledge and Corporate Risk*, University of Melbourne, Department of Management Working Paper 2004/10011

Other

Jensen P.H. (2004), *The Impact of Incentives, Uncertainty and Transaction Costs on the Efficiency of Public-Sector Outsourcing Contracts*, PhD Thesis submitted to the Australian Graduate School of Management (Universities of Sydney and New South Wales), March

Newspaper Articles

Emma Caine and Andrew F Christie, 'Patently a need to experiment', *The Australian Financial Review* (Sydney), 27 September 2004, 42

Andrew F Christie and Sally Pryor, 'Evergreen dilemma: law blind to patent's purpose', *The Australian Financial Review* (Sydney), 5 August 2004, 63

IPRIA Working Paper Series

Andrew F Christie and Eloise Dias, *The New Right of Communication in Australia*, IPRIA Working Paper No. 01/05 (February 2005)

William Griffiths and Elizabeth Webster, *Trends in the Value of Intellectual Property in Australia*, IPRIA Working Paper No. 18/04 (December 2004)

Kimberlee Weatherall, *On Technology Locks and the Proper Scope of Digital Copyright Laws – Sony in the High Court*, IPRIA Working Paper No. 17/04 (December 2004)

Anne Wyatt, Elizabeth Webster and Laurie Hunter, *Techniques for Measuring Intangible Capital: A Review of Current Practice*, IPRIA Working Paper No. 16/04 (December 2004)

Paul H Jensen and Elizabeth Webster, *Achieving the Optimal Power of Patent Rights*, IPRIA Working Paper No. 15/04 (November 2004)

Nisvan Erkal, *On the Interaction between Patent Policy and Trade Secret Policy*, IPRIA Working Paper No. 14/04 (November 2004)

William Griffiths and Elizabeth Webster, *The determinants of Research and Development and Intellectual Property Usage Among Australian Companies 1989 to 2002*, IPRIA Working Paper No. 13/04 (October 2004)

Saba Elkman and Andrew F Christie, *Regulating Private Copying of Musical Works: Lessons from the US Audio Home Recording Act of 1992*, IPRIA Working Paper No. 12/04 (September 2004)

Emily Hudson and Sophie Waller, *Droit de Suite Down Under: Should Australia Introduce a Resale Royalties Scheme for Visual Artists?*, IPRIA Working Paper No. 11/04 (September 2004)

Saba Elkman, *The Research Exemption to Patent Infringement: A Doctrine in Search of a Principle*, IPRIA Working Paper No. 10/04 (September 2004)

Paul H Jensen and Elizabeth Webster, *SMEs and their use of Intellectual Property Rights in Australia*, IPRIA Working Paper No. 09/04 (August 2004)

Jeffrey L Furman and Richard Hayes, *Catching Up or Standing Still? National Innovative Productivity Among 'Follower' Nations, 1978 – 1999*, IPRIA Working Paper No. 08/04 (July 2004)

Joshua Gans and Stephen King, *Patent Length and the Timing of Innovative Activity*, IPRIA Working Paper No. 07/04 (July 2004)

R Mitch Casselman and Dann Samson, *Moving Beyond Tacit and Explicit: Four Dimensions of Knowledge*, IPRIA Working Paper No. 06/04 (June 2004)

Paul H Jensen and Elizabeth Webster, *Examining Biases in Measures of Firm Innovation*, IPRIA Working Paper No. 05/04 (June 2004)

Katerina Gaita and Andrew F Christie, *Principle or Compromise? Understanding the Original Thinking behind Statutory Licence and Levy Schemes for Private Copying*, IPRIA Working Paper No. 04/04 (May 2004)

Paul H Jensen and Elizabeth Webster, *Patterns of Trademarking Activity in Australia*, IPRIA Working Paper No. 03/04 (March 2004)

Occasional Paper Series

Kimberlee Weatherall, *Locked in: Australia Gets a Bad Intellectual Property Deal*, IPRIA Occasional Paper No. 4/04 (December 2004)

Andrew T Kenyon and Emily Hudson, *Copyright, Digitisation and Cultural Institutions*, IPRIA Occasional Paper No. 3/04 (August 2004)

Andrew F Christie, *Private Copying Licence and Levy Schemes: Resolving the Paradox of Civilian and Common Law Approaches*, IPRIA Occasional Paper No. 2/04 (July 2004)

Owen Morgan and Emma Caine, *IPRIA – The Vision is to be a Research Institute of World Repute*, IPRIA Occasional Paper No. 1/04 (March 2004)

Reports

Joshua Gans and Richard Hayes, *Assessing Australia's Innovative Capacity in the 21st Century – Update*, IPRIA Report No. 3/04 (December 2004)

Andrew F Christie and Sarah L Moritz, *Australia's Second-Tier Patent System: A Preliminary Review*, IPRIA Report No. 2/04 (December 2004)

Dianne Nicol and Jane Nielsen, *Patents and Medical Biotechnology: An Empirical Analysis of Issues Facing the Australian Industry*, IPRIA Report No. 1/04 (October 2004)

Casselmann, R., Gans, J., Gay, E., Jensen, P., Morgan, O., Weatherall, K., Webster, E. (2004), 'Factors Affecting the Use of Intellectual Property (IP) Protection by Small and Medium Enterprises (SMEs) in Australia', Intellectual Property Institute of Australia (IPRIA), A Report for the Commonwealth Department of Industry, Tourism and Resources, pages 198.

Scoreboards

Alfons Palangkaraya (Ed) and Sophie Waller (Asst Ed), *Australian Patent Applications Scoreboard 2004* (November 2004)

Alfons Palangkaraya (Ed), *R&D and Intellectual Property Scoreboard 2004: Benchmarking Innovation in Australian Enterprises* (August 2004)

Submissions to Government

Submission to the Department of Communication, Information Technology and the Arts in response to its Discussion paper on Proposed Resale Royalty Arrangement (August 2004)

Kimberlee Weatherall made a supplementary submission to the Senate Select Committee on their invitation (June 2004)

Resources

People

The management team of **ipria** comprises of the Director, the three Associate Directors, the General Manager, Executive Officer and the Administrative Officer. The Director and Associate Directors provide the leadership of the Institute's research program.

In addition to its core research staff, **ipria** supports the work of, or collaborates with, an impressive network of associated researchers. These Research Associates are affiliated with leading universities in Australia, the United Kingdom and the United States

ipria is assisted in achieving its mission by an Advisory Board and an International Board of Assessors. The Advisory Board's membership is drawn from industry, business, government, the professions, and the academy. The International Board of Assessors contains leading intellectual property researchers from around the world.

Management

Director

Professor Andrew Christie

BSC, LLB (Hons) (Melb), LLM (London), PhD (Cambridge), Davies Collison Cave Chair of Intellectual Property, Barrister and Solicitor of the Supreme Court of Victoria, Solicitor of the Supreme Court of England and Wales, Registered Trade Marks Attorney, Australia

Associate Directors

Professor Joshua Gans

BEcon (Hons) (Qld), PhD (Stanford)
Professor of Management - Information Economics
Melbourne Business School, the University of Melbourne

Kimberlee Weatherall

BA, LLB (Hons) (Syd), BCL (Oxford), LLM (Yale)
Senior Lecturer, Faculty of Law, the University of Melbourne

Dr Elizabeth Webster

BEcon, MA (Monash), PhD (Cambridge)
Principal Research Fellow, Melbourne Institute of Applied
Economic and Social Research

General Manager

Leanne McDonald

Executive Officer

Jean Molloy

Administrative Officer

Celia Ujvari

Kimberlee Weatherall drafted a supplementary Submission to the Senate Select Committee on the Australia-United States Free trade Agreement (May 2004)

Kimberlee Weatherall drafted a submission to the Senate Select Committee on the Australia-United States Free Trade Agreement (April 2004)

Kimberlee Weatherall drafted a submission to the Joint Standing Committee on Treaties in relation to the Australia-United States Free Trade Agreement (April 2004)

Kimberlee Weatherall made submissions to JSCOT (which was cited in their report) and to the Senate Select Committee on the Agreement. The Senate Select Committee interim report also makes use of points from her submission (April 2004)

Patents and Experimental Use – submission to the Advisory Council on Intellectual Property (ACIP) (May 2004)

Gene Patenting and Human Health – submission to the Australian Law Reform Commission (ALRC) (April 2004)

Review of Crown use Provisions in Patents and Designs Legislation – submission to the Advisory Council on Intellectual Property (ACIP) (March 2004)

Advisory Board

The **Advisory Board** represents key external stakeholders in **ipria** and reflects the range of interests and activities undertaken by the Institute. The Advisory Board for the first term of operations (2002-2006) was:

- Mr Hugh M Morgan AC (Chair)
- Mr Owen Malone, Vice President Intellectual Property, Fosters Group Ltd
- Dr Ian Heath, Director General, IP Australia
- Dr Mike Hirshorn (OAM), Chief Executive, Nanyang Innovation Fund, Nanyang Ventures Pty Ltd
- Professor John Seybolt, Dean and Director, Melbourne Business School, The University of Melbourne
- Dr Deborah Kuchler, Managing Director, MIND2MARKET Pty Ltd
- Professor Michael Commelin, Dean, Faculty of Law, The University of Melbourne
- Mr Desmond Ryan AM, Consultant, Davies Collison Cave Patent and Trade Mark Attorneys and Solicitors
- Professor Andrew Christie, Director, ipria

Research Expertise

Research Fellows

Saba Elkman

BA, LLB (Hons) (Melb)

Richard Hayes

BEng (Chem) (Syd), MBA (Melb)

Emily Hudson

BSc (Hons), LLB (Hons) (Melb)

Dr Paul Jensen

BEC (Syd), PhD (AGSM)

Dr Alfons Palangkaraya

BSc (UMo), MA (PennSt), PhD (OreSt)

Researchers

Jason Bosland

BA, LLB (Hons) (Melb)

Emma Caine

BA, LLB (Melb)

Justine Clarke

BA (Hons), LLB (Melb)

Katerina Gaita

BA, LLB (Hons) (Melb)

Xiangyun Lillian Hong

LLB (Xiamen), LLM (Melb)

Dr Amanda Lim

BSc (Hons) (Melb), PhD (Melb)

Nitsa Karaholios

BA, LLB (Hons) (Melb)

Sarah Moritz

BComm, LLB, Dip Mod Lang (German) (Melb)

Henry Mutai

LLB (Nairobi), Dip Law, LLM (Temple)

Sally Pryor

BA, LLB (ANU), Grad Dip (Legal Practice) (Canb)

Sophie Waller

BSc, LLB (Hons) (Monash)

Research Associates

Professor Margaret Abernethy

BEcon (Hons), PhD

Dean of the Faculty of Economics and Commerce and Professor of Accounting, The University of Melbourne

Dr Jane Anderson

PhD (UNSW)

Visiting Research Fellow, Intellectual Property Department, The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

Professor Derek Bosworth

BA, MSc, PhD

Professor of Economics at the Manchester School of Management, UMIST, Senior Research Associate of the Oxford Intellectual Property Research Centre

Dr Peter Cebon

BE (Civil), SM (MIT), PhD (MIT)

Senior Lecturer Organisations and Innovation, Melbourne Business School, The University of Melbourne

Professor Greg Clinch

BEC, MEc Mon, PhD (Stanford)

Professor of Accounting, Melbourne Business School, The University of Melbourne

Associate Professor Mark Crosby

BEC (Hons) (Adelaide), MA, PhD (Queen's)

Research Fellow, and Associate Professor of Economics, Melbourne Business School, The University of Melbourne

Dr Catherine de Fontenay

BA (Hons) (McGill), PhD (Stanford)

Research Fellow and Senior Lecturer, Department of Economics and the Melbourne Business School, The University of Melbourne

Professor Peter Drahos

BA, LLB (Hons) (Adel), Grad Dip (Legal Practice) (U South Aust), LLM (Hons) (Syd), PhD (ANU)

RegNet, The Australian National University

Dr Nisvan Erkal

BA (Macalester College), PhD (University of Maryland)

Lecturer, Department of Economics, The University of Melbourne

Professor Brian Fitzgerald

BA (GU), LLB (Hons) (QUT), BCL (Oxon.), LLM (Harv.), PhD (GU)

Professor of Econometrics in the School of Economics and Finance, Royal Melbourne Institute of Technology

Professor Tim Fry

BA (Hons) (Kent), MA (Econ), PhD (Manchester)
Professor of Econometrics in the School of Economics and Finance, Royal Melbourne Institute of Technology

Dr Christine Greenhalgh

BSc Econ, MSc (LSE), PhD (Princeton)
Fellow and Tutor in Economics, St Peter's College, Economics Research Director of the Oxford Intellectual Property Research Centre

Francis Hanks

BA, LLB (Sydney)
Senior Fellow, Faculty of Law, The University of Melbourne

Dr Dan Hunter

BSc, LLB (Hons) Monash, LLM (Melb), PhD (Cantab)
Assistant Professor of Legal Studies, Wharton School, University of Pennsylvania, Senior Fellow, Faculty of Law, The University of Melbourne

Associate Professor Andrew Kenyon

PhD (Melb), LLM (London), LLB (Hons) (Melb)
Director of the Centre for Media and Communications Law, Faculty of Law, The University of Melbourne

Professor Stephen King

BEC (Hons) (ANU), MEd (Monash) AM, PhD (Harvard)
Professor of Economics at the University of Melbourne, and a Commissioner with the Australian Competition and Consumer Commission

Janice Lunch

LLB (Hons) (Tas), LLM (London)
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Financial Position

ipria was established in 2002 with foundation funding from the Commonwealth of Australia through IP Australia, the University of Melbourne and the State of Victoria. Following the successful 2005 Review the University of Melbourne and IP Australia have agreed to provide core funding for another four years. In addition to its core funding, **ipria** obtains financial resources from research funding bodies and various stakeholders. Those financial resources support specific research projects.

	2002 \$'000	2003 \$'000	2004 \$'000	2005 \$'000	2006* \$'000
Income					
Core Funding	1,376,351	1,200,000	1,135,000	1,706,000	870,000
Commissioned Work	64,264	71,880	38,015	43,147	154,636
Other Income	27,432	35,525	74,879	68,413	9,246
Total	1,468,047	1,307,405	1,247,894	1,817,560	1,033,882
Expenditure					
Research	645,810	964,976	1,484,565	1,572,231	753,876
Knowledge Transfer	232,815	334,950	421,684	414,751	562,572
Total	878,625	1,299,926	1,906,249	1,986,982	1,316,448

*Estimate

ipria produces audited income and expenditure statements on a calendar year basis. These are available from its website at www.ipria.org