

# **INNOVATE AUSTRALIA**

## **Review of the National Innovation System - Submission By Professor Brian Fitzgerald**

**SUBMITTED 30 APRIL 2008**

**To: Review of the National Innovation System – Submission  
Secretariat to the Expert Panel  
Review of the National Innovation System  
Department of Innovation, Industry, Science and Research  
GPO Box 9839  
Canberra, ACT 2601  
By email: [innovationreview@innovation.gov.au](mailto:innovationreview@innovation.gov.au)**

# Innovate Australia

A submission by Professor Brian Fitzgerald to the

## Review of the National Innovation System (2008)

### Declaration of Interest

- Employed at QUT as Professor of Intellectual Property Law and Innovation [www.qut.edu.au](http://www.qut.edu.au) <www.ip.qut.edu.au>
- Non Remunerated Elected Director – representing university sector members – Internet Industry Association of Australia (IIA) <www.iaa.net.au>
- Project Leader Creative Commons Australia <creativecommons.org.au>
- Chief Investigator ARC Centre of Excellence for Creative Industries and Innovation <www.cci.edu.au>
- Project Leader Open Access to Knowledge (OAK) Law Project [www.oaklaw.edu.au](http://www.oaklaw.edu.au)
- Project Leader Legal Framework for e-Research Project [www.e-research.law.qut.edu.au](http://www.e-research.law.qut.edu.au)
- Co-Project Leader Enabling Real Time Access to Government Data - Cooperative Research Centre (CRC) for Spatial Information <www.crcsi.com.au>
- I have had professional connections with a number of members of the Review Panel and my sister and close colleague Professor Anne Fitzgerald is a member of a broader reference group Dr Cutler has convened as part of the Review process.

## PART I : INTRODUCTION

### Productivity a Key Target

Increasing Australia's long term productivity must be a central goal of our innovation strategy in the next 5 years. We must give immediate attention to key enablers outlined below and take swift action to put in place key strategies that will open up the possibility for innovation.

#### *Laboratory of Experimentation*

Australia needs to become a true laboratory of experimentation fuelled by the greatest possible freedom to exchange ideas (through formal and informal professional and social networks). In today's networked society and economy we have learned that we cannot predetermine knowledge construction and that serendipity (discovery by chance), contributions by everyday citizens (from the periphery) and seamless access

to the network and to the knowledge are vitally important. The networked environment has shown us more than ever that no one person has a monopoly on knowledge and that collaborative endeavour (some of our Web 2.0 colleagues might call this “crowdsourcing”) is a fundamental part of discovery.<sup>1</sup>

### *Pure Exchange of Ideas*

In conceptualising such an innovation environment it is important for us to highlight the link between fundamental social and political freedoms such as free speech and innovation theory. The pure exchange of ideas is at the very heart of our innovation system and it is also at the very heart of the constitutionalism of our democratic society. In building the legal and institutional framework for an innovative Australia this touchstone needs to be kept in mind. We need to ensure what my colleague and distinguished bio-scientist Dr Richard Jefferson calls the “freedom to innovate”<sup>2</sup> and panel member of this Review Committee, Nicholas Gruen, has called “information flows and information markets.”<sup>3</sup>

### *Institutional Infrastructure*

In this regard, Australia’s ability to lead the world in developing institutional (government, education and industry) and informal ways (citizenry and social networks) of managing, facilitating and providing access to and usability (flow and reuse) of information, knowledge, data and culture must be seen as one of the greatest drivers of innovation and competitive advantage in the global market economy. Law – legal infrastructure – is a key plank/enabler in such a picture especially in the digital networked environment where it structures most every right of access and use.<sup>4</sup>

To build this infrastructure we need to create a new public agency under the portfolio of the Innovation Minister called Innovate Australia. It should assume responsibility for

- innovation policy development and implementation
- establishing a blueprint for a regulatory environment that promotes innovation

---

<sup>1</sup> See generally: G. Vickery and S. Wunsch-Vincent, *Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking* (2007) Organisation for Economic Co-operation and Development <<http://www.oecd.org/dataoecd/57/14/38393115.pdf>> ; E. Mayo and T Steinberg, *The Power of Information* (2007) (and UK Government response) <[http://www.cabinetoffice.gov.uk/reports/power\\_of\\_information.aspx](http://www.cabinetoffice.gov.uk/reports/power_of_information.aspx)>; Fitzgerald, Fitzgerald, Middleton, Lim and Beale, *Internet and E Commerce Law* LBC/Thomson Sydney

<sup>2</sup> R Jefferson, “Freedom to Innovate as a Human Right” <<http://blogs.cambia.org/raj/index.php/2007/04/05/freedom-to-innovate>>

<sup>3</sup> N. Gruen “A National Information Policy?” (17 Apr 2008) *The Australian Financial Review*

<sup>4</sup> B. Fitzgerald and K Pappalardo, “The Law as Cyberinfrastructure” (2007) 3 *CT Watch Quarterly - The Coming Revolution in Scholarly Communications & Cyberinfrastructure* <<http://www.ctwatch.org/quarterly/articles/2007/08/the-law-as-cyberinfrastructure>>

- intellectual property law and associated policy development and leadership (including copyright)
- e commerce and cyber law and associated, policy development and leadership (including issues of privacy and security)
- providing skilled advisers (innovation agents) to 1) assist innovators in all sectors to manage their ideas through to workable and useable outcomes and 2) capture knowledge about and help build frameworks for innovation
- public sector information (PSI) management and monitoring (as seen in the UK's Office of Public Sector Information Management (OPSI)<sup>5</sup> and Advisory Panel on Public Sector Information (APPSI)<sup>6</sup>)

It could be built on the platform of the current IP Australia.

### *Capital Investment*

The investment of capital into research and the application of good ideas is critical to our future prosperity. However on too many occasions we have seen innovation funds frittered away with little accountability or learning from our mistakes. An innovation system must anticipate failure and to some extent waste but an innovation system must also learn from mistakes and have mechanisms of accountability that will see improvement next time around and reutilisation of the valuable material that can be salvaged. For all the millions (if not billions) of dollars government has spent over the last ten years who has kept the failure register, the mistakes register and how are we learning from it? We need to be better at understanding why so much of the money invested in innovation has not improved our productivity. We also need to share more information on what these innovation funds have already achieved (good or bad) so that others do not re-invent the wheel – an innovation outputs register. As my colleague John Wilbanks CEO for Science Commons has suggested after a short period of time we should make the waste available for anyone to repurpose in a hope that new ideas may be generated. The waste here is not only technological or scientific in nature but also relates to the business and legal know how and framework building capacity that have not been captured for sharing with new projects. Too often we start from scratch all over again and do not adequately understand what has already been achieved.

### *Policy development*

We need to ensure that we have best practice policy development and that innovative ideas can be implemented through effective policy processes.<sup>7</sup> An area of immediate attention is in relation to the need for comprehensive and coherent national policies on information and IP.

Access to knowledge is a key driver of innovation and productivity

---

<sup>5</sup> <<http://www.opsi.gov.uk>>

<sup>6</sup> <<http://www.appsi.gov.uk>>

<sup>7</sup> On policy making in this area see: R Longhorn and M Blakemore *Geographic Information: Value, Pricing, Production and Consumption*. (2008) Ch 6 also citing P Bridgman and G Davis *The Australian Policy Handbook* (3rd ed. 2004)

An ability to access and reuse knowledge, data, content and culture (especially that which is digitised) is nowadays a key factor in finding new ways of doing things for social, cultural and economic purposes. There is broad consensus across the world that the default rule should be that publicly funded knowledge, data, content and culture should be available for open access.<sup>8</sup>

In accord with the current proposal of the OECD Australia needs to facilitate better access to and reuse of public sector information.<sup>9</sup> Open access should be the default rule.<sup>10</sup> A national policy (that involves the States perhaps through COAG) and a set of principles that support this need to be articulated (ideally by the end of 2008) so that public administrators have clear direction on this issue. The work of Steve Matheson and Wayne Richards at ABS, Ben Searle at Office of Spatial Data Management (OSDM), Evan Arthur, Margot Bell and Clare McLaughlin at DEST (now DEEWR and DIISR), Liz Marchant at AGIMO and Peter Crossman, Tim Barker and Neale Hooper in the Queensland Government's Treasury Department has been leading edge but needs to be more fully supported.

### *Removing Burdens on Knowledge*

There are too many burdens on the way we receive and utilise knowledge.

One example that highlights this issue is in the area of copyright and the use of knowledge by Australian schools. It is reported that remuneration paid by Australian schools to the collecting society Copyright Agency Limited (CAL) has skyrocketed from \$9.6 million in 1999 to \$51 million in 2006 for the copying and communication

---

<sup>8</sup> See all of the statements and policies listed on Peter Suber's Blog "Open Access News" <http://www.earlham.edu/~peters/fos/fosblog.html> and Chris Corbin's "ePSIplus" website <<http://www.epsiplus.net>>

<sup>9</sup> The OECD has a draft set of principles on *Open Access to Public Sector Information* that will be considered for adoption at its Ministerial Conference in Korea in June 2008. See also OECD, *Declaration on Access to Research Data from Public Funding* (2004) <<http://www.oecd.org/dataoecd/9/61/38500813.pdf>>

<sup>10</sup> "There is a global movement to liberate government-"owned" data sets, such as census data, environmental data, and data generated by government-funded research projects. This open data movement aims to make these datasets available, at no cost, to citizens, citizen groups, non-governmental-organizations (NGOs) and businesses. The arguments are many: such data spurs economic activity, helps citizens make better decisions, and helps us understand better who we are and where we are going as a country. ..

Currently, access to government data is hampered by four main factors: i) the high cost of available data sets; ii) arbitrary decisions about availability of data sets to the public; iii) restrictive licenses; and iv) inaccessible data formats...

Our ability to collect, analyze and interpret these data, and to make decisions based on them, is what gives humans our particular ability to solve societal problems such as food shortages, disease infestations, and resource depletion." : Tracey P. Lauriault and Hugh McGuire "Data Access in Canada: CivicAccess.ca" (2008) <http://www.osbr.ca/ojs/index.php/osbr/article/view/514>

of print and electronic works under the education statutory licenses in Part VB *Copyright Act*.<sup>11</sup>

We need to examine how these types of burdens can be reduced (within the boundaries of the law) so as to prosper the great minds of the future.

---

<sup>11</sup> Delia Browne “CC and Educators - a marriage made in heaven?” <<http://icommons.org/articles/cc-and-educators-a-marriage-made-in-heaven>>

## **PART II : THE KEY ELEMENTS FOR INNOVATION**

### **Ten Enablers We Need To Sponsor and Harvest (include):**

To do what is outlined above we need to sponsor and effectively harness the value of:

1. Creative endeavour and a marketplace of ideas – laboratory of experimentation
2. World class education and skills development – formally and informally in educational institutions and in the work place
3. A highly skilled and first class public service and public sector
4. An internationally competitive business sector
5. A 21<sup>st</sup> century legal framework/infrastructure

In turn this will require us to focus on critical issues of:

6. Information access, reuse, and usability including the communication and networking of ideas – a “knowledge sharing strategy” is vital – as is – including everyday Australians as part of the innovation landscape – no one person has a monopoly on knowledge and ideas
7. World leading policy development and implementation
8. Venture capital and R&D investment strategies
9. World leading economic policy and regulatory structures
10. International engagement and partnering

### **PART III: IMMEDIATE ACTION**

#### **Ten Strategies We Must Undertake Immediately (include):**

1. Establish and Implement a National Innovation Policy – within an appropriate institutional framework
2. Establish and Implement a National Information Policy – needs to include a national knowledge sharing strategy within and between government/s, researchers, citizenry and business
3. Establish and Implement a National Intellectual Property Policy – including articulation of how departmental responsibilities fit together
4. Reform IP law especially Patent and Copyright to allow and promote new forms of innovation
5. Review IP management policies used by government and publicly funded research agencies with a view to promoting new forms of innovation
6. Implement a national approach to freeing up government owned or crown copyright that is eligible for release – price at zero, use CC licences and common technical standards - as a key driver of social, cultural and economic innovation
7. Build the requisite National Knowledge/Information Infrastructure – Cyberinfrastructure – linking socially and technically the key publicly funded research databases employing consistent pricing/access, licensing and standards
8. Build the necessary legal infrastructure for innovation – on issues such as data management and reuse,<sup>12</sup> the negotiation and contracting framework for research especially in the electronic environment, a national e commerce platform, Semantic Web and Web 2.0 (social networking and user participation)
9. Establish an Innovation Law Expert Group – linking government, academia and industry
10. Establish an openly accessible and royalty free Creative Archive of publicly funded Australian Culture

---

<sup>12</sup> See further: A Fitzgerald, K Pappalardo et al, *Building the Infrastructure for Data Access and Reuse in Collaborative Research: An Analysis of the Legal Context* (2007) <[www.oaklaw.qut.edu.au](http://www.oaklaw.qut.edu.au)>

## PART IV: FILLING IN THE DETAIL

### The Broader Canvas

#### 1. Australian Needs to Be a Laboratory for Innovation

1. Design spaces and supporting infrastructure for low risk experimentation
2. Use government as a test bed for innovative technologies and examine how this can be promoted in the procurement process.
3. We need to ensure that new and innovative technologies are tested in the marketplace and not simply killed off by the vested interests of established businesses – “clean” coal, “green” cars and so on come after the problem has arisen yet should be encouraged well before that – we should introduce greater tax incentives to try new technologies much earlier in the life of those technologies than is currently happening

#### 2. Policy Level

1. National Policy on Innovation must articulate an information and intellectual property policy or separate or related policies. This must articulate many points including those relating to the value of open innovation,<sup>13</sup> open standards, free and open source software,<sup>14</sup> open content, social networking, digital literacy and user participation.<sup>15</sup>
2. We need policy co-ordination and leadership across Federal Government and this must link with the States - create Innovate Australia as a distinct public agency
3. Development of legal policy and strategy especially around IP and information, e commerce and Web 2.0 and Semantic Web innovation.

#### 3. Legal Level

---

<sup>13</sup> H. Chesbrough, *Open Innovation: The New Imperative for Creating and Profiting from Technology* (2006) Harvard Business School Press, Boston, MA.

<sup>14</sup> B Fitzgerald and N Suzor, “Legal Issues Relating to Free and Open Source Software in Government” (2005) 29 *Melbourne University Law Review* 412; B Fitzgerald and G Bassett (eds) *Legal Issues for Free and Open Source Software* (2003) <<http://opensource.mit.edu/papers/opensourcelawbook.pdf>>

<sup>15</sup> J. Hartley, “The evolution of the creative industries – Creative clusters, creative citizens and social network markets” (2007) Keynote address to Creative Industries Conference, Asia-Pacific Forum Berlin, 19 September 2007; S. Cunningham, J. Banks and J. Potts, “Cultural economy: the shape of the field”, in H. Anheier & R. Isar (eds.), *Cultural Economy* (2008) Sage London.

1. National electronic commerce platform established without delay
2. Innovation agents to help develop technologies and IP and build an implement innovation frameworks
3. New models of IP management need to be promoted – Australia can be a leader here
4. Need a leading Innovation Law group in government or university sector that leads strategic legal advice and policy
5. Review copyright and to a lesser extent patent law
6. Assess the role of standards in the innovation process and how copyright and patent law are impacting on this
7. Improve efficiency of contracting and negotiation framework for research activity - research entities and clients need to improve the efficiency of their current practices for negotiation and contracting in relation to research projects. Research contracts should also be able to accommodate the dynamic nature of new forms of research enhanced by ICT. They must be able to take account of the increasingly serendipitous and rapid nature of research activities over the Internet.

#### **4. Education and Research**

1. Ensure through strategic funding, international engagement and clear policy objectives that we have excellent Universities, schools and other venues for advanced learning (including infrastructure and staff)
2. Expose students (at all levels) to latest technologies – they should be experimenting with innovative technologies
3. State a clear “access to knowledge strategy”
4. As a default rule mandate open access for publicly funded research material<sup>16</sup>
5. Establish clear and workable data management structures and plans
6. Sponsor a group of Innovation Scholars across key disciplines that can provide outcomes that will benefit Australia’s innovation agenda
7. Review existing research grants schemes against the core policy objectives

---

<sup>16</sup> See generally: Fitzgerald et al *Creating a Legal Framework for Copyright Management of Open Access within the Australian Academic and Research Sectors* (2006) <[www.oaklaw.qut.edu.au](http://www.oaklaw.qut.edu.au)>

8. Ensure intergenerational transfer of knowledge in all types of institutions by encouraging retirement age workers to remain as mentors or emeritus staff connected to the workplace

## 5. Government and the Public Sector

1. Facilitate greater access to government information to enable innovation – including initiatives like those undertaken by Dr Richard Jefferson at Cambia in relation to patents (Patent Lens)<sup>17</sup> and new initiatives by IP Australia including a proposed “patent gallery”
2. As a default rule make Public Sector Information (PSI) that is eligible for public release available through open access and use Creative Commons or like licenses to facilitate this or change the copyright law<sup>18</sup>
3. Establish a Creative Archive of publicly funded cultural material – I also note here the excellent work done by Professor Philip Graham (QUT) and others gathering and cataloguing material held by private individuals in the form of the Australian Creative Resource Online (ACRO) which should be given more support.<sup>19</sup>

---

<sup>17</sup> <<http://www.patentlens.net>>

<sup>18</sup> See generally: Fitzgerald, Fitzgerald, Middleton, Lim and Beale, *Internet and E Commerce Law* LBC/Thomson Sydney at 260-269 and references contained therein; Australian Productivity Commission, *Cost Recovery by Government Agencies Report* (2001) 24, 167, 171-2 <<http://www.pc.gov.au>>; Professor David Newbery, Professor Lionel Bently, and Rufus Pollock, *Models of Public Sector Information Provision via Trading Funds*, Cambridge University, February 26, 2008; B Fitzgerald, J Coates and S Lewis (editors) *Open Content Licensing: Cultivating the Creative Commons*, (2007) Sydney University Press, Sydney; E. Bledsoe, J. Coates and B Fitzgerald, *Unlocking the Potential Through Creative Commons: an industry engagement and action agenda*, (2007) ARC Centre of Creative Industries and Innovation, August 2007 <<http://creativecommons.org.au/unlockingthepotential>> ; D. Bushell-Embling, “Private Eyes on Public Data” *Sydney Morning Herald* (25.09.07) <<http://www.smh.com.au/news/technology/private-eyes-on-public-data/2007/09/24/1190486224755.html?page=fullpage>>; Queensland Spatial Information Council, *Government Information and Open Content Licensing: An Access and Use Strategy* (2006) [http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/0/F82522D9F23F6F1C4A2572EA007D57A6/\\$FILE/Stage%202%20Final%20Report%20-%20PDF%20Format.pdf?openelement](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/0/F82522D9F23F6F1C4A2572EA007D57A6/$FILE/Stage%202%20Final%20Report%20-%20PDF%20Format.pdf?openelement)> ; M van Eechoud and B van der Wal, *Creative Commons Licensing for Public Sector Information: Opportunities and Pitfalls* (2007) <<http://www.ivir.nl/creativecommons/index-en.html>>

<sup>19</sup> <[www.acro.edu.au](http://www.acro.edu.au)>

## Conclusion

There is already an enormous amount of excellent work that has been undertaken on the issues raised in this submission. Some of this material has been highlighted in the footnotes.

In particular I would encourage the Committee to look at the following documents:

G. Vickery and S. Wunsch-Vincent, *Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking* (2007) Organisation for Economic Co-operation and Development <<http://www.oecd.org/dataoecd/57/14/38393115.pdf>>

E. Mayo and T Steinberg, *The Power of Information* (2007) (and UK Government response) <[http://www.cabinetoffice.gov.uk/reports/power\\_of\\_information.aspx](http://www.cabinetoffice.gov.uk/reports/power_of_information.aspx)>

Queensland Spatial Information Council, *Government Information and Open Content Licensing: An Access and Use Strategy* (2006) <<http://www.qsic.qld.gov.au>>

Fitzgerald, Fitzgerald, Middleton, Lim and Beale, *Internet and E Commerce Law* LBC/Thomson Sydney

Fitzgerald et al *Creating a Legal Framework for Copyright Management of Open Access within the Australian Academic and Research Sectors* (2006) <[www.oaklaw.qut.edu.au](http://www.oaklaw.qut.edu.au)>

Tracey P. Lauriault and Hugh McGuire, “Data Access in Canada: CivicAccess.ca” (2008) <<http://www.osbr.ca/ojs/index.php/osbr/article/view/514>>

Fitzgerald, “Copyright 2010: The Future of Copyright” [2008] *European Intellectual Property Review* 43 <<http://eprints.qut.edu.au/archive/00013305>>

Fitzgerald, “It’s vital to sort out the ownership of ideas” February 27, 2008, *The Australian* (Higher Education Supplement) <<http://www.theaustralian.news.com.au/story/0,25197,23280526-25192,00.html>>

\* This submission is supplemented by three other submissions:

Jessica Coates and Professor Brian Fitzgerald on “Copyright and Innovation”

Anthony Austin and Professor Brian Fitzgerald on “Streamlining Negotiation and Contracting in Collaborative Research Environments”

Kylie Pappalardo, Professor Brian Fitzgerald and Anthony Austin on “Open Access to Research: An Innovation Priority”

## **PROFESSOR BRIAN FITZGERALD**

**BA (Griff) LLB (Hons) (QUT) BCL (Oxon.) LLM (Harv.) PhD (Griff)**

**Professor - Law Faculty, QUT Brisbane Australia**

**Barrister of the High Court of Australia**

**bf.fitzgerald@qut.edu.au**

**Website at: <http://www.law.qut.edu.au/about/staff/lstaff/fitzgerald.jsp>**

**<http://www.ip.qut.edu.au>**

**Brian Fitzgerald studied law at the Queensland University of Technology graduating as University Medallist in Law and holds postgraduate degrees in law from Oxford University and Harvard University.**

**He is a well-known Intellectual Property and Information Technology/Internet lawyer who has pioneered the teaching of Internet/Cyber Law in Australia. He has published articles on Intellectual Property and Internet Law in Australia, the United States, Europe, Nepal, India, Canada and Japan and his latest (co-authored) books are *Cyberlaw: Cases and Materials on the Internet, Digital Intellectual Property and E Commerce* (2002); *Jurisdiction and the Internet* (2004); *Intellectual Property in Principle* (2004) and *Internet and Ecommerce Law* (2007). Over the past seven years Brian has delivered seminars on Information Technology, Internet and Intellectual Property law in Australia, Canada, China, Brazil, New Zealand, USA, Nepal, India, Japan, Malaysia, Singapore, Norway, Croatia and the Netherlands. In October 1999 Brian delivered the Seventh Annual Tenzer Lecture - Software as Discourse: The Power of Intellectual Property in Digital Architecture - at Cardozo Law School in New York. Through the first half of 2001 Brian was a Visiting Professor at Santa Clara University Law School in Silicon Valley in the USA. In January 2003 Brian delivered lectures in India and Nepal and in February 2003 was invited as part of a distinguished panel of three to debate the Theoretical Underpinning of Intellectual Property Law at University of Western Ontario in London, Canada. During 2005 Brian presented talks in Germany, India and China and was a Visiting Professor in the Oxford University Internet Institute's Summer Doctoral Program in Beijing in July 2005. In 2006 he was nominated by DEST to attend and present as an Australian expert an OECD Workshop on Research Use of Patents held in May 2006 in Spain and in February 2006 was invited as international expert to present at an OECD Workshop on Open Educational Resources in Sweden. In April 2006 Brian was also invited to speak at the Fordham University International Intellectual Property Conference in New York and the Access to Knowledge (A2K) Conference at Yale University Law School. In April 2007 Brian organised the Knowledge Policy for the 21<sup>st</sup> Century Conference with the University of Western Ontario Law School in Canada and presented at the Fordham University International Intellectual Property Conference in New York. In May 2007 he organised the Legal and Policy Framework for the Digital Content Industry Conference in Shanghai China and in June presented at the Creative Commons iSummit in Dubrovnik Croatia. In July he organised an International Conference on the Legal Framework for e-**

**Research held on the Gold Coast Australia and also taught in the Oxford Internet Institute Summer School at Harvard University Law School.**

**Brian is a Chief Investigator and Program Leader for Law in the ARC Centre of Excellence on Creative Industries and Innovation and Project Leader for the DEST funded Open Access to Knowledge Law Project (OAK Law) Project looking at legal protocols for open access to the Australian research sector and the DEST funded Legal Framework for e-Research examining the legal framework needed to enhance e-Research. He is also a Program Leader for CRC Spatial Information. His current projects include work on intellectual property issues across the areas of Copyright, Digital Content and the Internet, Copyright and the Creative Industries in China, Open Content Licensing and the Creative Commons, Free and Open Source Software, Research Use of Patents, Science Commons, e-Research, Licensing of Digital Entertainment and Anti-Circumvention Law. Brian is a Project Leader for Creative Commons in Australia. He has organised numerous conferences on Intellectual Property and Internet Law in Australia, is a regular speaker at international and national conferences and has made a number of significant submissions to government in the area of Internet and IP Law.**

**From 1998-2002 Brian was Head of the School of Law and Justice at Southern Cross University in New South Wales, Australia and from January 2002 – January 2007 was Head of the School of Law at QUT in Brisbane. He is currently a specialist Research Professor in Intellectual Property and Innovation at QUT.**