



TECH IP
Professional Development

Using Patented Inventions For Research

Monday 26 March 2007

8.30am to 12.30pm

Registration from 8am

Sofitel Melbourne

Carillon Room

25 Collins Street, Melbourne

Speakers

Dr John Emmerson QC

Professor Adrienne Clarke AC, Laureate Professor, University of Melbourne

Des Ryan AM, Consultant, Davies Collison Cave

Michael Caine, Partner, Davies Collison Cave

John Slattery, Partner, Davies Collison Cave

Rodney De Boos, Partner, Davies Collison Cave

Endorsed by



**The Institute of Patent and
Trade Mark Attorneys of Australia**

Using Patented Inventions For Research

Monday 26 March 2007

Sofitel Melbourne, Carillon Room, 25 Collins Street, Melbourne

Program

8.00am - 8.25am

Registration

10.55am - 11.15am

Coffee break

8.30am - 8.40am

Chairperson, Des Ryan AM

Welcome and introductory comments

11.20am - 11.45am

John Slattery

Law in Europe, United States and New Zealand

- understanding the right to research using patented inventions in overseas jurisdictions
- international collaborations

8.45am - 9.25am

Dr John Emmerson QC

Does use of a patented invention for research constitute patent infringement? Current law in Australia

- litigation exposure
- patent rights
- ownership of results

11.50am - 12.20pm

Rodney De Boos

Structuring licence clauses to protect ongoing research

- mitigating liability and litigation risk
- maintaining research rights whilst commercialising patents
- preparing licence clauses

9.30am - 9.50am

Professor Adrienne Clarke AC

What drives research in public sector research organisations?

12.20pm - 12.30pm

Chairperson, Des Ryan AM

Concluding comments

9.55am - 10.55am

Michael Caine

Proposed changes to the law – changing liabilities and opportunities

- Examining the recommendations in the report on *Patents and Experimental Use* prepared by the Advisory Council on Intellectual Property (October 2005)
- strategies and internal processes

Speakers

Dr John Emmerson QC

Dr John Emmerson QC specialises in intellectual property.

Dr Emmerson began professional life as an academic scientist with research and teaching interests in nuclear physics and, later, particle physics. Most of this work was done during the ten years that he spent at the University of Oxford. He then studied law and has been a barrister in Melbourne since 1976. He was appointed a QC in 1985.



Dr Emmerson is the Chairperson of the Victorian Bar's Commercial Bar Association - IP and Trade Practices Section.

Professor Adrienne Clarke AC

Professor Adrienne Clarke AC is Laureate Professor at The University of Melbourne with a distinguished research career in botany and biology. She is a Fellow of the Australian Academy of Science and the Australian Academy of Technological Sciences & Engineering; and a member of the National Academy of Science (USA) and the Academy of Arts and Sciences (USA).



Professor Clarke was Ambassador for Biotechnology for Victoria (2001-2003) and Lieutenant-Governor of Victoria (1997-2000).

Professor Clarke's current board positions include:

ARC Centre of Excellence in Plant Energy Biology (Science Advisory Board Member); Australian Research Centre for Urban Ecology (Board Member); Woolworths Ltd (Board Member); Fisher & Paykel Healthcare Ltd (Board Member); VESKI (Victorian Endowment for Science Knowledge & Innovation) (Chairman); Hexima Limited (Board Member); Tridan Ltd (Board Member).

Professor Clarke's service to Government has included participation in the following: CSIRO (Chairman 1991-1996); National Research Infrastructure Taskforce; Innovation Economy Advisory Board; Trade Policy Advisory Council; Victorian Council for Knowledge, Innovation, Science & Engineering; Victorian Science, Engineering & Technology Taskforce; Prime Minister's Science & Engineering Council Working Group on Future Directions for Science, Technology & Engineering.

Des Ryan AM

Des Ryan AM is a patent attorney and intellectual property solicitor. Des was a Partner of Davies Collison Cave from 1959 until 2001 when he was appointed a Consultant. Des' major areas of practice include: intellectual property advice and litigation; mediation and domain name arbitration.



Des has been President of:

- Licensing Executives Society International
- Licensing Executives Society Australia and New Zealand
- Institute of Patent Attorneys Australia
- International Association for the Protection of Industrial Property

Des has been Chairman of:

- Intellectual Property Committee of the Law Council of Australia
- Legal Issues Committee reporting to Prime Minister's Science & Engineering Council, on Role of IP in Innovation.

Des has also held the following positions:

- Co-Chairman, LAWASIA IP Committee
- Board Member, Intellectual Property Research Institute of Australia
- Member, Industrial Property Advisory Committee to the Minister for Science
- Member, Trade Policy Advisory Council to the Minister for Trade.

Michael Caine

Michael Caine is a patent attorney and Partner of Davies Collison Cave. He heads up the firm's organic chemistry/pharmaceutical group. Much of Michael's work is in relation to the patenting of pharmaceuticals developed by research institutes and pharmaceutical companies.

Michael is a Council Member of the Institute of Patent and Trade Mark Attorneys of Australia, where he is Convenor of the International Patents Committee. He is also a member of the Client Liaison Board of the Intellectual Property Office of New Zealand.



John Slattery

John Slattery is a patent attorney and Partner of Davies Collison Cave. John heads the firm's biotechnology group. He also works in the organic chemistry and biochemistry fields.

John has held the following positions:

- Council Member and Past President of the Institute of Patent and Trade Mark Attorneys of Australia: Councillor 1985 to 2002; President 1998/1999 and 1999/2000
- Member, Professional Standards Board for Patent and Trade Mark Attorneys
- Member, Advisory Council on Intellectual Property



Rodney De Boos

Rodney De Boos is an intellectual property and trade practices solicitor. He is a Partner of Davies Collison Cave Solicitors. Rodney's major areas of practice are the commercial exploitation of intellectual property rights, and advice on intellectual property matters generally.

Rodney has held the following positions:

- Chairman, Intellectual Property Committee of the Law Council of Australia
- Deputy-Chairman, Trade Practices Committee of the Law Council of Australia
- President and Secretary, Licensing and Executives Society of Australia and New Zealand
- President and Secretary, Licensing Executives Society International

Rodney lectures in intellectual property licensing at postgraduate level. He is the author of many published articles in Australia and internationally. He is also the author of the chapter on the exploitation of patents in the Law Book Company's publication "Laws of Australia".



BACKGROUND

Program Context

Many researchers, commercialisation executives and advisers in Australia are operating on the assumption that the law permits use of patented inventions for research.

Consequently, some organisations are exposed to litigation risk. Conversely, there are patentees who are unaware that they may have patent rights in respect of third parties' research use of their patented inventions.

The October 2005 Advisory Council on Intellectual Property (ACIP) report, "*Patents and Experimental Use*", recommended the introduction of a statutory research exemption. ACIP's report also considered the appropriate parameters of such an exemption if it is to be included in the *Patents Act*.

There is a need for research organisations and commercial companies engaged in research to be aware of the current legal position and how it is likely to change. There is also a need for organisations to develop related strategies and internal policies.

About Tech IP Professional Development

Tech IP Professional Development has been formed to provide high quality professional development programs relating to the commercialisation of research, technology and intellectual property.

The programs are designed to assist intellectual property inventors, owners, users and commercialising parties, as well as those who advise them.



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REGISTRATION FORM

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Registration from 8.00am

Sofitel Melbourne, Carillon Room
25 Collins Street, Melbourne

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Organisation _____

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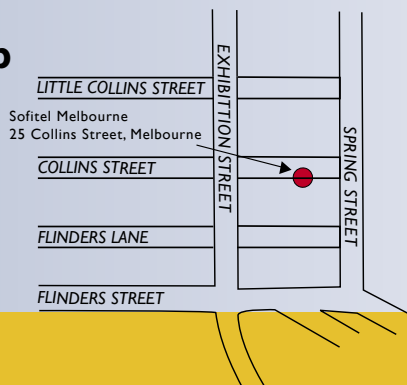
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