



THE UNIVERSITY OF  
MELBOURNE

Intellectual Property  
Research Institute of Australia

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# Annual Report 2008-09

# Introduction



Associate Professor Beth Webster  
Director

ipria hosted a number of headline events during 2008–09. In February, we organised a conference in collaboration with the Australian Institute for Commercialisation on ‘Commercialising Inventions – What’s the Story?’ in Brisbane and Melbourne. The conference, which was a huge success, attracted over 200 people and featured Professors Bronwyn Hall (UC, Berkeley) and Alfonso Gambardella (Universita Commerciale ‘Luigi Bocconi’, Milan, Italy) as keynote speakers. In May, we hosted a panel debate on the implications of the IceTV High Court decision between legal academics Associate Professor David Brennan, Kim Weatherall, Associate Professor David Lindsay and Professor William van Caenegem. In June, we ran another debate, this time with reference to the Senate committee on the patenting of genes. This panel included a cross section from science (Dr Gillian Mitchell), law (Professor Gregory Mandel), science–law (Professor Dianne Nicol) and economics (Professor Dan Peled). These conferences and debates have made a timely and objective contribution to issues which are of significant and ongoing concern to Australia.

During 2008–09, ipria was joined by several new fellows. Professor Megan Richardson took over the role as Associate Director (Law) in 2009 and we were also joined by Dr Russell Thomson, Dr Don O’Sullivan and Ms Catherine MacNeil. Professor Andrew Christie stepped down in June 2008 after six intensive years of being Director. We would like to publicly thank him for the wonderful contribution he has made since ipria’s inception in 2002.

It has also been another successful year for ipria with 27 published refereed articles, 12 non-refereed academic publications and 27 other works being produced. In addition, ipria fellows have made over 30 academic presentations both domestically and overseas. One of our highlights for the year has been the tremendous growth in the public events we hold for the professions, industry and government. During the year, we hosted nearly 2500 people at 34 events across Australia. These events represent a mixture of evening or lunchtime seminars, one-day conferences, half-day workshops and panel discussions. All this has been done with serious commitment and dedication by the fellows of ipria. I would personally like to thank my Associate Directors, Kwang Lim and Megan Richardson, for their magnificent effort especially in respect to the public event schedule. The value of having such supportive and inspiring colleagues cannot be underestimated. I would also like to acknowledge the outstanding performance of the ipria Executive Officer, Jean Molloy, who single handedly, and without any fuss, managed all the events. Jean has now moved on to a higher calling within the University but we are delighted to have Michelle Wilson join us as the new Executive Officer. Michelle previously worked for ipria when Jean was on study leave and we know we are again in a safe pair of hands. Not least, I would like to thank Dr Chris Dent who stood in for Megan as Associate Director (Law) while she was otherwise taken and smoothed my way into the directorship.

Finally, I would like to thank our sponsors IP Australia (especially Kay Collins, Sean Applegate, Philip Noonan, Jacqui Collins), the Institute of Patent and Trademark Attorneys (Leon Allen and Linda Tochetti) and Knowledge Commercialisation Australia (Dr Andy Sierakowski) — and the members of the Advisory Board. Without their contributions we would be much diminished.

## Contents

Introduction	2
Knowledge Transfer	3
Events	3
Publications	5
Resources	7
People	7
Financial Position	9
Research Expertise	10

# Knowledge Transfer

## Events

Below is a list of events during the period covered by this report (July 2008 to June 2009).

### Conferences

*Commercialising Inventions – What's the Story?*, 17 February 2009, The University of Queensland, Brisbane and 19 February 2009, Melbourne Business School, The University of Melbourne. Keynote Speakers: Professors Bronwyn Hall (UC, Berkeley) and Alfonso Gambardella (Universita Commerciale 'Luigi Bocconi', Milan, Italy). Presenters: Associate Professor Beth Webster, Dr Charlie Day, Dr Rowan Gilmore, Dr Paul Jensen, Malcolm McBratney, Dr Nigel Poole, Dr Karl Rodrigues, Professor Mark Rogers, Mr Greg Smith, Dr Glenn Wightwick, Dr Dean Moss.

### Public Seminars

*Does Australia Have an Innovation Problem?*, 16 July 2008. Book Launch and Panel Discussion, jointly presented by **ipria** and Melbourne Business School. Speaker: Senator the Hon. Kim Carr (Minister for Innovation, Industry Science and Resources) launched the new book, *Measured Success: Innovation Management in Australia*.

*Pre-Grant and Post-Grant Amendments Under European, UK and US Patent Laws*, 4 September 2008. Jointly presented by **ipria** and IPTA and generously sponsored by Davies Collison Cave. Speaker: Dr Noel Byrne (Adviser, Intellectual Property Law, UK).

*The Value of Copyright: Determining Shadow Prices*, 10 November (Sydney), 11 November (Brisbane) and 18 November (Melbourne) 2008. Jointly presented by **ipria** and IPTA and generously sponsored by Allens Arthur Robinson and Fisher Adams Kelly. Speakers: Dr Rhonda Smith (Senior Fellow, Department of Economics & Melbourne Law School, The University of Melbourne) and David Brennan (Associate Professor, Melbourne Law School, The University of Melbourne).

*Oxford International IP Exhibition Moot*, 10 March 2009. Jointly hosted by **ipria** and CMCL. Final year law students exhibition moot presided over by the Honourable Justice Heerey (Federal Court) along with Professor Sam Ricketson (Fellow, The University of Melbourne, Melbourne Law School) and Mr Warwick Rothnie, (Law School, Monash University).

*'Landmarks in Australian Intellectual Property Law' Book Launch*, 25 March 2009. **ipria** and CMCL book launch hosted by Mallesons Stephen Jaques. Book published by Cambridge University Press and edited by Professors Andrew Kenyon, Megan Richardson and Sam Ricketson (Melbourne Law School, The University of Melbourne) Speaker: Dr John Emmerson QC (University of Oxford).

*Patent Infringement in Australia: Results from a Survey*, 9 June (Melbourne) and 10 June (Brisbane) 2009. Presented by **ipria** and generously sponsored by Blake Dawson. Speakers: Associate Professor Beth Webster (Director, **ipria**, The University of Melbourne) and Kimberlee Weatherall

(Senior Lecturer, TC Beirne School of Law, The University of Queensland).

*Do Patents Matter for Commercialisation?*, 19 May (Perth), 21 May (Adelaide) and 25 May (Sydney) 2009. Jointly presented by **ipria** and IPTA. Speaker: Dr Paul Jensen (Senior Research Fellow, **ipria**).

*'That IceTV Is a Hard Case Making Bad Law' – An Academics' Debate*, 28 May (Melbourne) and 29 May (Sydney) 2009. Jointly presented by CMCL, **ipria** and UTS. Speakers: Dr David Lindsay (Senior Lecturer, Faculty of Law, Monash University), David Brennan (Associate Professor, Melbourne Law School, The University of Melbourne), Professor William van Caenegem (Associate Professor, Faculty of Law, Bond University) and Ms Kimberlee Weatherall (Senior Lecturer, TC Beirne School of Law, The University of Queensland).

*Ambush Marketing*, 22 June (Sydney), 23 June (Brisbane) and 24 June (Melbourne) 2009. Jointly presented by **ipria** and IPTA. Speakers: Dr Owen Morgan (Senior Lecturer, University of Auckland Business School), Ms Emily Hudson (PhD Candidate, The University of Melbourne) and Mr Malcolm McBratney (Partner, McCullough Robertson Lawyers).

*'Should Genes Be Patented?' – Public Forum and Panel Discussion*, 24 April 2009. Jointly presented by **ipria** and the MBS Centre for Ideas and the Economy. Speakers: Professor Joshua Gans (Professor of Management – Information Economics, Melbourne Business School, The University of Melbourne), Dr Chris Dent (Senior Research Fellow, **ipria**), Dr Kwanghui Lim (Senior Lecturer in Strategic Management, Melbourne Business School and Associate Director (MBS), **ipria**), Dr Gillian Mitchell (Head of Familial Cancer Centre, Peter MacCallum Cancer Centre, Melbourne), Professor Gregory Mandel (Visiting Professor, Temple University Law School), Professor Dianne Nicol, (Faculty of Law, The University of Tasmania) and Professor Dan Peled (Economist, Haifa University, Israel).

*IP Professionals and Ethics*, 10 November (Perth) and 11 November (Adelaide) 2008, 9 March (Brisbane), 18 March (Melbourne) and 19 March (Sydney) 2009. Jointly presented by **ipria** and IPTA and generously sponsored by Fisher Adams Kelly (Brisbane) and Blake Dawson (Melbourne). Speakers: Dr Linda Haller (Melbourne Law School, The University of Melbourne) and Dr Trevor Davies (Councillor and Fellow, IPTA and Partner, Allens Arthur Robinson Patent and Trade Marks Attorneys).

### Internal Academic Seminars

*Do Patents Matter for Commercialisation?* (21 November 2008). Speaker: Assoc. Professor Beth Webster, Director, **ipria**.

*Incidence and Growth of Patent Thickets – The Impact of Technological Opportunities and Complexity* (27 February 2009) Speaker: Dr Stefan Wagner, INNO-tec – Institute for Innovation Research, Technology Management and Entrepreneurship, Ludwig-Maximilians-University Munich, Germany.

*In Search of Performance Effects of (In)direct Industry Science*

*Links* (20 March 2009). Speaker: Professor Bruno Cassiman, Professor of Strategic Management, IESE Business School, Barcelona, Spain.

*How Inventive Are Patents? Lessons From Some Empirical Evidence* (24 April 2009). Speaker: Dr Hazel Moir, Centre for Governance of Knowledge and Development, Australian National University.

*Sidamo: A Trade Mark Case between the Ethiopian Government and Starbucks* (29 May 2009). Speakers: Ms Fiona Rotstein, Research Fellow, **ipria** and Melbourne Law School and Dr Kwanghui Lim, Senior Lecturer, Melbourne Business School and Associate Director, **ipria**

*Innovation and Productivity in SMEs. Empirical Evidence for Italy* (26 February 2009). Speaker: Professor Bronwyn Hall, University of California, Berkeley, USA

## Short Courses

*Business Strategy, Featuring the BlackBerry ipria/WIPO Case*, Kwanghui Lim, Senior Lecturer, MBA Core, Melbourne Business School

*Managing People for High Performance*, Ian O. Williamson, MBA Core, Melbourne Business School

*Business Strategy*. Presentation and Discussion of the Kapoor & Lim paper on acquired inventors, published in the *Academy of Management Journal* 2007, Kwanghui Lim, Senior Lecturer, MBA Core, Melbourne Business School

Faculty Mentor, BPS Division Doctoral Dissertation Consortium, Academy of Management Conference 2008, Kwanghui Lim, Senior Lecturer, MBA Core, Melbourne Business School

*Mastering the Trade Mark System*, Fiona Rotstein, Research Fellow, Melbourne Law School; Julia Adams, Associate Partner, Shiff & Company and Michael Wolnizer, Partner, Davies Collison Cave

## External Presentations and Conference Papers

### Australian

Andrew Christie, 'Review of Patentable Subject Matter', *IPTA 2009 Annual Conference*, Institute of Patent and Trade Mark Attorneys of Australia, Queensland, 23 April 2009

Beth Webster, 'Should Copyright Be Managed as an Economic Policy?' *Copyright and the Government's Innovation Agenda*, Australian Copyright Council and Copyright Society of Australia, November 2008

Beth Webster, 'Launch of ACBC National Report on the Benefits to Australian Households of Trade with China', (panel discussant), Australia-China Business Council, Melbourne, 15 May 2009

Beth Webster, 'Future Summit: Innovation Imperative', (panel

discussant), Australian Davos Connection Limited, Melbourne, 18 May 2009

Beth Webster, 'Patent Infringement in Australia: Results from a Survey' (with K. Weatherall), IP Australia Seminar, 21 May 2009

Beth Webster, 'Economic Principles of Encouraging Innovation – Research Exemptions under Patent Law', *BHERT Medical Innovation Forum*, Griffith University, Gold Coast, 11 June 2009

Chris Dent, 'You Wouldn't Steal a Car...': Anti-Piracy Ads, Copyright and Decentred Regulation', *Media, Communications and Public Speech Conference*, Melbourne, 21 November 2008

David Brennan, 'Lord Hoffmann and the Speculative Claim', *IPSANZ Seminar*, 4 March 2009

Ian O. Williamson, 'Creating Value through People: An Asset or a Cost?', *MBS Thought Leaders Series*, Melbourne Business School, Melbourne, February 2009

Ian O. Williamson, 'Creating Value through People: An Asset or a Cost?', *Organizational Development Forum*, Mt Eliza Executive Education, Melbourne, May 2009

Ian O. Williamson, 'Creating Value through People: An Asset or a Cost?', *Organizational Development Forum*, Mt Eliza Executive Education, Sydney, May 2009

Ian O. Williamson, 'Rethinking Employee Mobility: The Different Performance Impacts of Employee Mobility between Competitors versus Cooperators', *Australian School of Business (UNSW) School Speaker Series*, Sydney, November 2008

Ian O. Williamson, 'Rethinking Employee Mobility: The Different Performance Impacts of Employee Mobility between Competitors versus Cooperators', *School Speaker Series*, The Australian National University, Canberra, June 2009

Kwanghui Lim (Panelist), 'Knowledge Diffusion', *Innovation 2008 Conference*, Australian Business Higher-Education Roundtable, Melbourne, 9–10 September 2008

Megan Richardson and Susy Frankel, 'IP Aspects of Free Trade Agreements: New Zealand Versus Australia', *Workshop, Centre of Comparative Law and Development Studies in Asia and the Pacific*, University of Wollongong (in collaboration with the ARC Centre of Excellence for Creative Industries and Innovation (CCI) and the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich (MPI), 6 November 2008

### International

Andrew Christie, 'Designing and Delivering IP Management Education and Research Programs: IP and Corporate Social Responsibility', *WIPO International Conference on Intellectual Property Management Education and Research*, Geneva, 18 July 2008

Andrew Christie, 'Finetuning the System: The Role of Limitations and Exceptions in Intellectual Property Law',

Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property, Munich, 22 July 2008

Andrew Christie, 'A Possible Vision of a One Right System for IP', *IPR University Center International Conference*, Helsinki, 3 October 2008

Beth Webster, 'Applicant Behaviour in Patent Examination Request Lags', *RIETI International Workshop on Economic Insights into Patent System Design*, Tokyo, 18 December 2008

Beth Webster, 'Misclassification in Patent Offices', *XCVIIIth International Conference of the Applied Econometric Association*, Hitotsubashi University, Tokyo, 20 December 2008

Beth Webster, 'Do Patents Matter for Commercialization?', University of Auckland Business School, Auckland, 26 May 2009.

Chris Dent, 'Workers and their Creative output: A Way Forward?', *Critical Legal Conference*, Glasgow, 6 September 2008

David Brennan, 'Lord Hoffmann and the Speculative Claim', *Intellectual Property Invited Speaker Seminar*, St Catherine's College, Oxford University, 24 February 2009

David Brennan, 'Biogen Sufficiency Reconsidered', *Public Seminar*, Queen Mary Intellectual Property Research Institute, London, 12 March 2009

Deepak Somaya and Ian O. Williamson, 'Outsourcing Knowledge-Based Services: The Dynamics of Capabilities and Governance', *BPS Division of the Academy of Management National Conference*, Anaheim, California, USA, 18 August 2008

Fiona Rotstein, 'Third Party Patent Challenges in Europe, the United States and Australia: A Comparative Analysis', *European Policy for Intellectual Property Association Annual Conference*, Berne, 3 – 4 October 2008

Ian O. Williamson, 'Rethinking Employee Mobility: The Different Performance Impacts of Employee Mobility between Competitors versus Cooperators', *Business School Speaker Series*, University of Illinois, Chicago, USA, 10 October 2008

Ian O. Williamson, 'Rethinking Employee Mobility: The Different Performance Impacts of Employee Mobility between Competitors versus Cooperators', *Business School Speaker Series*, Northwestern University Kellogg Business School, Evanston, IL, USA, October 2008

Ian O. Williamson, 'Rethinking Employee Mobility: The Different Performance Impacts of Employee Mobility between Competitors versus Cooperators', *Rutgers Business School/ Center for Urban Entrepreneurship & Economic Development (CUEED) Speaker Series*, Newark, NJ, USA, January 2009

Kwanghui Lim, Discussant, Session on 'Strategy', *Academy of Management Conference*, Anaheim, CA, 8 –13 August 2008

Kwanghui Lim, Chair, Session on 'Technological Positioning, Innovation and Imitation' *Academy of Management*

*Conference*, Anaheim, CA, 8 –13 August 2008

Kwanghui Lim and Riitta Katila, 'Professional Development Workshop on Measuring Knowledge Flows using Patent and Non-Patent Data', *Academy of Management Conference*, Anaheim, CA, 8 –13 August 2008

Kwanghui Lim, Wenyue Zhuang and Poh-kam Wong, 'Old Technological Capability and New Technology Adoption: Firm's Technology Portfolio Management during Technological Transitions', *Academy of Management Conference*, Anaheim, CA, 8 –13 August 2008

Paul Jensen, 'Knowledge Management: Does Capture Impede Creation?', *ESSID Workshop*, Italy, 1 – 6 September 2008

Paul Jensen, 'Patent Quality and Misclassification', *European Policy for Intellectual Property Association Annual Conference*, Berne, 3-4 October 2008

## Publications

ipria has continued to use publication as a means of broadly disseminating its research outputs. The majority of these research papers, studies and reports are available for download from the ipria Publications web page [www.ipria.org/publications/](http://www.ipria.org/publications/). A complete listing of ipria's publications for the period covered by this report is provided below.

### ipria Working Paper Series

Paul H. Jensen, Russell Thomson and Jongsay Yong, *Estimating the Patent Premium: Evidence from the Australian Inventor Survey*, ipria Working Paper 11/09, May 2009

Kimberlee Weatherall and Elizabeth Webster, *Patent Infringement in Australia: Results from a Survey*, ipria Working Paper 10/09, May 2009

William Griffiths and Elizabeth Webster, *What Governs Firm Level R&D: Internal or External Factors?*, ipria Working Paper 09/09, May 2009

Paul H. Jensen and Elizabeth Webster, *What Creates Abnormal Profits: Collusion, Efficiency or Strategy?*, ipria Working Paper 08/09, May 2009

L.C. Hunter, Elizabeth Webster and Anne Wyatt, *Identifying Corporate Expenditures on Intangibles Using GAAP*, ipria Working paper 07/09, May 2009

Christian Helmers and Mark Rogers, *Does Patenting Help High-Tech Start-Ups?*, ipria Working Paper 06/09, May 2009

Russell Thomson, *Tax Policy and R&D Investment by Australian Firms*, ipria Working Paper 05/09, April 2009

Paul H. Jensen and Elizabeth Webster, *Macroeconomic Conditions and Successful Commercialization*, ipria Working Paper 04/09, April 2009

Elizabeth Webster and Paul H. Jensen, *Do Patents Matter for Commercialization*, ipria Working Paper 03/09, March 2009

Russell Thomson, *Tax Policy and the Globalisation of R&D*, ipria

Working Paper 02/09, January 2009

Chris Dent, *Patents as Administrative Acts: Patent Decisions for Administrative Review*, **ipria** Working Paper 01/09, January 2009

Fiona Rotstein and Chris Dent, *Third Party Patent Challenges in Europe, the United States and Australia: A Comparative Analysis*, **ipria** Working paper 09/08, December 2008

Chris Dent, *An Exploration of the Principles, Precepts and Purposes that Provide Structure to the Patent System*, **ipria** Working paper 08/08, November 2008

Deepak Somaya, Ian O. Williamson and Natalia Lorinkova, *The Effects of Employee Mobility between Competitors and Cooperators on Firm Performance*, **ipria** Working Paper 07/08, November 2008

Deepak Somaya, Ian O. Williamson and Xiaomeng Zhang, *Combining Patent Law Expertise with R&D for Patenting Performance*, **ipria** Working Paper 06/08, November 2008

Kwanghui Lim and Brian Cu, *The Effects of Social Networks and Contractual Characteristics on the Relationship between Venture Capitalists and Entrepreneurs*, **ipria** Working Paper 05/08, November 2008

Kwanghui Lim, Henry Chesbrough and Yi Ruan, *Open Innovation and Patterns of R & D Competition*, **ipria** Working Paper 04/08, November 2008

Rahul Kapoor and Kwanghui Lim, *The Impact of Acquisitions on the Productivity of Inventors at Semiconductor Firms: A Synthesis of Knowledge-Based and Incentive-Based Perspectives*, **ipria** Working Paper 03/08, July 2008

## Reports

Joshua Gans and Richard Hayes, *Assessing Australia's Innovative Capacity, 2008 Update*, April 2009

Joshua Gans and Richard Hayes, *Assessing Australia's Innovative Capacity, 2007 Update*, February 2008

## Refereed Publications (includes Refereed Conference Papers)

Hielke Buddelmeyer, Paul H. Jensen and Elizabeth Webster, 2009, 'Innovation and The Determinants of Company Survival', *Oxford Economic Papers* – Oxford Economic Papers Advance Access published online on May 15.

Chris Dent, 2008, 'Patents as Administrative Acts: Patent Decisions for Administrative Review?' *Sydney Law Review*, 30 691 – 714.

Chris Dent, 2008, 'An Exploration of the Principles, Precepts and Purposes that Provide Structure to the Patent System', *Intellectual Property Quarterly*, 456-477.

Chris Dent, Elizabeth Hall and Andrew Christie, 2009, 'For the Health of the Economy and Patent System: Rationale and Scope of Patent Attorney Privilege', *Journal of Intellectual Property Law and Practice*, 4, 23-32.

Chris Dent, 2009, 'Copyright, Governmentality and

Problematisation: An Exploration', *Griffith Law Review*, 18, 129-150.

Arlen Duke and Megan Richardson, 2009, 'Music Markets and Bad Actors in Copyright and Competition Law', *Competition and Consumer Law Journal*, 16(2), 203 – 219.

Paul H. Jensen and Robin Ellen Stonecash, 2009, 'Contract Type and the Cost of Provision: Evidence from Maintenance Services Contracts', *Fiscal Studies*.

Paul H. Jensen, Elizabeth Webster and Hielke Buddelmeyer, 2008, 'Innovation, Technological Conditions and New Firm Survival', *Economic Record*, 84(267), 434 – 448.

Anne Leahy, Alfons Palangkaraya and Jongsay Yong, 2009, 'Geographical Agglomeration in Australian Manufacturing', *Regional Studies*.

Alfons Palangkaraya, Paul H. Jensen and Elizabeth Webster, 2008, 'Applicant Behaviour in Patent Examination Request Lags', *Economics Letters*.

Alfons Palangkaraya and Jongsay Yong, 2009, 'Parallel Imports, Market Size and Investment Incentive', *Singapore Economic Review*, 54(2), 1-15.

Megan Richardson and David Tan, 2009, 'The Art of Retelling: Harry Potter and Copyright in a Fan-Literature Era', *Media & Arts Law Review*, 14(1), 31.

Deepak Somaya and Ian O. Williamson, 2008, 'Rethinking the War for Talent', *MIT Sloan Management Review*, 49, 29-34.

Deepak Somaya, Ian O. Williamson and Natalie Lorinkova, 2008, 'Gone but not Lost: The Different Performance Impacts of Employee Mobility between Cooperators Versus Competitors', *Academy of Management Journal*, 51, 936-953.

Ian O. Williamson, Meredith F. Burnett and Kathryn M. Bartol, 2009, 'The Interactive Effect of Collectivism and Organizational Rewards on Affective Organizational Commitment', *Cross Cultural Management: An International Journal*, 16, 28-43.

Ian O. Williamson, Holly S. Slay, Debra L. Shapiro and Sheryl L. Shivers-Blackwell, 2008, 'The Effect of Explanations on Prospective Applicants' Reactions to Firm Diversity Practices', *Human Resource Management*, 47, 311-330.

## Non-Refereed Publications

Andrew Christie, 2008, 'Proposal for a Unified Regime of Copyright Exclusive Rights', *IPRInfo*, 5, 22-23.

Andrew Christie and Stephen Gare (eds), 2008, *Blackstone's Intellectual Property Statutes (9th ed.)*, Oxford University Press, Oxford.

Nisvan Erkal and Suzanne Scotchmer, 2009, 'Scarcity of Ideas and R&D Options: Use It, Lose It or Bank It' NBER Working Paper No. 14940.

Nisvan Erkal and Cary Deck, 2009, 'An Experimental Analysis of Dynamic Incentives to Share Knowledge', University of Melbourne, Department of Economics, Research Paper No.

1083.

Andrew T. Kenyon, Megan Richardson and Sam Ricketson, 2009, 'Situating Intellectual Property Law: Introducing Landmark Australian Cases' in Kenyon, Richardson and Ricketson (eds), *Landmarks in Australian Intellectual Property Law*, xviii.

Kwanghui Lim, 2009, 'The Innovation Imperative in Manufacturing', IdeaCHECK on the BCG Innovation Report, MBS Center for Ideas and the Economy. <http://cite.org.au/store/viewitem.asp?idProduct=573>.

Paul H. Jensen and Elizabeth Webster, 2008, 'Australian Innovation Data' *Australian Economic Review*.

Paul H. Jensen, Alfons Palangkaraya, Elizabeth Webster and Jongsay Yong, 2008, 'The Effect of Raising the Australian Statutory Inventive Step on the Australian Global Production System', *ipria Occasional Paper 01/08*.

Megan Richardson, 2009, 'Larger than Life in the Australian Cinema: Pacific Dunlop v Hogan' in Kenyon, Richardson and Ricketson (eds), *Landmarks in Australian Intellectual Property Law* (Chapter 10).

Megan Richardson and Susy Frankel, 2009, 'Cultural Property and 'The Public Domain': Case Studies from New Zealand and Australia' in C. Antons (ed.), *Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia-Pacific Region*, Kluwer Law International.

Kimberlee Weatherall, Elizabeth Webster and Lionel Bently, 2009, 'IP Enforcement in the UK and Beyond: A Literature Review', Report prepared for the Strategic Advisory Board on IP, UK, May.

Ekizabeth Webster, 2009, 'Does Australia Have a National Innovation System' *Australian Economic Review*.

## Submissions to Government

Elizabeth Webster and Chris Dent, 'Submission to the Inquiry into Improving Access to Victorian Government Public Sector Information and Data', *ipria*, 2008.

Elizabeth Webster and Chris Dent, 'Submission to the Advisory Council on Intellectual Property Review of Patentable Subject Matter', *ipria*, 2008.

Chris Dent and Kwanghui Lim, *ipria* and CITE Submission to the Senate Inquiry on Gene Patenting, March 2009.

Chris Dent, Paul H. Jensen and Elizabeth Webster, 'Getting the Balance Right', Submission to IP Australia by *ipria*, May 2009

Chris Dent, Paul H. Jensen and Elizabeth Webster, 'Exemptions to Patent Infringement', Submission to IP Australia by *ipria*, May 2009

# Resources

## People

*ipria*'s primary resource is its excellent personnel, which includes many outstanding researchers of international repute.

The *ipria* team comprises the Director, two Associate Directors and the Executive 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 includes leading intellectual property researchers from around the world.

During the course of the year, *ipria* played host to a number of visiting fellows for research and event purposes.

## Director

**Associate Professor Elizabeth Webster**

BEcon, MA (Monash), PhD (Cambridge)

Principal Research Fellow, Melbourne Institute of Applied Economic and Social Research, The University of Melbourne.

## Associate Directors

**Dr Kwanghui Lim**

BEng (NUS), PhD (MIT)

Senior Lecturer, Melbourne Business School

**Professor Megan Richardson**

BA, LLB (Well), LLM (Yale), LLM – Comparative Law (BFU)

Professor and Deputy Director, Centre for Media and Communications Law, Melbourne Law School, The University of Melbourne

## Executive Officers

**Jean Molloy**

**Michelle Wilson** (Acting, August-November 2008)

BA Hons (Melb)

## 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 2008-09 is:

- Mr Leon Allen, President, IPTA
- Professor Vijoleta Braach-Maksvytis, Deputy Vice-Chancellor (Innovation and Development), The University of Melbourne
- Professor Joshua Gans, Melbourne Business School, The University of Melbourne
- Mr Owen Malone, Vice President Intellectual Property, Fosters Group Ltd (Chair)
- Mr Phillip Noonan, Director General, IP Australia
- Professor Sam Ricketson, Melbourne Law School, The University of Melbourne
- Mr Roy Rose, Immediate-Past President, Australian Industry Research Group
- Dr Andy Sierakowski, Chairman, Knowledge Commercialisation Australia (KCA)
- Dr Rhonda Smith, Senior Lecturer, Department of Economics, The University of Melbourne
- Mr David Walker, Director Policy and Communication, CEDA
- Mr John Walker, President, AMPICTA
- Associate Professor Elizabeth Webster, Director, **ipria**

## Research Fellows

### Dr Chris Dent

BA, LLB, PhD (Murdoch)

### Dr Paul Jensen

BEc (Syd), PhD (AGSM)

### Dr Alfons Palangkaraya

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

### Ms Fiona Rotstein

BA, LLB (Melb)

### Dr Russell Thomson

BSc, Grd. Cert. International Development, Grd. Dip. Econ, PhD (ANU)

### Professor Ian Williamson

BA (Miami), PhD (UNC)

## Research Associates

### Associate Professor David Brennan

B Comm LLB (Hons), PhD GCertUniTeach (Melb)  
Associate Professor, Melbourne Law School, The University of Melbourne

### Professor Andrew Christie

BSc, LLB (Hons) (Melb), LLM (London), PhD (Cambridge)  
Davies Collison Cave Chair of Intellectual Property

### Professor Iain M. Cockburn

BSc (UoL), PhD (Harv)  
Professor of Finance and Economics, School of Management, Boston University

### Dr Nisvan Erkal

BA (Macalester College), PhD (Maryland)

Lecturer, Department of Economics, The University of Melbourne

### Associate Professor Catherine de Fontenay

PhD (Stanford), BA (Hons) (McGill)  
Associate Professor – Economics, Melbourne Business School, The University of Melbourne

### Professor Joshua Gans

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

### Professor 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

### Assistant Professor David Hsu

BA/BEcon (Stanford), PhD (MIT)  
Assistant Professor of Management, Wharton School, University of Pennsylvania

### Professor Andrew Kenyon

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

### Dr Owen Morgan

BA, LLB, PhD (Auck)  
IP Academic, The University of Auckland and Research Associate, Mira Szaszy Research Centre

### Dr Don O'Sullivan

PhD (National University of Ireland),  
MBS (University College Cork)  
Senior Fellow – Marketing, Melbourne Business School, The University of Melbourne

### Professor Sam Ricketson

BA/LLB (Melb), LLM, LLD (London)  
Professor of Law, Melbourne Law School, The University of Melbourne

### Professor Mark Rogers

LLM (Warwick), PhD (ANU)  
Senior Research Associate, Oxford Intellectual Property Research Centre, Aston University, UK and Senior Fellow, Melbourne Institute of Applied Economic and Social Research, The University of Melbourne

### Professor Danny Samson

BE (Hons), PhD (UNSW)  
Professor of Management, Department of Management, The University of Melbourne

### Dr Rhonda Smith

BCom (Hons), MA (Eco), DCom (Melb)  
Senior Lecturer, Department of Economics, The University of Melbourne

### Assistant Professor Deepak Somaya

PhD (UoCalif) (Berkeley)  
Assistant Professor, Robert H Smith School of Business, University of Maryland

### Professor Scott Stern

BA, PhD (Stanford)

Associate Professor, Kellogg School of Management, Northwestern University, USA; and Faculty Research Fellow, US National Bureau of Economic Research

**Ms Kimberlee Weatherall**

BA, LLB (Syd), BCL (Oxford), LLM (Yale)  
Senior Lecturer, TC Beirne School, The University of Queensland

**Ms Robin Wright**

BMus (Melb), LLB (Hons) (LaTrobe), MA (Womens Studies)  
Research Fellow, Centre for Media and Communications Law (CMCL), Melbourne Law School, The uNiversity of Melbourne

**Professor Anne Wyatt**

BComm (Hons) (USQ), PhD (UTS)  
University of Queensland Business School

**Dr Jongsay Yong**

BA, BSocSci (Hons), MSocSci (NUS), MA, PhD (UBC)  
Senior Research Fellow, Melbourne Institute of Applied Economic and Social Research, The University of Melbourne

## 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.

### Financial Position, 2003- 2009

	2003	2004	2005	2006	July 2007- June 2008	July 2008- June 2009
<b>Income</b>						
Core Funding	1,200,000	1,135,000	1,706,000	870,000	870,000	1,003,000
Commissioned Work	71,880	38,015	43,147	154,636	178,100	107,682
Other Income	35,525	74,879	68,413	9,246	62,057	62,127
<b>Total</b>	<b>1,307,405</b>	<b>1,247,894</b>	<b>1,817,560</b>	<b>1,033,882</b>	<b>1,110,157</b>	<b>1,172,809</b>

# 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; and
- 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.

**ipria'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:** 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.

**Facilitating 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 Context:** 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 free trade agreements.

**The Efficiency of the IP System:** focuses on the IP rights system and ways of improving it.

**Understanding IP:** considers 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