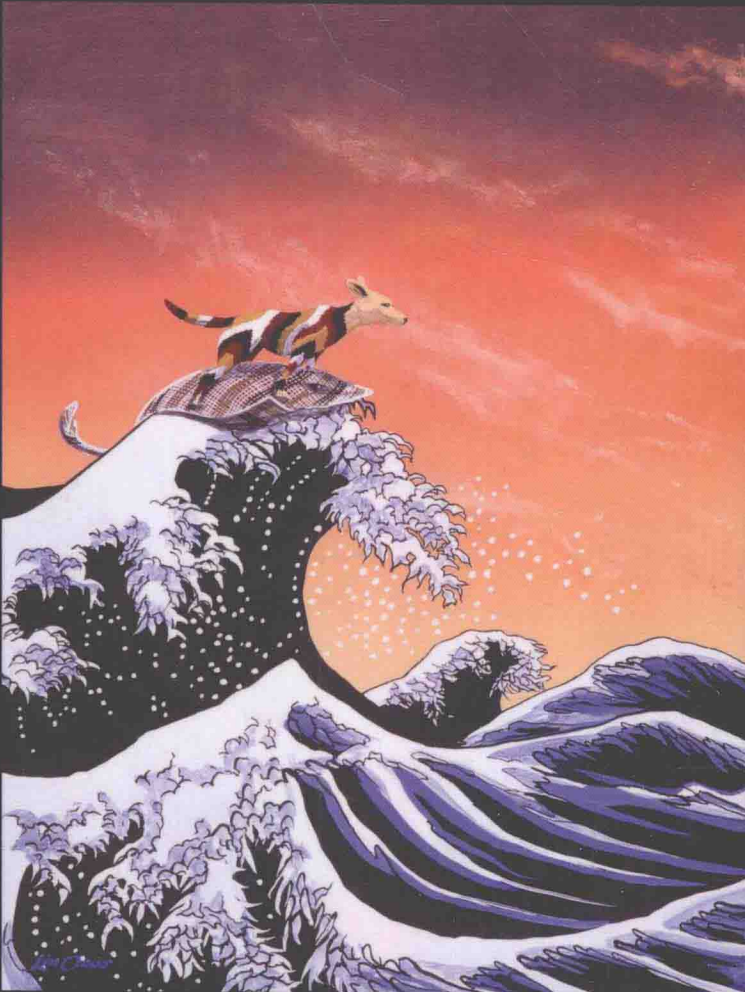


Indigenous Intellectual Property

A Handbook of Contemporary Research

Edited by
Matthew Rimmer



Indigenous Intellectual Property

A Handbook of Contemporary Research

Edited by

Matthew Rimmer

*Professor of Intellectual Property and Innovation Law, Faculty of Law,
Queensland University of Technology (QUT), Australia*

RESEARCH HANDBOOKS IN INTELLECTUAL PROPERTY

 **Edward Elgar**
PUBLISHING

Cheltenham, UK • Northampton, MA, USA

© The Editor and Contributors Severally 2015

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical or photocopying, recording, or otherwise without the prior permission of the publisher.

Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2015940674

This book is available electronically in the **Elgaronline**
Law subject collection
DOI 10.4337/9781781955901



ISBN 978 1 78195 589 5 (cased)
ISBN 978 1 78195 590 1 (eBook)

Typeset by Columns Design XML Ltd, Reading
Printed and bound in Great Britain by TJ International Ltd, Padstow

INDIGENOUS INTELLECTUAL PROPERTY

RESEARCH HANDBOOKS IN INTELLECTUAL PROPERTY

Series Editor: Jeremy Phillips, *Intellectual Property Consultant, Olswang, Research Director, Intellectual Property Institute and co-founder, IPKat weblog*

Under the general editorship and direction of Jeremy Phillips comes this important new *Handbook* series of high quality, original reference works that cover the broad pillars of intellectual property law: trademark law, patent law and copyright law – as well as less developed areas, such as geographical indications, and the increasing intersection of intellectual property with other fields. Taking an international and comparative approach, these *Handbooks*, each edited by leading scholars in the respective field, will comprise specially commissioned contributions from a select cast of authors, bringing together renowned figures with up-and-coming younger authors. Each will offer a wide-ranging examination of current issues in intellectual property that is unrivalled in its blend of critical, innovative thinking and substantive analysis, and in its synthesis of contemporary research.

Each *Handbook* will stand alone as an invaluable source of reference for all scholars of intellectual property, as well as for practising lawyers who wish to engage with the discussion of ideas within the field. Whether used as an information resource on key topics, or as a platform for advanced study, these *Handbooks* will become definitive scholarly reference works in intellectual property law.

Titles in the series include:

Research Handbook on the Future of EU Copyright
Edited by Estelle Derclaye

The Law and Theory of Trade Secrecy
A Handbook of Contemporary Research
Edited by Rochelle C. Dreyfuss and Katherine J. Strandburg

Research Handbook on Intellectual Property Licensing
Edited by Jacques de Werra

Criminal Enforcement of Intellectual Property
A Handbook of Contemporary Research
Edited by Christophe Geiger

Research Handbook on Cross-border Enforcement of Intellectual Property
Edited by Paul Torremans

Research Handbook on Human Rights and Intellectual Property
Edited by Christophe Geiger

International Intellectual Property
A Handbook of Contemporary Research
Edited by Daniel J. Gervais

Indigenous Intellectual Property
A Handbook of Contemporary Research
Edited by Matthew Rimmer

We acknowledge and celebrate the First Australians on whose traditional lands we meet, and pay our respects to their elders past and present.

We recognise that to some Aboriginal, Torres Strait Islander and Indigenous communities, it is distressing to discuss the names and images of people who have died. We would like to advise this publication tells the stories and histories of a number of deceased Indigenous persons.

Contributors

Fleur Adcock is from Aotearoa New Zealand and is both Māori, from the *iwi* or nation Ngāti Mutunga, and English. She is a Research Associate with the ANU National Centre for Indigenous Studies. Dr Adcock received a PhD from the Australian National University for her doctoral dissertation entitled *The United Nations Special Procedures and Indigenous Peoples: A Regulatory Analysis*. In addition, Dr Adcock holds an LLM (Distinct) from the Victoria University of Wellington and an LLB (Hons I) and BA from the University of Canterbury. She was admitted to the Bar as a Barrister and Solicitor of the High Court of New Zealand in 2003 and, prior to commencing her doctoral studies, spent several years practising as a commercial solicitor in New Zealand and as in-house legal counsel for a telecommunications company in the United Kingdom. Her publications include ‘Maori and the Bill of Rights Act: A Case of Missed Opportunities?’ (*NZJPL* 2013) and ‘The UN Special Rapporteur on the Rights of Indigenous Peoples and New Zealand: A Study in Compliance Ritualism’ (*NZYL* 2012).

Bruce Baer Arnold is an Assistant Professor in the School of Law & Justice at the University of Canberra, where his teaching centres on privacy, confidentiality and intellectual property law. His research centres on privacy and on the shape of identity in law (personhood, capacity, impersonation, discrimination).

Mr Arnold is co-author of *Privacy, Confidentiality & Data Protection* (LexisNexis Butterworths) and co-author with Dr Wendy Bonython of *Mental Health & the Law* (forthcoming, Thomson Reuters). He has contributed chapters to works on the psychology of financial crime and on intellectual property law. His publications in journals such as the *Melbourne University Law Review* and the *Journal of Medical Ethics* includes work on genetic privacy and law’s recognition of cognitive states.

He acknowledges the late Vartan Arnold.

Sara Bannerman is an Assistant Professor at McMaster University. She is the author of *The Struggle for Canadian Copyright: Imperialism to Internationalism, 1842–1971* (UBC Press, 2013) and has published a variety of articles and book chapters on international copyright and international copyright history. She holds a PhD and an MA from Carleton University, and a Bachelor’s degree in music from Queen’s University. She completed postdoctoral fellowships at George Washington University and the Australian National University under the Fulbright and Social Sciences and Humanities Research Council (Canada) programmes. Her current work focuses on the history of access to knowledge in international copyright. She would like to thank Corbin Hartwick and Karim El-Ziftawi for research assistance on this project. She would also like to thank McMaster University’s Arts Research Board and Canada’s Social Sciences and Humanities Research Council (SSHRC), for making this research possible, as well

as members of the International Association for Media and Communications Research for valuable feedback received while writing this chapter.

Judith Bannister is a Senior Lecturer at the Adelaide Law School, University of Adelaide. She holds a BA (SAIT), an LLB (Hons) (Adelaide), and a PhD in law from the Australian National University in the field of information law. Her dissertation was entitled *Secret Business and Business Secrets: The Hindmarsh Island Bridge Affair, Information Law and the Public Sphere*.

Dr Bannister teaches and researches in Administrative Law and Intellectual Property. She has combined qualifications in law and librarianship to develop her research in the field of the regulation of information access, and her work integrates freedom of information, copyright and confidential information. Before teaching, Judith was a solicitor, then a legal officer and consultant with the Australian Copyright Council in Sydney.

Her publications include: 'Freedom of information: A new era with old tensions', in Matthew Groves (ed.) *Cambridge Companion to Administrative Law* (Cambridge University Press, 2014); 'Open Government: From Crown Copyright to the Creative Commons and Culture Change' (2011) 34 *University of New South Wales Law Journal* 1080–1103; with David Rolph and Matt Vitins, *Media Law: Cases, Materials and Commentary* (Oxford University Press, 2010); with Andrew Stewart and Philip Griffith, *Intellectual Property in Australia* (LexisNexis Butterworths, 4th edn, 2010); and 'Public Access to Copyright Works Submitted to Government: *Copyright Agency Ltd v New South Wales* and the Implications for Information Access' (2008) 36 *Federal Law Review* 383–400.

Mauro Barelli is a senior lecturer at The City Law School, City University London, where he teaches Public International Law and International Human Rights. He also taught at Cardiff University and held a visiting fellowship at the Lauterpacht Centre for International Law (Cambridge University). He completed his LLB at the University of Milan and his LLM at the University of Bristol, and was awarded a PhD from Cardiff University. Dr Barelli has written extensively on the question of Indigenous peoples' rights in international law and is currently completing a monograph on the same topic.

The author would like to thank Dr Enrico Bonadio and Dr Matthew Rimmer for their comments on an earlier version of this chapter. The usual disclaimer applies.

Angela Daly is a research fellow in the Institute for Social Research at Swinburne University of Technology (Melbourne, Australia). She obtained a PhD from the Department of Law of the European University Institute (Florence, Italy) for her thesis on 'corporate dominance of online data flows'. She has degrees from the EUI, Université de Paris 1 Panthéon-Sorbonne and Oxford University and previously worked for Ofcom and Electronic Frontier Foundation, as well as serving as a board member of Electronic Frontiers Australia and auDA Internet Ambassador in 2013. She currently teaches media law at Swinburne, and conducts research on the intersection of law and technology, in areas including intellectual property, privacy, free expression, data protection, competition and regulation.

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

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

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

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

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

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

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

Daniel Dylan was called to the Bar of Nunavut in April 2012, and is a member of the Law Society of Nunavut. He is a past member of the Law Society of Nunavut's Membership Admission Committee, and is currently Vice-Chair of the Legal Ethics and Unauthorized Practice Committee. He was called to the Bar of Ontario in June 2011, and is a member of the Law Society of Upper Canada. He received his LLM, which focused on Canada's intellectual property regime in relation to the Nunavut Land Claims Agreement, from the University of Ottawa, Faculty of Law in April 2011. He received his LLB from the University of Ottawa in 2010, and his JD from the Michigan State University College of Law in 2010 as part of a dual-degree programme between these two institutions. He clerked at the Federal Court (of Canada) for the Honourable

Justice Douglas R. Campbell from August 2010 to July 2011 and clerked at the same court for the Honourable Justice Donald J. Rennie, former federal Assistant Attorney General, from July 2011 to April 2012. While living as a student in Michigan, he completed a judicial clerkship externship in the chambers of the Honourable Judge David W. McKeague of the United States Court of Appeals for the Sixth Circuit. In April 2012, he started in his current position as Legal Counsel in the Legal and Constitutional Law Division of the Government of Nunavut Department of Justice. He also served as Co-Chair of the Aboriginal Law Section, Canadian Bar Association, Nunavut Branch, from 2012 to 2013 and is currently a member of the Canadian Bar Association, National Aboriginal Law Section.

In addition to his law degrees, he earned an Honours BA (with distinction) in Political Science from Carleton University, in 1997. He returned to his alma mater in the fall of 2011 to teach 'Law and Aboriginal Peoples' at undergraduate level as well as 'Social Justice and Human Rights' in the winter of 2012. During his time at law school, he was a member of three different law journals, and served as executive editor for the *Journal of Animal Law*. He has received numerous academic awards. He also prepared a paper for the Canadian Department of Justice that dealt with Canadian Indigenous intellectual property law and issues. The views expressed in his chapter with Professor de Beer are his own and do not necessarily represent those of the Government of Nunavut.

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

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

His ambition is to become the archetype of life within communism; at the break of dawn a sea kayaker, during the day a teacher and a cook, cyber-conspiracist and

correspondent, in the afternoons a student and philosopher and, at nights, simply pleasant company (<http://auskadi.com>).

Sarah Holcombe is an Australian Research Council Future Fellow in the Australian National University School of Archaeology and Anthropology. She is currently undertaking an ethnographic project on the practice of Indigenous human rights; ‘Global Indigenous Rights and Local Effect in Central Australia’. She has a diverse research background in remote Indigenous Australia, from applied anthropology with Northern Territory land Councils; social sustainability of mining in Indigenous communities; alternative economies; Indigenous community governance, and integrity systems in research with Indigenous peoples.

Terri Janke is the Solicitor Director of Terri Janke and Company Pty Ltd, a Sydney-based law firm specialising in Indigenous cultural and intellectual property.

A significant part of Terri’s client base involves the advancement of protection for Indigenous Australian people in respect of intellectual property matters, and she has represented a diverse range of clients across many fields of the arts and biodiversity knowledge management. Terri has written numerous protocols, reports and articles on Indigenous cultural and Intellectual property. See www.terrijanke.com.au for more information.

She was NAIDOC Person of the Year 2011 and the Attorney General’s Indigenous Lawyer of the Year 2012. She is enrolled in a PHD at the National Centre for Indigenous Studies at the Australian National University (ANU).

Caroline Ncube is an associate professor in the Department of Commercial Law at the University of Cape Town. She holds a Bachelor of Laws Degree from the University of Zimbabwe, a Master of Laws degree from the University of Cambridge and a PhD in IP Law from the University of Cape Town. She has published widely on IP law on aspects including copyright law and access to knowledge, patent law and access to medicines, and traditional knowledge. She teaches IP law at the University of Cape Town and in the Master of IP Program of the World Intellectual Property Organization (WIPO) and African Regional Intellectual Property Organization (ARIPO) at Africa University.

Chidi Oguamanam obtained his foundational legal training in Ife and Lagos, Nigeria, before completing advanced degrees in law at the University of British Columbia. He is called to the Bar in Nigeria and Canada and he is a professor at the Centre for Law, Technology and Society in the Faculty of Law, University of Ottawa. His practice and interdisciplinary research interests focus on various legal and policy issue linkages to intellectual property law, especially in the areas of biotechnology, biodiversity, genetic resources, pharmaceuticals, agricultural knowledge systems, food security and food systems; public health law and policy; Indigenous peoples, Indigenous knowledge; and human rights and the global governance of knowledge in development contexts. Widely published in law and interdisciplinary platforms, he is the author of *International Law and Indigenous Knowledge* (University of Toronto, 2006) and *Intellectual Property in Global Governance* (Routledge, 2012), and co-editor of *Innovation and Intellectual*

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

Matthew Rimmer is a Professor of Intellectual Property and Innovation Law at the Faculty of Law, Queensland University of Technology (QUT).

Dr Rimmer holds a BA (Hons) and a University Medal in literature, and an LLB (Hons) from the Australian National University. He received a PhD in law from the University of New South Wales for his dissertation, *The Pirate Bazaar: The Social Life of Copyright Law*. Dr Rimmer was previously an Australian Research Council Future Fellow (2011–2015); a lecturer, senior lecturer, and an associate professor at the ANU College of Law (2001–2015); and an associate director of the Australian Centre for Intellectual Property in Agriculture (2001–2015). He was a member of the ANU Climate Change Institute. Dr Rimmer has published widely on copyright law and information technology, patent law and biotechnology, access to medicines, plain packaging of tobacco products, clean technologies and traditional knowledge.

Dr Rimmer is the author of *Digital Copyright and the Consumer Revolution: Hands off my iPod* (Edward Elgar Publishing, 2007), *Intellectual Property and Biotechnology: Biological Inventions* (Edward Elgar Publishing, 2008) and *Intellectual Property and Climate Change: Inventing Clean Technologies* (Edward Elgar Publishing, 2011). He edited the collection, *Patent Law and Biological Inventions* (Federation Press, 2006), and co-edited the collections, *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* (Cambridge University Press, 2010) and *Intellectual Property and Emerging Technologies: The New Biology* (Edward Elgar Publishing, 2012).

Dr Rimmer was a chief investigator in an Australian Research Council Linkage Grant, 'The Protection of Botanical Inventions' (2003), an Australian Research Council Discovery Project, 'Gene Patents In Australia: Options For Reform' (2003–2005), and an Australian Research Council Discovery Project, 'Promoting Plant Innovation in Australia' (2009–2011). He is currently undertaking an Australian Research Council Future Fellowship, 'Intellectual Property and Climate Change: Inventing Clean Technologies' (2011–15).

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

Sarah Rosanowski is a solicitor in the litigation department at James and Wells Intellectual Property in Auckland, New Zealand. She was admitted to the Bar of the High Court of New Zealand in 2012, after graduating from the University of Canterbury with a BA (Media & Communications; Philosophy) and an LLB in 2011.

After her studies, Sarah completed a Summer Research Scholarship under the supervision of Dr Matthew Rimmer at the Australian National University entitled 'Internet Freedom, Human Rights and Corporate Social Responsibility'. She co-authored 'The Impact of Law on Media Reporting of Earthquakes in Christchurch 2010–11' with Professor Ursula Cheer of the University of Canterbury, which was published in the September 2013 edition of *Media & Arts Law Review* (Vol. 18, No. 3). Sarah has recently been elected to sit on the committee of Auckland Young Lawyers, a section of the New Zealand Law Society.

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

Maree Sainsbury is a Professor and Head of School, School of Law and Justice at the University of Canberra. Prior to becoming an academic she worked in private legal practice and also in government practice. She publishes in areas of designs law, moral rights, copyright defences and copyright history. Recent publications include: 'The Imperial Effect: Literary Copyright Law in Colonial Australia', *Law, Culture and Humanities* (2014 [online], with Sarah Ailwood); 'Vampires and the Death of Print News: News Aggregation and the Role of Copyright', *Media and Arts Law Review* (2013); and 'Context or Chaos: Statutory Interpretation and the Australian Copyright Act', *Statute Law Review* (2011).

Achmad Gusman Siswandi received a PhD in Law at the Australian National University (ANU) College of Law. He is also a lecturer at the Padjadjaran University Faculty of Law in Bandung, Indonesia, where he has been teaching for 15 years. His research interests include public international law, particularly the law of the sea and international environmental law, and intellectual property law. Currently, his research is focused on the issues related to genetic resources, traditional knowledge and the role of intellectual property in promoting sustainable development, especially within the Indonesian context. He has also been acting as the legal advisor for the Indonesian Ministry of the Environment for the development of the national policy regarding the utilization of genetic resources as well as the implementation of the Nagoya Protocol in Indonesia. His contribution in this book is a part of his PhD thesis, *Marine Bio-prospecting: International Law, Indonesia and Sustainable Development*, and he wishes to thank his supervisors, Dr Matthew Rimmer and Professor Donald Rothwell of the ANU College of Law, for their valuable comments and suggestions on an earlier draft.

Brendan Tobin holds dual Irish and Peruvian nationality. A barrister by training he has over 20 years' experience working in the commercial, non-governmental and research sectors on issues of environmental law, intellectual property and Indigenous rights. In 2012 he was awarded a PhD by the National University of Ireland, Galway for his thesis *Why Customary Law Matters: The Role of Customary Law in Protection of Indigenous Peoples' Human Rights*. He is currently a research fellow at Griffith Law School where his work focuses on the interrelationships between customary law, intellectual property and human rights. Previous posts include coordinator of the United

Nations University Biodiplomacy Initiative (2003–2006) and coordinator of the international law programme at the Peruvian Environmental Law Society (1994–1996).

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

Rebecca Tushnet is a Professor of law at Georgetown Law. After clerking for Chief Judge Edward R. Becker of the Third Circuit and Associate Justice David H. Souter on the Supreme Court, she practised intellectual property law at Debevoise & Plimpton before beginning teaching. Her publications include: ‘Worth a Thousand Words: The Images of Copyright Law’, *Harvard Law Review* (2012); ‘Gone in 60 Milliseconds: Trademark Law and Cognitive Science’, *Texas Law Review* (2008); and ‘Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It’, *Yale Law Journal* (2004). Her work currently focuses on copyright, trademark and false advertising law. She helped found the Organization for Transformative Works, a non-profit dedicated to supporting and promoting fanworks, and currently volunteers on its legal committee. She is also an expert on the law of engagement rings.

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

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

and Bond University. Tania undertook her Master of Laws at Harvard Law School and her PhD in Law at the University of Cambridge. She has published widely in the areas of public international law and international economic law. She is the author of *Cultural Products and the World Trade Organization* (Cambridge University Press, 2007) and the editor of *Trade Liberalisation and International Co-operation: A Legal Analysis of the Trans-Pacific Partnership Agreement* (Edward Elgar Publishing, 2013). Tania is also a member of the Roster of Panelists for the Energy Charter Treaty and of the Indicative List of Governmental and Non-Governmental Panelists for resolving WTO disputes. She has provided expert advice and training to entities such as the Australian Department of Foreign Affairs and Trade, the WTO, the World Health Organization, Telstra, and the McCabe Centre for Law and Cancer.

Acknowledgements

This research project on Indigenous intellectual property has been a long time in the making. I have been conducting research, engaging in teaching and doing public policy work in the area over the last two decades. This collection is a chance to crystallise and consolidate this lifetime of scholarship. It cuts across time and place to focus upon landmark developments in Indigenous intellectual property law, policy and litigation. This collection is a labour of love.

This volume is a collective and a communal work. It is the product of multiple authors and contributors. It is a wonderful opportunity to bring together some of the finest minds in the field to provide their insights into Indigenous intellectual property. The topic of Indigenous intellectual property demands a cosmopolitan and local approach. I would like to thank the contributors for their time and patience in putting together an epic, multi-disciplinary, trans-national collection on Indigenous intellectual property. Hopefully, the final work has been worth the wait.

This research project on Indigenous intellectual property was supported by my host institutions – the ANU College of Law, and the Australian Centre for Intellectual Property in Agriculture (ACIPA). I am grateful, in particular, for the supervision of Professor Brad Sherman. In addition, I would acknowledge help and support over the years from Professor Kathy Bowrey from the University of New South Wales, Professor Jill McKeough from the University of Technology, Sydney, Professor Dianne Nicol from the University of Tasmania, and Professor Michael Geist from the University of Ottawa.

The project was completed in my new institution – the Faculty of Law at the Queensland University of Technology (QUT). I am thankful for the support of Professor John Humphrey, Dr Nicolas Suzor, Peter Black, Dr Lucy Craddock, Dr Ben McEniery, Professor Kamal Puri and Kylie Pappalardo.

A couple of my chapters have been supported by an Australian Research Council Future Fellowship on ‘Intellectual Property and Climate Change: Inventing Clean Technologies’. As part of the project, I undertook fieldwork in Australia, New Zealand, Canada, the United States, Switzerland and Scandinavia. This experience certainly highlighted for me how Indigenous communities around the world are on the front-lines of climate change. The fieldwork also showed how Indigenous communities are also at the forefront of climate action.

As always, I am grateful for the tender loving care and patience of the publishers, Edward Elgar.

I would like to acknowledge the support of my family. My parents, Sue Rimmer and Peter Rimmer, encouraged me from an early age to take a broad interest in Indigenous literature, art, music, drama and film. My wife, Susan Harris Rimmer, has supported and enabled the project; and also provided helpful feedback about Indigenous interests, human rights, and international law. I hope that my children, Marina Rimmer and

Joshua Rimmer, grow up in an Australian society which recognises and respects Indigenous rights.

This book is dedicated to my late grandmother, Joane Ford (21/7/1924–22/8/2014) – ‘Born Durham, England, lover of the English language in all its forms, ex-WAF, emigrant, community person, prolific correspondent, conversationalist, craftswoman, calligrapher, traveller, epicurean, Francophile, compassionate carer, survivor, matriarch’. This book is dedicated to her memory, and her love of words and art.