

INTERNATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF TEACHING AND
RESEARCH IN INTELLECTUAL PROPERTY



36th Annual Congress, 23-26 October 2017

Victoria University of Wellington, New Zealand

Call for Paper Proposals

The Object and Purpose of Intellectual Property

Much of the debate around the parameters of intellectual property protection and the extent of how flexible the law should be, at both national and international levels, relates to policies and views about what the law is supposed to achieve. Also relevant to the debate is if the law reflects its underlying justifications and whether those justifications come to fruition or whether other outcomes are occurring.

The different goals and rationales for the various national regimes are reflected in international agreements. These regimes, collectively called “intellectual property”, also make up aspects of the “object and purpose” of international treaties, to quote the words of Article 31 of the Vienna Convention on the Law of Treaties. These goals and rationales include copyright’s role in encouraging creativity based on utilitarianism and natural rights; patent law’s connection to innovation policy and the encouragement of invention; and trade mark law’s business and consumer information supporting functions.

The significance of these broad and often disputed rationales will vary between jurisdictions and may well be re-shaped through the operation of the international treaty framework, in particular the TRIPS Agreement, which expressly connected intellectual property and trade and brought that relationship to centre stage. Many of the rationales for intellectual property in a trade-related environment are also linked to productivity and competition concerns.

TRIPS includes a range of objectives and principles. Broadly, TRIPS added explicit trade-related concerns (including both export and development interests) to the existing international rationales and the underlying domestic policy rationales of intellectual property. Subsequent to TRIPS, trade and investment agreements that often aim to increase protection and enforcement and reduce TRIPS flexibilities have emerged.

The relevance of intellectual property as a set of discrete rules is arguably both expanding and shrinking. It is practically trite to point out that there are complexities in how intellectual property interacts with changing technologies and other areas of law in many fields. It is, therefore, more important than ever to analyse how the object and purpose of intellectual property applies to new and fast-changing areas such as big data, biotechnology and social media.

The relevance of the object and purpose of intellectual property might be assessed by looking at who is involved in the creation, use and dissemination of intellectual property and the outcomes of rights and uses for those actors. The effectiveness of the system and connection to its underlying purposes could be measured in a variety of ways, including:

- (1) through the mechanisms for developing national and international policy (both formal and informal);

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- (2) the institutions and their systems (such as patent offices) that grant intellectual property rights;
- (3) the ease or otherwise of licensing rights;
- (4) the effectiveness and ease of enforcement via courts and tribunals and non-judicial systems, such as those relating to licensing; and
- (5) community and social expectations and business norms

Teachers and researchers of intellectual property should assess how the object and purpose of intellectual property influences, or not, any of these processes and mechanisms.

Additional questions include: (a) how do policymakers at international, regional and national levels use intellectual property related research? and (b) what is the value of research to the judiciary and intellectual property related tribunals?

Panels at the Congress will address the above issues and questions. Paper proposals are welcome in all areas of intellectual property, including: patents, copyright, designs, trade marks, geographical indications, plant variety rights, performers' rights, trade secrets, publicity rights and traditional knowledge. Preference will be given to papers that are relevant beyond one jurisdiction.

On behalf of the Executive Committee, I invite you to submit a paper proposal, including an abstract not exceeding 500 words, the author's name, title and affiliation. You need not send a CV.

As ATRIP is an international organisation we welcome the submission of proposals from around the world and care will be taken in the selection process to achieve global diversity as well as academic quality. Scholars of all levels of experience are invited to submit proposals.

*Proposals should be sent no later than **30 January 2017** to ATRIP's current President, Susy Frankel at president@atrip.org*

Notification of the outcome of the selection process will be by the end of February 2017.

Susy Frankel
President ATRIP 2015-2017