

Submission to Victorian Parliamentary Committee on Economic Development and Infrastructure

Inquiry into Improving Access to Victorian Public Sector Information and Data

By

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In the networked information driven world that we now inhabit the ability to access and reuse information, data and culture is a key ingredient to social, economic and cultural innovation.³

As government holds enormous amounts of publicly funded material that can be released to the public without breaching the law it should move to implement policies that will allow better access to and reuse of that information, knowledge and culture.

The Queensland Government Information Licensing Framework (GILF) Project⁴ is one of the first projects in the world to systemically approach this issue and should be consulted as a best practice model.

Policy

Professor Brian Fitzgerald's submission to the Review of the National Innovation System highlighted the urgent need for a national policy and guiding principles on access and reuse of public sector information.⁵ Such policy and principles should seek to remove unnecessary impediments to information flows in order to promote the broadest possible exchange of ideas. This in turn allows new and improved ways of doing things to emerge. It is in the exchange of ideas through the networks that we inhabit that we will come to learn new ways of dealing with the key issues of our generation.

The OECD's *Seoul Declaration and Principles on Access to Public Sector Information* (2008) are an obvious starting point for OECD member countries in developing or further shaping their information policies, principles and practices.⁶ Australia is a member of the OECD and should follow the recommendation of this peak agency to implement better policy and practice in relation to PSI.

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³ T. Cutler, "Innovation and Open access to Public Sector Information" in B Fitzgerald (ed.) *Legal Framework for e-Research: Realising the Potential* (2008) Sydney University Press Sydney.

⁴ See Queensland Spatial Information Council, *Government Information and Open Content Licensing: An Access and Use Strategy* (2006) <http://www.qsic.qld.gov.au>

⁵ B. Fitzgerald, "Innovate Australia" (April 2008) Submission to the Review of the National Innovation System <http://www.innovation.gov.au/innovationreview/Documents/428-Brian_Fitzgerald.pdf>

⁶ "Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information" <<http://www.oecd.org/dataoecd/0/27/40826024.pdf>>

Principles

The 13 principles set out in the OECD *Principles on Access to Public Sector Information* provide a framework for Victoria in developing a system for access to public sector information. It should seek to implement them as should all governments in Australia.

Pricing

The OECD's principles recommend the adoption of a default pricing rule for PSI that it should be priced as close to zero as possible. Economic studies undertaken elsewhere have reached a similar conclusion.⁷

The clear premise is that by controlling access to PSI materials you weaken the potential of open access to multiply downstream quantifiers and thereby increase economic, social and cultural benefits. By limiting access at the source we rule out the scope for innovation downstream. Once again the idea of letting the ideas flow becomes paramount.

Copyright Licensing⁸

Once PSI has been checked for privacy, security and confidentiality considerations as part of an information management process there should be no further impediment to it being released to the public. Unfortunately both tradition and ignorance have ensured that copyright licensing has become an obstacle. There are hundreds if not

⁷ See generally: Australian Productivity Commission, *Cost Recovery by Government Agencies Report* (2001) <www.pc.gov.au>; Office of Spatial Data Management (OSDM), *Spatial Data and Access Pricing Policy* (2001) <<http://www.osdm.gov.au/OSDM/Policies+and+Guidelines/Spatial+Data+Access+and+Pricing/default.aspx>> ; D Newbery, L. Bently, and R. Pollock, *Models of Public Sector Information Provision via Trading Funds*, (2008) Cambridge University <<http://www.berr.gov.uk/files/file45136.pdf>> ; ePSIplus, "Recommendations to the EC's 2008 Review of the PSI Re-use Directive" (2008) <http://www.epsiplus.net/reports/epsiplus_recommendations_to_the_ec_s_2008_review_of_the_psi_re_use_directive> at "6. Economic Case" ; B Fitzgerald et al *Creating a Legal Framework for Copyright Management of Open Access within the Australian Academic and Research Sectors* (2006); B Fitzgerald et al *Internet and E Commerce Law* (2007) LBC/Thomson Sydney, 260-269; J. Houghton, C. Steele and P. Sheehan, *Research Communication Costs in Australia: Emerging Opportunities and Benefits* (2006), <http://www.dest.gov.au/NR/rdonlyres/0ACB271F-EA7D-4FAF-B3F7-0381F441B175/13935/DEST_Research_Communications_Cost_Report_Sept2006.pdf> ; The Hon. Kim Carr Minister for Innovation, Industry, Science and Research "There is More Than One Way to Innovate: Research for Discovery, Understanding and Application" (2008) <http://minister.industry.gov.au/SenatortheHonKimCarr/Pages/THEREISMORETHANONEWAYTOINNOVATERESEARCFORDISCOVERY,UNDERSTANDING,ANDAPPLICATION.aspx> ; The Hon. Peter Costello (then Treasurer), "Australian Bureau of Statistics Centenary Celebration" (2005) <<http://www.treasurer.gov.au/DisplayDocs.aspx?pageID=&doc=speeches/2005/019.htm&min=phc>> ; *Policy Framework for New Zealand Government-held Information* (1997) <<http://www.ssc.govt.nz/display/document.asp?DocID=4880>> ; H Varian and C Shapiro *Information Rules: A Strategic Guide to the Network Economy* (1999) Harvard Business School Press, Boston MA.

⁸ See generally B. Fitzgerald, A Fitzgerald et al *Internet and E Commerce Law* (2007) – Chapter 4 – especially 260-269

thousands of different licences used across the country and many of them are not interoperable.

Creative Commons

Professor Brian Fitzgerald is a Project Leader of the Creative Commons licensing model in Australia and is actively involved in the project internationally – so he declares his conflict of interest on this issue.

Creative Commons licences are legally robust and effective and have now become one of the key international standards for knowledge distribution in an open access manner.

Why do you need them?

The default rule in copyright law is that before you reproduce or communicate copyright material you need the permission of the copyright owner. Add to this the fact that in digital environment the mere use of the technology automates the potential for copyright infringement.

To alleviate this type of social grid lock Creative Commons as an international project moved to develop a mechanism whereby a copyright owner could exercise their democratic right to give permission to others to use their material. Government can utilise these licences to communicate or signal their approval of reuse of their material and on what conditions. Many copyright statements on government websites are not clear enough about the purpose they want to achieve. In our opinion the website that houses the Victorian Premier's speeches could be more appropriately licensed (and given a higher profile) through application of a CC licence.

Further, a short isolated web statement fails to give the international benchmarking or interoperability that CC provides nor does it provide the universal machine readable metadata a search engine like Google picks up. Also, such a statement may not adequately deal with legal liability issues. CC licences are designed for the Web 2.0 world and will increasingly be used by governments throughout the world.⁹ Unlike

⁹ See Ministry of Justice Government of Catalonia in Spain who explain < <http://communia-project.eu/node/111>>:

“Nowadays the Internet is about sharing, co-producing, transforming and personalizing to create new products and services. To create, it is necessary to be able to make use of knowledge that already exists, without limits, and to share it afterwards. This is the philosophy of innovation that is now all-pervasive thanks to the democratization of technology. Creative Commons (CC) licenses are legal texts that allow authors to hand over some rights of their work for the uses they deem appropriate. So, these licences are an alternative for managing the author's copyright in a more flexible way. As a public Administration, the Ministry of Justice has decided to use CC licenses with the idea of turning over the knowledge created by the organization to the public so that it can be re-used. In this regard, CC licenses have been essential for this opening-up of knowledge. Thus, for each item of material or work, the most suitable license is chosen and applied to both digital and paper formats. The Ministry of Justice played a leading role by publishing in June 2007 the Administration's first general-content work to be subject to a CC license. From the beginning, the Ministry has ensured that external authors of a work sign a cession of rights contract in favour of the Ministry of Justice in order to allow the Ministry to manage the author's copyright of the work appropriately through CC licenses.”

static copyright statements published on websites, CC licences are associated with the digital work and travel with it. The utility of including a copyright notice and licence within digital files has been realised since the beginning of internet era. The validity of copyright licences in digital works (eg software programs) distributed on the internet was established in Australia as far back as 1996 in the *Trumpet v Ozemail* case.¹⁰

In only the last week the most influential intellectual property court in the USA has given approval to the notion of public licences of which Creative Commons is one. In the case of *Jacobsen v Katzer* the Court of Appeals for the Federal Circuit noted:

Public licenses, often referred to as open source licenses, are used by artists, authors, educators, software developers, and scientists who wish to create collaborative projects and to dedicate certain works to the public. Several types of public licenses have been designed to provide creators of copyrighted materials a means to protect and control their copyrights. Creative Commons, one of the amici curiae, provides free copyright licenses to allow parties to dedicate their works to the public or to license certain uses of their works while keeping some rights reserved.

Open source licensing has become a widely used method of creative collaboration that serves to advance the arts and sciences in a manner and at a pace that few could have imagined just a few decades ago. For example, the Massachusetts Institute of Technology (MIT) uses a Creative Commons public license for an OpenCourseWare project that licenses all 1800 MIT courses. Other public licenses support the GNU/Linux operating system, the Perl programming language, the Apache web server programs, the Firefox web browser, and a collaborative web-based encyclopedia called Wikipedia. Creative Commons notes that, by some estimates, there are close to 100,000,000 works licensed under various Creative Commons licenses. The Wikimedia Foundation, another of the amici curiae, estimates that the Wikipedia website has more than 75,000 active contributors working on some 9,000,000 articles in more than 250 languages

Open Source software projects invite computer programmers from around the world to view software code and make changes and improvements to it. Through such collaboration, software programs can often be written and debugged faster and at lower cost than if the copyright holder were required to do all of the work independently. In exchange and in consideration for this collaborative work, the copyright holder permits users to copy, modify and distribute the software code subject to conditions that serve to protect downstream users and to keep the code accessible.² By requiring that users copy and restate the license and attribution information, a copyright holder can ensure that recipients of the redistributed computer code know the identity of the owner as well as the scope of the license granted by the original owner. The Artistic License in this case also requires that changes to the computer code be tracked so that downstream users know what part of the computer code is the original code created by the copyright holder and what part has been newly added or altered by another collaborator.

Traditionally, copyright owners sold their copyrighted material in exchange for money. The lack of money changing hands in open source licensing should not be presumed to mean that there is no economic consideration, however. There are substantial benefits, including economic benefits, to the creation and distribution of copyrighted works under public licenses that range far beyond traditional license royalties. For example, program creators may generate market share for their programs by providing certain components free of charge. Similarly, a programmer or company may increase its national or international reputation by incubating open source projects. Improvement to a product can come rapidly and free of charge from an expert not even known to the copyright holder. The Eleventh Circuit has recognized the economic motives inherent in public licenses, even where profit is not immediate. See Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1200 (11th Cir.

¹⁰ *Trumpet Software Pty Ltd & Anor v OzEmail Pty Ltd & Ors* [1996] FCA 560

2001) (Program creator A derived value from the distribution [under a public license] because he was able to improve his Software based on suggestions sent by end-users. . . . It is logical that as the Software improved, more end-users used his Software, thereby increasing [the programmers] recognition in his profession and the likelihood that the Software would be improved even further).¹¹

Debunking Myths About CC

First of all we should acknowledge that CC is a tool used by copyright owners to provide permission for others to use their copyright material. If such a tool does not exist then we live in a society where freedom is reduced as there should be ways in which copyright owners can provide this permission. Too often people criticise Creative Commons licences without offering any sensible alternative. To remain stuck in the bog of fear uncertainty and doubt (FUD) plays into the hands of those who want to continue to control the broadest dissemination of knowledge.

Today, this minute, we can stamp any government document in Victoria with a Creative Commons licence and clearly express a permission with conditions regarding moral rights and limitation of liability and so on that is internationally understood by both humans and machines. If the system is flawed show us where and we will fix it. After all this is simply a permission to reuse copyright material – if we cannot get that right then as lawyers we are failing our society in a fundamental way. The ruling of the US Federal Circuit in *Jacobsen* will serve to reduce the amount of FUD that is thrown at Creative Commons and like licences. Let us get over the voice that says this CC system will not work yet fails to provide any persuasive evidence of that nor any alternative solution that can be applied at all, let alone immediately, and with such world wide interoperability, recognisability and impact.

In Australia CC licences can be applied to any copyright material including the compilation of raw data – namely a database.

CC licences are perpetual (ie for the duration of the copyright) to provide certainty to the user but they will terminate (ie are revoked) on breach.

CC licences are already being extensively used in the research sector. One of the best examples of the use of CC licences in relation to academic research results is the world renowned Public Library of Science (www.PLOS.org) which publishes numerous journals in which the individual articles are available under a CC licence (typically the CC-BY licence).¹²

The use of Creative Commons in the Australian research sector has been expressly supported in submissions to the review of the National Innovation System.¹³ The CRC for Spatial Information's submission addressed the issue of the management of intellectual property produced with public funds:

What is the best way to maximise the benefits for the nation that flow from the creation of new intellectual property generated with government funding? In relation to government

¹¹ <<http://www.cafc.uscourts.gov/opinions/08-1001.pdf>>

¹² See further, 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

¹³ See <http://www.innovation.gov.au>

funding of CRC's, the Boards of CRCs should be explicitly encouraged to judge whether the intellectual property outcomes of CRCs provide maximum national benefit by either permitting narrow exploitation by selected shareholders of the CRC (followed by an aggressive diffusion program across industry) or by an open source or Creative Commons approach to knowledge sharing that can either bring a whole-of sector commercial benefit or a broader societal benefit in a non-commercial sense. Principles for the use of (partially and fully) funded tax-payer investments in IP will need to be developed to guide CRC's in maximizing public good. These principles will need to recognise the tension that exists between commercial and non-commercial gain, especially in relation to SME's.¹⁴

Government agencies (at State and Commonwealth level) have had direct input into the development of the Australian CC licences. CC licences are distributed in draft form for public consultation before adoption and it is open to any party, whether a government department or a private individual, to provide feedback. A report by a Queensland Government agency has affirmed the suitability of CC licences for government use.¹⁵ This is consistent with approaches taken by the New Zealand¹⁶ and UK governments.

Support for the use of CC licences in relation to government information, particularly spatial information, is expressly stated in the Australian Spatial Consortium's submission to the Innovation Review. The Australian Spatial Consortium is a newly formed lead body that spans the government, private, research and education sectors across the entire spatial information industry. Its submission states that the Australian Spatial Consortium's members

... would like to support moves to introduce creative commons for information management. The Consortium feels that innovation in Australia would be given a substantial boost with the establishment of a national information portal, together with a supporting structure and resourcing to better assist with the management of public sector information. The spatial information community knows that government held information, and in particular spatial information, will play an absolutely critical role in increasing the innovative capacity of this nation. So much government information at present is difficult or impossible to access, either by government itself or by third party users. **The members of the Australian Spatial Consortium are strongly supportive of the development of a creative commons approach to the provisioning of information.** They would like to see a national information portal (or portal of portals) established to improve discoverability, access and the flow of information.¹⁷ [emphasis added]

CC licences are non-discriminatory, open for all to access and free – licences that meet the basic tenets of a democracy.

Free and Open Source Software (FOSS) in Government

We have researched in this area now for many years and Professor Brian Fitzgerald has run a number of seminars around this topic including one in Silicon Valley. We

¹⁴ Submission no. 303, CRC for Spatial Information at p. 9

¹⁵ Queensland Spatial Information Council, *Government Information and Open Content Licensing: An Access and Use Strategy* (2006) <<http://www.qsic.qld.gov.au>>

¹⁶ See NZ Government, *The Digital Strategy: Creating our Digital Future* (2005) at 12, available http://www.digitalstrategy.govt.nz/upload/Documents/MED11706_Digital%20Strategy.pdf

¹⁷ Innovation Review submission no. 307 at pp. 1 -2, available at http://www.innovation.gov.au/innovationreview/Documents/307-Australian_Spatial_Consortium.pdf

support the principle that FOSS should be used by government; it should not be discriminated against through procurement or other processes.¹⁸

Along with co-author Professor Mark Perry, Professor Brian Fitzgerald has argued elsewhere that use of free and open source software for core software infrastructure within government is in line with if not required by democratic principle:

Our thesis is that core software infrastructure in a vibrant democracy must be able to be scrutinised, reviewed and made accountable by any citizen through access to the source code. At present, free software provides that opportunity. What is more, free software allows citizens to better participate in and improve upon the process of democracy.

In this paper we examine this new justification for the use of free software in the public sector or government, which we label “free software as democratic principle.” There is growing interest in and rhetoric about the ability of free software to bring more transparency to core software infrastructure within a governmental system. Our argument is that free software should be deployed in core democratic infrastructure because it will provide the level of transparency and openness that is required for the effective functioning of democratic processes. Some free software development could be seen as an intellectual infrastructure and should then be fostered for maximum public benefit. For example, core software infrastructure for voting process or electronic court processes should be transparent, i.e. available to be monitored and understood by any member of a democratic community. It would be a sad day for the functioning of a democratic system if inherent and/or coded bias in a software program skewed the result of an election or the determination of innocence or guilt of a person in court. The purpose of this article is to outline an argument of the notion of “free software as democratic principle”; meaning free software should be deployed in core democratic infrastructure to sponsor accountability and transparency, and ultimately access to knowledge. [Footnotes omitted]¹⁹

Conclusion

As government becomes more and more enmeshed in the networked information world it seems only sensible that it should utilise technologies and methodologies that fit with the landscape and harness the greatest benefits.

See further references:

- B. Fitzgerald, A Fitzgerald et al *Internet and E Commerce Law* (2007) – Chapter 4 – especially 260-269
- B Fitzgerald et al (eds) *Open Content Licensing: Cultivating the Creative Commons*, (2007) Sydney University Press, Sydney
- B Fitzgerald “Structuring Knowledge Through Open Access: The Creative Commons Story” in C Kapitzke and B Bruce (eds.) *New Libraries and Knowledge Spaces: Critical Perspectives on Information Education* (2005) Lawrence Erlbaum and Assoc. 271

¹⁸ B Fitzgerald and N Suzor, “Legal Issues Relating to Free and Open Source Software in Government” (2005) 29 *Melbourne University Law Review* 412 <http://eprints.qut.edu.au>

¹⁹ M Perry and B Fitzgerald, “FLOSS as Democratic Principle: Free Software as Democratic Principle” (2006) *International Journal of Technology, Knowledge and Society* 2(3):pp. 155-164
<<http://eprints.qut.edu.au/archive/00004425/01/4425.pdf>>

- B Fitzgerald “The Role of Open Content Licences in Building Open Communities: Creative Commons, GFDL and Other Licences” (with N Suzor) in C Kapitzke (ed) *Rethinking Intellectual Property* (2007) Sense Publishing
- J Coates, “Creative Commons – The Next Generation: Creative Commons licence use five years on” (2007) 4:1 *SCRIPTed* 72
- B Fitzgerald, F Goa, D O’Brien and S Shi (eds), *Copyright, Digital Content and the Internet in the Asia Pacific* (2008) Sydney University Press
<http://eprints.qut.edu.au>
- B. 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>
- J Coates, N Suzor and A Fitzgerald *Legal Aspects of Web 2.0 Activities* (2007)
<http://creativecommons.org.au>
- B Fitzgerald, “Copyright 2010: The Future of Copyright” [2008] *European Intellectual Property Review* 43 <http://eprints.qut.edu.au/archive/00013305>
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<http://eprints.qut.edu.au>
- B Fitzgerald and G Bassett (eds) *Legal Issues for Free and Open Source Software* (2003) <http://opensource.mit.edu/papers/opensourcelawbook.pdf>
- A Fitzgerald and B Fitzgerald, *Intellectual Property In Principle* (2004) Law Book Co, Ch 11
- M Perry and B Fitzgerald, “FLOSS as Democratic Principle: Free Software as Democratic Principle” (2006) *International Journal of Technology, Knowledge and Society* 2(3):pp. 155-164.
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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 21st 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.

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Anne Fitzgerald is a Brisbane-based intellectual property and e-commerce lawyer. She is a Professor in Law Research at QUT Law Faculty where she is involved in research on several projects including the OAK Law (Open Access to Knowledge – Law) project (see <http://www.oaklaw.qut.edu.au>), the Legal Framework for e-Research project (see <http://www.e-research.law.qut.edu.au/>) and the Cooperative Research Centre for Spatial Information (see <http://www.crcsi.com.au>).

Anne has a JSD degree from Columbia University, New York (2002) a LLM degree from Columbia University (1992) and a LLM (International Business Law) from the University of London (1989). She graduated in law from the University of Tasmania (LLB(Hons) 1984 and Grad. Dip. Welfare Law 1987), after first completing a social work degree at the University of Queensland (BSW 1977). She is a member of the Queensland Bar with a current practising certificate; she has also been admitted to legal practice in Victoria (Barrister and Solicitor, 1990) and Tasmania (Practitioner, 1985).

Anne has an extensive background in the areas of intellectual property law, internet and e-commerce law, international trade law and natural resources law. From 1991 she has taught subjects in these areas at several universities (including QUT, University of Tasmania and Macquarie University). Current teaching commitments at QUT include the LLM subjects Patent Law & Commercialisation, Electronic Commerce Law and the undergraduate law subject Internet Law.

Anne has served terms as a member of Australia's two principal federal government-appointed standing advisory committees on intellectual property: she was a member of the Advisory Council on Intellectual Property (ACIP) which advises IP Australia from 1996 to 1999 and, as a member of the Copyright Law Review Committee's Expert Advisory Group (1995 to 1998), participated in the CLRC's major review ("the simplification reference") of the Copyright Act. From 2004 to 2007 she was a member of the Queensland Department of Primary Industries and Fisheries' Intellectual Property Advisory Group convened by that Department's Director-General.