

## Brian Fitzgerald and Scott Kiel-Chisholm: The Legal Framework for e-Research Project

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### Abstract

The Legal Framework for e-Research involves mapping out a sophisticated legal framework for e-Research and collaborative innovation. As we transition into the National Collaborative-Research Infrastructure Strategy (NCRIS) era it is vitally important that social and legal aspects of the e-Research framework are developed in step with the rapid advances in technology. Only little work has been done in this area worldwide. This project will link with key international actors to provide an internationally significant project. While the Open Access to Knowledge (OAK) Law project aims to examine the role of open access to all in an Internet world, this project focuses on open innovation within secure knowledge communities – both are vital aspects of the e-Research framework. The critical issue is working out legal models for e-Research that reflect the capacity of the technologies involved and can be implemented quickly, effectively and (in many instances) in an automated way.

### About the speakers



Brian 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); *Internet and Ecommerce Law* (forthcoming April 2007). Over the past five 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 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 2006 Brian was also invited to speak at the Fordham University International Intellectual Property Conference in New York and the Access to Knowledge (A2K).



Scott completed his Articles of Clerkship with Blake Dawson Waldron Lawyers in 2001, after working in the Insurance, Projects, Intellectual Property and Communications and Corporate Advisory practice groups. He then travelled to Silicon Valley, California USA and upon his return, Scott commenced work in the Litigation practice group of McInnes Wilson Lawyers, concentrating on the defence of professional indemnity claims. In 2004, Scott joined the Commercial Litigation practice group of Home Wilkinson Lowry Lawyers which provided broader litigation experience in project management contracting, retailing, construction, manufacturing and franchising. In an effort to progress a career in intellectual property law, Scott commenced work with Colavitti Lillas Lawyers before becoming Project Manager of The OAK (Open Access to Knowledge) Law Project. In September 2006 Scott also became the Project Manager of the Legal Framework for e-Research Project and has been involved in the development of an online survey and international conference. Scott is presently undertaking his Master of Laws specialising in intellectual property law at The University of Queensland.

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