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Welcoming Remarks

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Welcoming Remarks

*Professor Joseph J. Norton**

When Professor Xuan-Thao Nguyen, my colleague and good friend and the convener of this high-level, international conference on *China IP: NOW!*, asked me to present a few welcoming remarks, I was most hesitant. I am not an intellectual-property (IP) expert, and I did not think I had anything to contribute to this most prestigious group of experts that includes Chinese justices, scholars, business people, and professionals. But Xuan-Thao nudged me into this pleasant assignment by asking me to share with the group my perspective on four decades of involvement with the SMU Dedman School of Law's international- and business/commercial-law initiatives, as well as with economic-development-law issues. Also, Professor Nguyen asked me to discuss how the institution by the Law School of this special, annual symposium on the latest developments in IP law, innovation, and policy in China will simultaneously build upon, expand, and enrich our long-standing tradition of excellence in the international and business/commercial law arenas, and further our relations with Greater China.

I understand that China is currently celebrating the 100th Anniversary of the Xinhai Revolution and the related Wuchang Uprising that precipitated the end of the Qing Imperial Dynasty and thrust China into the "Modern Era." Over this past century, China has experienced numerous transformative periods in its economic development—the most significant of which is the "Opening Up" and the embracing of the "Four Modernizations" fostered by Deng Xiaoping in the mid- to late-1970s, leading to the creation of a "socialist market economy with Chinese characteristics" based on "scientific" principles. This new path across the stepping stones of China's economic river has led to the emergence of China as: the world's largest exporter; the second-largest (and soon to be *the* largest) economy in the world; and, in the IP area, the world leader in patent filings. On a socioeconomic level, China has lifted over a half-billion of its citizenry out of poverty, and is engaged in the largest "urbanization" program in world history. In addition, China has be-

* This article comprises the informal welcoming remarks made by Professor Joseph Norton at the Speakers' Dinner on October 10, 2011, opening the SMU Dedman School of Law's *China IP: NOW! Symposium*. The Symposium was convened by Professor Xuan-Thao Nguyen (Professor of IP Law at SMU Dedman School of Law) and with co-sponsorship by the Dallas law firm of Shore Chan Bragalone DePumpo LLP and *The Center for American and International Law* in Plano, Texas. Professor Norton is the James L. Walsh Distinguished Faculty Fellow and Professor of Financial Institutions Law, and formerly the Sir John Lubbock Professor of Banking Law at the University of London and the Vice-Chancellor's Distinguished Visiting Professor of Law at the University of Hong Kong. Professor Norton is also a Visiting Professor at the University of Peking Law Faculty and at the Shanghai University of Finance and Economics. In addition, he is a member of the China International and Economic Trade Arbitration Commission. Professor Norton specializes in financial-institutions law and international-economic-development law.

come a responsible stakeholder in the world economy—in large part by its being an active member of: the Group of Twenty; the World Trade Organization (including adherence to TRIPS); the IMF/World Bank; and various Asian and Central Asian economic groupings and initiatives (*e.g.*, ASEAN Plus Three, ChiangMai Initiative, and the Shanghai Cooperation Organization). Further, under its recent “Go Out” economic policy, China is significantly increasing its overseas-development investments, and a rash of Chinese state-owned enterprises have gone global. Accompanying all this, over the past two decades China has incrementally broadened and deepened its embrace of the Rule of Law in the economic area—including significant legislative, regulatory, and enforcement enhancements in the IP area, which is the subject of this newly initiated symposium. As I will highlight in a moment, the SMU Dedman School of Law has been closely intertwined with these remarkable economic developments in China.

SMU DEDMAN SCHOOL OF LAW: PREEMINENT IN INTERNATIONAL AND COMPARATIVE LAW

Recently, the SMU Dedman School of Law celebrated the 60th anniversary of its international and comparative law program. Post-World War II, the Law School’s dean, Robert Storey, embarked on a most ambitious concept for establishing the first “Legal Center”¹ of international dimensions in the country. From its beginnings in the late 1940s, the Center was an international Masters of Law program (which to date has produced over 2,000 distinguished graduates from over 75 jurisdictions), provided a related doctoral-research degree, and facilitated an active exchange of overseas Visiting Professors and Research Scholars. Related to this was the establishment of a foundation that would link the law school—and the segment of the legal profession interested in the promotion of international trade and business—to the world of business.²

One of Dean Storey’s primary focuses was the Asian theater (originally focusing on Japan, Korea, Thailand, Taiwan, Hong Kong, and Indonesia), and this emphasis continues today with an expanded jurisdictional basis. For example, this year we have nine top PRC law students in our LL.M. program, five of whom are sponsored under the prestigious Sohmen Scholarship Program,³ one Chinese S.J.D. doctoral student, a Chinese Visiting Research

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1. It should be noted that engraved in the headstone of Storey Hall—one of the buildings in our Law School Quadrangle—is the title “Legal Center.”
 2. This foundation has evolved into the current, independent organization *The Center for American and International Law*.
 3. Dr. Helmut Sohmen (President of Worldwide Shipping in Hong Kong, an SMU LL.M. graduate in the 1960s, and currently a Trustee of SMU) and his family most generously established this program for the support of Chinese law students and for the fostering of a better understanding of the Rule of Law in China.

Scholar, and a Chinese Visiting Professor who regularly teaches our course on *Doing Business in China*. Our Law School, through the initiative of Professor Emerita Beverly Carl was one of the first American law schools to establish academic relations on the Chinese Mainland in the late 1970s. And we brought to our international masters program the first post-Cultural Revolution, female Chinese law graduate. Since then, numerous members of our faculty have lectured throughout China, including Dean John Attanasio, our current dean. In addition, several of our American students have studied in China, and we have co-sponsored and otherwise participated in numerous conferences in the PRC since the 1980s. Also of note, many of our leading Dallas businesses—particularly in the energy, technology and services areas⁴—are greatly involved with China.

**SMU DEDMAN SCHOOL OF LAW: PREEMINENT IN BUSINESS
AND COMMERCIAL LAW**

For over six decades, the SMU Dedman School of Law has produced one of the richest curricula for both domestic and international business and commercial law. The law school has also maintained a nationally and internationally recognized law faculty in this area, and has produced more Fortune 500 CEOs and billionaires on the Forbes list than any law school in the country. Further, the law school has helped shaped the business and commercial law codes in Texas. Over these decades, many of the leading business-law attorneys and commercial-oriented judges in Texas have passed through our portals. This academic core embraces (on both the domestic and international levels) not only the traditional commercial-law courses on contracts, property, and business organizations, but it also covers related areas such as securities investments, financial institutions, and financial transactions, along with one of the best taxation curricula in the country. Our law school prides itself on not only teaching and researching the basics, but on being at the cutting edge of business and commercial law. Our well-developed curriculum in IP law, under the guidance of Prof. Nguyen, is a stellar example of this institutional goal. This conference further confirms our law school's commitment to reaching out to the domestic and international communities of policymakers, judges, business leaders, and professionals. In addition, we have involved our law students in this agenda through the establishment of five nationally recognized law journals, including the *SMU Science and Technology Law Review* (a co-organizer of this symposium).⁵

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4. Not only were Hunt Oil and Exxon two of the first energy companies joint venturing in China, but the Dallas Hyatt Regency Hotel that was built there in the 1980s became the architectural and construction standard as the first international-class hotel at the Great Wall.
 5. The other student-edited journals at SMU Dedman School of Law are: *SMU Law Review*, *Journal of Air Law and Commerce*, *The International Lawyer*, and *The Law and Business Review of the Americas*.

**SMU DEDMAN SCHOOL OF LAW: A LEADING PROMOTER
OF THE RULE OF LAW**

Over these past six decades, the SMU Dedman School of Law has been at the forefront of promoting the Rule of Law—first in Asia and Latin America, and now also in the Middle East. The law school has never attempted to Americanize. Rather, the law school’s goal is to assist overseas students, businesspersons, policymakers, judges, and educators to learn comparatively—through their own “eyes” and culture—why not only the “role of law” but the “rule of law” is critical to the successful, long-term development of an economy and a society. In doing so, we have always been most sensitive to the fact that such adaptations cannot be imposed from the top down, but must percolate from the bottom up, and that there is no one model that will fit all countries/societies. Each country and society needs to choose its own path. Over the years and even now, numerous members of our faculty have assisted governments, international and regional institutions, and academic institutions to better appreciate the importance of a Rule-of-Law-based economy and society. Of particular recent note, over the past five years Dean Attanasio (with the assistance of our faculty members) has spearheaded a most ambitious and successful Rule of Law program sponsored by the U.S. State Department involving the leaders of over a dozen developing countries from around the world.

By promoting a high-level, comparative exchange of ideas and cooperation among Chinese and U.S. judges, academics, lawyers and businesspeople, this symposium’s focus on the current legal developments and innovations in IP law in China—including the specialized Chinese IP Courts, the importance of IP to the Chinese economic markets, and the role of patent litigation and effective patent enforcement in China—represents and expands upon the very best of the SMU Dedman School of Law’s traditions over the past six decades. On behalf of my faculty colleagues, I wish to most sincerely thank Professor Nguyen, our most generous sponsors and co-organizers, our dedicated *Science and Technology Law Review* students, and particularly our distinguished group of speakers and contributors here tonight, for bringing to our SMU Dedman School of Law quadrangle this most important and cutting-edge symposium: *China IP: NOW!* Thank you and welcome!