

## NEW AREAS

# The shape of the future

Intellectual property experts need to be on top of a fast-changing world.

KEELI CAMBOURNE

IF YOUR gene is used in a medical breakthrough that can help cure millions of people, are you entitled to some of the profits? After all, if it wasn't for you, there would be no miracle cure.

It's a tough call but it is one which is becoming increasingly relevant as innovations and developments – medically, environmentally and even philosophically – expand at an alarming rate.

And it is an area about which Conway Restom, partner with Corrs Chambers Westgarth, is passionate.

As an intellectual property specialist, Restom is at the forefront of these areas. Legal minds such as his are helping to shape the way in which the world deals with developments.

"The challenge with intellectual property lies in the fact that it pervades everything," Restom says.

"The lawyers don't do the science but we have to identify whether these innovations will infringe on someone else's patent. We have to then help protect that patent and license it, and pass it onto others.

"Licensing of technology is a big thing. Because our work is so fast-moving, we have to have good systems in place. [We] have relationships with law firms overseas, lawyers overseas and we are constantly sending lawyers to short courses overseas as part of our employment arrangement."

Servicing the new economy is how Shane Barber, managing partner of Truman Hoyle Lawyers, explains his job.

"The kind of stuff we do is telecommunications, regulatory, policy law, intellectual property, industrial law and energy law – they are all connected in that they involve ideas, information and concepts," Barber says.

It may sound like a loose way to work but he says keeping on top of ever-expanding technologies is now part of a lawyer's brief.

Lawyers don't only deal with contracts, they have to know the legislation, finances, policies and corporate law around the world.

"Large companies are now hiring law firms as much as economists to get information [on] how other countries deal with things such as carbon emissions trading," he says.

"We really have to look at where the focus of economies is going to be in a few years. It usually involves all kinds of traditional legal areas, such as corporate, administration, contract law, but it can also have a real influence in shaping policy.

"In communications law the real focus now is on content and the very complex media outlets. For example, things such as premium mobile services and gaming. If gaming is regulated over the internet, what things have to change for it to be used on mobile handsets? That is where lawyers work in helping the regulations catch up with the emerging technologies."

Globalisation has meant teaching law has had to change as well, with students now required to learn not just one or two legal systems but an international smorgasbord of policies and rules.

Doug MacKinnon runs the Centre for Transnational Crime Prevention at Wollongong University and helps train lawyers in helping to combat international crime.

"There's a range of skills and knowledge that lawyers now need to have to communicate across cultures and legal systems," MacKinnon says.

"Change is constant and that is undoubtedly one of the major catalysts driving legal issues more strongly. [With] things like terrorism and terrorism financing, there is now more pressure on governments and financial systems to be better able to be scrutinised and ensure integrity.

"The flow-on from that has been the impact on

anti-money-laundering arrangements around the world and issues associated with financing laws."

MacKinnon gets all sorts of lawyers into his graduate program, from commercial specialists developing new regulatory requirements to those dealing with major financial crime such as the Enron scandal in the US.

The centre also teaches highly specialised subjects taught nowhere else in the world, such as a masters in prosecutions and a masters in forensic accounting. It also works with overseas organisations such as the Malaysian attorney-general's department.

Short, sharp and highly focused learning is the way to keep lawyers and students abreast of the changes, according to Professor Gordon Walker, head of law at La Trobe University in Melbourne.

And just as lawyers are being outsourced to companies around the world, teaching those lawyers is also a matter of finding the world's best and bringing them to Australia.

"We fly in specialists from all over the world – the US, Germany, Hong Kong, Beijing – who teach a subject intensively for five days," Walker says.

"We get experts in on global business law, information technology and intellectual property. The business model these days is that things need to be short and intensive. It means a lawyer who wants to do their masters of laws in the US, but may not have been able to afford it, can effectively do the same thing here.

"Undergraduates are wanting to specialise as well, so we have opened up global business law units to undergraduates as electives and have been overwhelmed by the response."



Keeping pace ... Shane Barber (top) and Doug MacKinnon (above).  
Main photo: Fiona Morris