



(RE) THINKING INTELLECTUAL PROPERTY

FUNDAMENTAL QUESTIONS AND NEW PERSPECTIVES

Intellectual Property Rights and Investment Law: the new frontier

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Chinese University of Hong Kong (CUHK)

Monday, April 22, 2013 at 5.30 pm
CEIPI– Amphithéâtre 23
11, rue du Maréchal Juin BP 68
67046 Strasbourg

The conference will be held in English and followed by a debate with the audience, moderated by Christophe Geiger, Director General of the CEIPI.

Free admission subject to availability.

Event validated by the continuing training programme for lawyers

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Abstract:

This presentation will explore the complex issues relating to the inclusion of intellectual property rights (IPRs) as an 'investment' in international investment agreements (IIAs). The potential impact of IPRs in IIAs on the regulatory sovereignty of a nation has for some time been underappreciated and undervalued in both practice and the academic literature. The issue became topical, and controversial, when cigarette manufacturer Philip Morris relied on IIAs to challenge IP-related tobacco regulations in Uruguay and Australia, but there persists a general lack of understanding of how IPRs are included in IIAs and the extent to which an IPR owner can rely on an IIA to enforce its rights. This presentation introduces and analyses the relevance of some of the more significant clauses frequently appearing in IIAs, with specific reference to the ongoing Philip Morris disputes.

Bio:

Bryan Mercurio is Professor of Law and Associate Dean (Research) at the Chinese University of Hong Kong (CUHK). Prior to joining CUHK, Professor Mercurio was a Senior Lecturer at the University of New South Wales (UNSW) and Director of the International Trade and Development Project at the Gilbert + Tobin Centre for Public Law. He has also taught as a visitor at Adelaide Law School and the Melbourne Law School. Specializing in international economic law, Professor Mercurio is a leading expert in the intersection between trade law and intellectual property rights. His work also frequently deals with free trade agreements, WTO dispute settlement and increasingly international investment law. Prior to academia, Professor Mercurio worked in trade policy for the Canadian Department of Foreign Affairs and International Trade (DFAIT) before practicing international trade, intellectual property and commercial law in the United States and Australia.