

Call for Papers

Access to Material and Immaterial Goods: The Relationship Between Intellectual Property and Its Physical Embodiments

23-24 January 2015
University of Lucerne
Switzerland

Organisers:

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This conference aims to look at the relationship between intellectual property and its physical materialisations, with a particular focus on the issue of access and the challenges of new technologies. Though intellectual property protects the intangible, it is indisputable that intellectual property goods (whether they be copyrighted works, patented inventions or trade marks) classically had to be physically materialised in order to be enjoyed or used, such as on canvas, as a pharmaceutical and trade marked products. This materialisation can, however, challenge our theoretical notion of the intangible and the tangible as constituting discrete forms of property and can have serious consequences on access to intellectual property goods. A classic example is that of an owner of an original art work, who may not own the copyright, but who can control access to the work and thereby exert copyright-like rights. New technologies raise further problems relating to the relationship between the intangible and tangible. For example, biotechnology patents that cover or encompass specific cell lines that are not reproducible from the patent disclosure could be seen as protecting something tangible. What exactly constitutes materialisation is also of significance. As an illustration, whether digital reproductions of copyrighted works are considered to be physically materialised can affect the doctrine of exhaustion and, thus, access to a “second-hand” market. Indeed, the move away from classical analogue materialisation, as a consequence of the digital age, highlights the issue of what copyright means when there is no copy in the classical sense. Our aim is to address the divide between the intangible and the tangible from the perspective of issues of access and problems relating to new technologies.

Specific areas that we are interested in include, but are not limited to:

- Challenges raised by new technologies
 - Digital technologies
 - virtual museums
 - the concept of “reproduction” in the digital age
 - Biotechnology patents
 - research tools
 - biobanks
- Shape trade marks
- Exhaustion of intellectual property rights
- Trade secrecy and access to information/knowledge
- Museums and similar institutions
 - control over access to works, particularly works in the public domain
 - contract law vs copyright law: contracting out of permitted uses
 - orphan works (with no identifiable author)
 - information/data protection vs questions of provenance

Application Process

Speakers will be allocated 20 minutes to present within a panel of three speakers, followed by a 30 minute discussion.

Submissions from those in non-legal disciplines and from those in practice are very welcome. We strongly encourage submissions from doctorate students and postdoctoral researchers.

Please send the (provisional) title and abstract (max. 300 words) of your proposed paper and your CV by **1 September 2014** to: antoINETTE.maget@unilu.ch

Submissions shall be reviewed and authors notified of the status of their submissions by 15 September 2014. General registration will follow.

Accepted speakers will have the costs of their travel, accommodation and conference fee covered.

Confirmed Speakers:

Catherine Bell	Professor of Law, University of Alberta, Canada
Michael Blakeney	Professor of Law, University of Western Australia
Dan Burk	Chancellor’s Professor of Law, University of California, Irvine, US
Marie Cornu	Director of Research, CNRS, Paris
Mike Madison	Professor of Law, University of Pittsburgh, US
Alain Pottage	Professor of Law, London School of Economics, UK
Laura Skorodenski	Lawyer, Maurice Law, Calgary, Canada
Rainer Warth	CEO, Foundation biobank-suisse
Peter Yu	Kern Family Chair in Intellectual Property Law, Drake University, US