

BIOGRAPHICAL DATA

William Albert VAN CAENEEM
Faculty of Law
Bond University
Gold Coast
Queensland 4229
Australia
wvancaen@bond.edu.au

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

- PhD, University of Cambridge, United Kingdom, 2005;
- LL.M., University of Cambridge, United Kingdom, 1984-85;
- Licences in Law, University of Leuven (KUL), Belgium, 1981-84;
- Candidature in Law, University of Antwerp (UFSIA), Belgium, 1979-81.

LANGUAGES

- Dutch, English, French and German. Some passive Russian.

PRESENT POSITIONS AND MEMBERSHIPS

- Professor of Law, Bond University, 2005 to present;
- Barrister of the Supreme Court of Queensland;
- Member of the Bar Association of Queensland;
- WIPO Domain Name Arbitrator (Panelist);
- Member of the Law Council of Australia (Intellectual Property Committee, Business Law Section);
- Member of the International Association of Procedural Law;
- Member of the International Academy of Comparative Law;
- Associate of the Centre for Governance of Knowledge and Development, RSSH, ANU, Canberra.
- Visiting Professor, Faculty of Business and Law, the University of Gothenburg, Sweden.

PAST POSITIONS

- Stipendiary Research Fellow, Max-Planck Institute for Comparative and International Intellectual Property Law, Munich, Germany, 1993.
- Visiting Scholar, Centre for Commercial and Property Law, Queensland University of Technology, Brisbane, 1995.
- CAL/ANU Inaugural Copyright Fellow, Faculty of Law, Australian National University, Canberra (travel, research and residency funded by Copyright Agency Limited – CAL), May – June 1995.
- Visiting Fellow, Centre for Comparative and International Law, Boalt Hall School of Law, UC Berkeley, California (part stipendiary), June – July 2000;
- National Social Science Visiting Fellow, Research School for Social Sciences, ANU, Canberra (stipendiary), August 2002.
- Consultant to AUSAID (Criminal Justice Project in Cambodia), Phnom Penh Cambodia. Acquisition of research data concerning criminal procedure in Cambodia and civil law/common law differences; in-country research and delivery of modules, May 1997.
- Consultant to the Government of Western Australia: Reform of the Criminal and Civil Justice System (commissioned paper on the advantages and disadvantages of adversarial and inquisitorial criminal procedure, published as Consultation paper by the Commission, February 1999).
- Consultant to IWT (Department of Science and Technology in Industry, Brussels, Belgium), ‘Intellectual capital and intellectual property rights’, Development of modules and delivery of seminar at Brussels, Belgium, 3 – 4 September 1999.
- Consultant to LRD (Leuven Research and Development), University of Leuven, Belgium, ‘Intellectual property law and intellectual capital in the knowledge economy’, Course for R&D Managers, Development of module and delivery of seminar, Leuven, 12 December 2000.
- Consultant to Department of Foreign Affairs and Trade, Canberra, Geographical Indications of Origin seminar program (South East Asian training project), Development of seminar materials and modules; in-country delivery: May – August 2003, Bangkok, Thailand; Beijing, PRC.
- Visiting Professor, Sorbonne University (Pantheon-Assas, Paris II), Paris, France, Guest lectures in Intellectual property, copyright, patents and comparative law, January - February 2005.
- Visiting Professor, University of Ghent LLM Program, Comparative Intellectual Property law (Preparation and delivery of module on comparative patents law, with focus on common law/civil law divide), December 2006.

- General Reporter, Common law countries, International Association of Procedural Law, 'The reception of illegal evidence in the Common law jurisdictions' (General Report incorporating National Reports from jurisdictional correspondents), 2007.
- Visiting Fellow, Australian Centre for Intellectual Property in Agriculture, University of Queensland Faculty of Law, 2009.
- Consultant, National Heart Foundation, 2011 (IP Policy Review).

BOOKS

- "Intellectual Property law in Australia", Monograph in the International Encyclopaedia of Laws, Kluwer Law and Taxation Publishers, The Hague, 1997 (2nd ed. forthcoming, 2009).
- "Intellectual Property", Butterworths Tutorial Series, 1st ed. 2001; 2nd ed. 2005;
- "Intellectual property law and innovation", Cambridge University Press, 2007.
- "Intellectual and industrial Property in Australia", LexisNexis butterworths, 2009.
- "Intellectual Property Policy Reform: Fostering Innovation and Development", Christopher Arup & William Van Caenegem (eds.), Edward Elgar, 2009.
- "The Internationalisation of Law: Legislating, decision-making, practice and education", Mary Hiscock & William van Caenegem (eds.), Edward Elgar (2010).

SOME PAPERS

- "Different Approaches to the Protection of Celebrities Against Unauthorised use of their Image in Advertising in Australia, the US and Germany," European Intellectual Property Review, Vol. 12 Issue 12, 452-458, December 1990;
- "Inventions in Russia: From Public Good to Private Property," Australian Intellectual Property Journal, Vol. 4 No 4, 232-258, November 1993;
- "The Patent Law of the Russian Federation"; Chapter in: Intellectual Property in the Russian Federation, A System in Transition, Malfliet K and Elst M (eds), 50-84, 1994;
- "Communications Issues in Copyright Reform," Copyright Reporter, Vol. 13, No 3, 322-347, November 1995;
- "Copyright, Communications and New Technologies," Federal Law Review, Vol. 23 No 2, 72-88, 1995;

- “The technicality requirement, patents scope and patentable subject matter in Australia”, Australian Intellectual Property Journal 13, 309 – 327, 2002;
- “The public domain: scientia nullius”, 24 European Intellectual Property Review 6, 324 – 330, 2002;
- “Intellectual property and intellectual capital”, 48 Intellectual Property Forum, 10 – 25, 2002;
- “Intellectual property and the idea of progress” (2003) Intellectual Property Quarterly, 3, 237;
- ‘Adversarial Systems and Adversarial Mindsets: Do We Need Either?’ Bond Law Review, Volume 15, Issue 2, 111-122 (2003) Festschrift for David Allan and Mary Hiscock;
- “Striking a balance between protecting commercial reputation and promoting competition” (2003) 77 ALJ 598;
- “Registered Geographical Indications: Between Intellectual property and rural policy”, Part I: (2003) Journal of World Intellectual Property, Vol 6 No 5, 699;
- “Registered Geographical Indications: Between Intellectual property and rural policy”, Part II: (2003) Journal of World Intellectual Property, Vol 6 No 6, 861;
- “Registered GI’s: Intellectual property, agricultural policy and international trade” (2004) EIPR Vol 26, Iss 4;
- “Inter-firm migration of tacit knowledge: law and policy”, Prometheus, Vol 23, No 3 (2005);
- ‘Restraint of Trade Clauses in Employment Contracts’ 20(1) (April 2007) Australian Intellectual Property Law Bulletin, 2-5;
- ‘Did a Former Employee Misuse Confidential Information: Issues in the case of *Bluescope Steel v Kelly* 10(6) (December 2007), 90-92;
- ‘The Mobility of Creative Individuals, Trade Secrets and Restraint of Trade’ (2007) 14(2) Murdoch University E-Law Journal, 265-279;
- ‘New Trends in Illegal Evidence in Criminal Procedure, General Report – Common law’, in *Direito Processual Comparado*, eds Grinover & Calmon, Editora Forense, Rio de Janeiro (2007);
- ‘Pervasive incentives, disparate innovation and intellectual property law’, in Arup C & van Caenegem W (eds.), *Intellectual Property Policy Reform: Fostering Innovation and Development*, Edward Elgar UK (2009);

- ‘Preface & Epilogue’ in: “The Internationalisation of Law: Legislating, decision-making, practice and education”, Mary Hiscock & William van Caenegem (eds.), Edward Elgar (2010).
- ‘VUT v Wilson; UWA v Gray and University Intellectual Property Policies’ (2010) 21 AIPJ 148;
- Australian Journal of Labour Law – Recent Case: University of Western Australia v Gray (Vol 23, No 4, November 2010, 327).

RESEARCH INTERESTS AND CURRENT RESEARCH PROJECTS

- Intellectual property law; intellectual property and innovation policy and theory; comparative intellectual property.
- Comparative law (civil law systems and common law systems).
- Criminal procedure and evidence law; comparative criminal procedure.
- Constitutional law; comparative federalism.
- Australian Research Council funded research project, 2009-2011 (with Monash University and The University of Melbourne): ‘Nothing can be created out of nothing: Workers, their Know-how and the Employment Relationships that Support them’ (concerning the relationship between workers/employers legal entitlements to tacit knowledge, and innovation performance).
- ‘A comparative study of trade secrets law across the common law and civil law divide’, 2009.

MAIN TEACHING AREAS AND INTERESTS

- Intellectual property law; Copyright and entertainment law; Industrial property law.
- Global issues in Intellectual Property Law (LLM).
- Introduction to common law for civil lawyers.
- Comparative law, in particular common law/civil law
- Constitutional law.
- Evidence.
- Introduction of new technology in law teaching (in particular, web-based virtual factual models and scenarios; and Cross-jurisdictional class-based teaching collaboration).