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ARTICLES

Who Is the Crown for the Purposes of the Copyright Act 1968 (Cth)? – Dilan Thampapillai

Part VII of the Copyright Act 1968 (Cth) confers special privileges upon the Crown in relation to copyright law. This allows the Crown access to a range of rights and protections that are denied to other actors under the law. The topic has been the subject of some academic analysis, though no clarity has emerged from the discourse as to whom exactly the Pt VII scheme applies. This is no small matter as the range of government departments, bodies, entities and agents that could potentially avail themselves of Pt VII is quite extensive and could conceivably push the scheme beyond its intended sphere of operation. In this article, I argue for a limited reading of the Pt VII scheme and an amendment to curtail any use of it within the fields of trade or commerce. 5

Conflicting Interests, Competing Perspectives and Policy Incoherence: COVID-19 Highlights the Significance of the United Nations High-Level Panel Report on Access to Medicines – Muhammad Zaheer Abbas

The issue of affordable and equitable access to innovative health technologies has been the subject of a longstanding global debate on intellectual property, trade, and public health. The current COVID-19 has put this problem in the limelight because governments, even in the economically advanced countries, are struggling to meet the health needs of their populations. Patent exclusivities add to the cost of health care by allowing supra-competitive prices of protected technologies. The United Nations (UN) High-Level Panel Report on Access to Medicines is a great help in identifying and articulating the nature of the public policy problems faced by countries in response to COVID-19. After analysing the Report and its key recommendations, this article evaluates the diverging responses to the Report which clearly highlight the conflicting interests of stakeholders. This article concludes that World Trade Organization (WTO) Member States need to revive the spirit of the Doha Declaration which was arguably the best multilateral effort to accommodate the conflicting interests. 24

Protection of Australian Regional Names as Food Geographical Indications – South Australian Case Study: Part 1 – Dr Paula Caroline Zito

This article is the first of a two-part article series that reports and explains findings from a case study conducted in the South Australian regions of Barossa Valley and Adelaide Hills. The case study explored whether regional food producers based in those regions consider that Australia should implement a dedicated food Geographical Indications (GI) framework. This article reflects on the cases that exist at both a national and international level for the implementation of an Australian food GI framework, before identifying the key findings made as a result of the case study. This article reveals that the regional food producers, who participated in the case study, consider that Australia should implement

a food GI framework. They would welcome the implementation of a similar framework in the food industry to that which exists in the Australian wine industry pursuant to the Australian wine GI framework. They believe that a food GI framework would provide better regulation in protecting the connection between food and origin, and the value that exists in the names “Barossa Valley” and “Adelaide Hills”, than currently provided pursuant to existing consumer protection, passing off and trade mark laws. Furthermore, this article explains that the implementation of an Australian food GI framework would significantly improve Australian intellectual property laws and place Australia in a strong international trading position. The issues addressed in this article have become pressing, as the Australian government is engaged in consultations on a possible new GI right as part of negotiations for a Free Trade Agreement with the European Union.

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Quantitative Assessment of Applications for Plant Breeder’s Rights under the Plant Breeder’s Rights Act 1994 (Cth) from 1994 to 2019 – Charles Lawson and Andrew Cecil

This article reports on applications lodged under the *Plant Breeder’s Rights Act 1994* (Cth) from 10 November 1994, when the legislation entered into force, until 24 September 2019. The analyses address applications, grants, terminations and expirations of Plant Breeder’s Rights (PBRs) according to the country of origin, plant form (trees, vines and others), plant groupings (amenity grasses and turfs, cereals, field crops, forage crops, fruit crops, fungi, ornamentals and vegetable crops), native plants and PBR duration. The main findings are that 5,141 PBRs have been granted, with approximately 210 new PBRs each year, Australian individuals, companies and other entities hold most granted PBRs and very few PBRs reach their full term. A closer analysis of cereals to demonstrate the methodology, and particularly *Triticum aestivum* (bread wheat), shows the transition from the public to private sector breeding, many PBR owners and each owner holding on average 4.5 PBRs suggesting a vibrant and competitive breeding sector for bread wheats.

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