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ARTICLES

Protection of Australian Regional Names as Food Geographical Indications – South Australian Case Study: Part 2 – *Dr Paula Caroline Zito*

This is the second 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. The first article in the series reported the key findings made from the South Australian case study. This article expands on some of those key findings, providing valuable explanation about how a food GI framework can be tailored to accommodate Australian food industry needs. This information is especially significant at this time given the Australian government’s public consultation on a possible new GI right that could provide GI protection to goods other than wines and spirits. This article reports on the views and opinions of South Australian food producers relevant to the Australian government’s current consideration of a possible new GI right and the implementation of an Australian food GI framework. It provides relevant information for the current policy regarding the connection between product and place, including practical criteria that should be incorporated into an Australian food GI framework to ensure that Australian food GIs are only used on food labels where the food product is clearly connected to the GI place claimed. 242

Trade Secrets: Promoting Innovation in Biosimilars – *Teddy Henriksen*

Trade secrets are generally considered as stifling innovation, including the innovation of biosimilars. This article considers the alternative and suggests that trade secrets over biologics not only promote, but actually force biosimilar innovation. Specifically, trade secrets encourage biosimilars to innovate in two areas: process design and analytical science. Both areas of innovation are related to the unique nature of biologics and biosimilars and their molecular size, complexity and heterogeneity. However, it is not enough to say that the secret nature of originator manufacturing processes promotes innovation. This article will show that biosimilars may not only innovate in the sense of allowing cumulative innovation in analytical techniques for biopharmaceutical characterisation, but originator trade secrets also promote a different kind of innovation in biosimilar development processes: simultaneous innovation. 262

The Inevitable Actors: An Analysis of Australia’s Recent Anti-piracy Website Blocking Laws, Their Balancing of Rights and Overall Effectiveness – *Peter Carstairs*

Following the High Court’s decision in *Roadshow Films Pty Ltd v iiNet Ltd* and walking in the footsteps of countries such as the United Kingdom, in 2015 Australia introduced a website blocking injunction regime into the Copyright Act. The regime, which was

expanded in 2018, allows an injunction to be brought against a carriage service provider or a search engine provider to block access to an overseas website whose “primary purpose” or “primary effect” is the infringement or facilitation of infringement of copyright. The regime has received criticism that it may amount to a form of censorship and a restriction on the freedom to access information, particularly where the website comprises both infringing and non-infringing content. This article argues, however, that these risks are low, that the regime successfully balances rights when dealing with the very real issue of online piracy, and could potentially be expanded to include other intermediaries. 280

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