



## Launch of Intellectual Property and Technology Law Clinic Thursday 17 June 2010, 6:15 pm Old Government House, QUT Campus

---

### **The Hon Paul de Jersey AC Chief Justice**

Mr Scott Shepherd, Deputy Vice Chancellor (International and Development); Associate Professor Chay, Acting Dean; Ms Joanne Rennick, President of QPILCH; ladies and gentlemen- it is a great pleasure for me to have the opportunity to address you this evening, and in the splendid surroundings of Old Government House.

I at once congratulate QUT and QPILCH on developing this excellent initiative, the Intellectual Property and Technology Law Clinic. I am honoured to launch it, and interestingly, for a highly contemporary program, in this is so recently redeveloped historically significant place, dating back to 1862.

Let me first say something about QPILCH, about to enter its 10<sup>th</sup> successful year. I have been privileged to be patron since its inception, in 2001. The subsequent nine years have witnessed great progress. We have watched as QPILCH has expanded from a simple public interest law referral centre with but one part-time staff member, to a current position which embraces three referral services, three direct services, five student clinics, support services and a Rural Regional and Remote Project. Maths has never been my strong suit ladies and gentleman so please forgive my not having included the Intellectual Property and Technology Law Clinic in those numbers- it is a welcome addition!

The support QPILCH is now receiving from QUT and the profession and executive government, has greatly facilitated the fulfilment of its important mission- that of enhancing the accessibility of justice.

The community's preoccupation with criminal justice cannot obscure the significance of civil justice. What have others said of this? The leading UK civil proceduralist Sir Jack

Jacob, in his 1987 Hamlyn Lectures entitled “The Fabric of English Justice”, went so far as to assert that “the system of civil justice is of transcendent importance...for the people of every country.”<sup>1</sup>

Legal philosophers from Aristotle to John Rawls have recognised the crucial importance of civil justice. Central to their writings is the notion that “the administration of justice should be accessible to those involved in conflict.”<sup>2</sup>

The stipulation is important, if obvious. But obvious also is our failure to secure the ideal. There is, has always been, and maybe always will be, substantial limitation on access to justice according to law on the civil side. This remains, as I have sometimes said, the greatest albatross besetting our court system.

But here we welcome the prospect of some further incremental alleviation. The Intellectual Property and Technology Law Clinic will, in its realm, directly support those who cannot otherwise afford to consult a lawyer, and provide an avenue for access to legal services.

The Clinic’s primary aim is to facilitate free legal advice and legal services to members of the arts and technology communities who cannot otherwise afford to consult a lawyer. The Clinic is funded by a QUT Engagement Innovation Grant and spearheaded by Professor Brian Fitzgerald and Ms Kylie Pappalardo of the Faculty of Law.

The Clinic will deal, quite remarkably I think, with a very wide gamut of legal fields: copyright, contracts (particularly recording and publishing contracts), trade marks, designs, patents, media law, defamation, laws governing digital distribution and online business models, technology law and confidentiality. The service also extends to a broad range of technology law matters, such as legal problems faced by members of the general community in engaging with new technologies and online communities. It aims to fill- as much as possible- the gap left by the unfortunate closure of the Arts Law Centre of Queensland.

---

<sup>1</sup> Lord Justice Jackson, 2009. *Preliminary Report- Civil Litigation Costs Review*, 41.

<sup>2</sup> Lord Justice Jackson, 2009. *Preliminary Report- Civil Litigation Costs Review*, 40.

Three key services are provided by this Law Clinic:

- an advice service;
- a pro bono referral service; and
- a student elective unit.

The advice service is held once monthly at the QUT offices and provides free legal advice for Queenslanders working in the arts and technology sectors who cannot otherwise afford to engage a lawyer. Clients may make 45 minute appointments to speak on a one-on-one basis with a volunteer lawyer about any legal questions or issues they may have pertaining to Intellectual Property and Technology law.

The pro bono referral service is coordinated through QPILCH and concerns itself with deserving cases requiring greater attention than can be provided through the advice service. In this way, the Clinic aims to effectively assist clients with a broad range of legal issues- from the short and sweet to the lengthy and comparatively more difficult legal inquiry.

I mention the student elective unit as one of the most pleasing and important elements of the Clinic. In the second semester of 2010, an elective unit will be offered allowing students to work to support QUT and QPILCH in providing both the advice and pro bono service. Through the Clinic, students will be exposed to cutting edge issues in burgeoning areas such as technology law and laws governing digital distribution and online business models. Students will be given the opportunity to think deeply about the challenges which arise when technology and law intersect, and to develop valuable skills in this ever-growing and rapidly changing field.

Further, the students who participate in this Law Clinic will not only gain excellent experience, but will also I expect develop a sense of giving and professional responsibility. This is heartening in relation to cultural aspects within the profession of the future. I urge all QUT students to consider involvement in this initiative. I have no doubt the Clinic will itself also benefit from the infusion of young minds.

As the IP & Technology Law Clinic utilises an enthusiastic volunteer base of lawyers and law firms in Queensland to provide the advisory and pro bono services, all lawyers and law firms involved should be commended.

Here I also mention that the Clinic is technologically progressive. In preparing for this address I became aware that this Clinic not only has its own Facebook site, but a Twitter page as well. Maybe I should join Facebook and harness this Clinic as my official online friend. But my Associate has dissuaded me, lest the Clinic turn out to be my only friend.

This Intellectual Property and Technology Law Clinic is a welcome addition to a commitment to pro bono work which is now a well established feature of the legal profession in Queensland, indeed of the legal profession nationally. The essence of a lawyer's professionalism is public service and the best illustration of a worthy lawyer's true dedication to that fundamental public service, is a commitment to pro bono work.

Actually taking on a client, with all the travail that may involve, in the expectation of no financial recompense, but with the assurance the client's legal position will be properly explored and presented, is I think, the ultimate expression of the true commitment of the profession to that ideal of public service.

QUT and QPILCH are, through this Clinic, engaging with the community and facilitating access to justice. This is particularly commendable given that the legal issues dealt with by the Clinic are not only assuming increased importance in our society, but also involve the very areas of law where legal aid is not generally available.

The Director of the Intellectual Property and Technology Law Clinic run by the University of Southern California perceptively observed:

Amid rapid technological and social change, intellectual property and other technology related fields of law such as privacy have become increasingly important to our culture, to business, and to our very democracy.

Given society's emphasis and reliance on technology and the internet, this is especially so.

Thus, I applaud QPILCH and in particular, the Law School, for giving form and profile to its pro bono commitment, particularly in relation to areas of law devoid of any real State funding. By formally and publicly acknowledging this commitment, the Law School recognizes the real public importance of the pro bono phenomenon in legal practice; by endorsement of it, the School will foster a commitment in the students, which one hopes will be abiding, continuing into subsequent years of actual practice.

I am very pleased to support the initiative and again congratulate and commend the Law School and QPILCH for their ongoing commitment and efforts. I thank the firms and practitioners who are engaged in this work in Queensland and importantly this evening, I thank the students who have been, and will be, involved in this publicly important endeavour.

Distinguished guests, ladies and gentlemen, I am very pleased now formally to launch the Intellectual Property and Technology Law Clinic, and to wish the Clinic the utmost success.