

# CENTRE FOR INTERNATIONAL LAW

## Seminar Series

# CIL

**5, 6 May 2010, 4.00 PM to 5.30 PM**

**NUS Bukit Timah Campus, Block B, Level 3, Executive Seminar Room**

### SPEAKER



**Prof Bryan Mercurio**

Faculty of Law

Chinese University of  
Hong Kong

Bryan Mercurio specializes in international economic and trade law. Author of six books and over thirty journal articles and book chapters, Professor Mercurio is a frequent commentator and speaker on a range of international trade law issues (including dispute settlement, the development and impact of free trade agreements, international intellectual property and public health). His work is cited by academicians, governments and international organizations, such as the WTO Secretariat. Professor Mercurio has advised law firms, NGOs and Members of both the Australian and New Zealand parliament on wide range of matters, including on pharmaceutical related aspects of the Australia-United States Free Trade Agreement.

Professor Mercurio is also an expert on electoral law, with the focus of much of his research on voting technologies and free & fair elections. His work and submissions have been cited with approval by Australian courts (including the High Court) and several Australian Parliamentary Committees. He has also appeared as an expert witness in a number of cases.

Prior to joining CUHK, Professor Mercurio spent five years at The University of New South Wales, Faculty of Law, where he was the Director of the International Trade and Development Project at the Gilbert + Tobin Centre of Public Law. Professor Mercurio has also held visiting positions at the Center for International and Comparative Law at St. Louis University School of Law, The George Washington University Law School, the Institute for International Economic Law at the Georgetown University Law Center and at the National University of Singapore. Prior to entering academia, Bryan worked in both the public and private sectors and practiced international commercial law and international trade law in Australia. He is currently a Fellow of the Tim Fischer Centre for Global Trade & Finance, a founding member of the Asian International Economic Law Network, an Associate Member of the Asian WTO Research Network and was on the Founding Committee of the Society of International Economic Law (SIEL). He remains on the Executive Board of the SIEL.

## **SEMINAR 1, 5 MAY 2010, WED**

### International Intellectual Property Law as a (Sub)Discipline

See introduction below

## **SEMINAR 2, 6 MAY 2010, THU**

### Enforcement of Intellectual Property Rights under the TRIPs Agreement: The Case of Seizing Generic Pharmaceuticals in Transit

See introduction below

**FREE ADMISSION** Please register  
your interest to attend by calling or emailing  
Ms Geraldine Ng at (65) 65166842 /  
[cilnwfg@nus.edu.sg](mailto:cilnwfg@nus.edu.sg)

### ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: [cil.info@nus.edu.sg](mailto:cil.info@nus.edu.sg)

## **SEMINAR 1, 5 MAY 2010, WED, 4PM – 5.30PM**

### **International Intellectual Property Law as a (Sub)Discipline**

Until the late-1990s, international intellectual property law was viewed as a 'niche' subject and perhaps even a somewhat superfluous area of the law. By the mid-2000s, however, the subject came to be viewed as a core component of intellectual property. In large part, the shift is due to the incorporation of intellectual property into the World Trade Organization (WTO) through the TRIPs Agreement. Correspondingly, this has made the theoretical nature (and even teaching) of the subject more difficult to interpret and conceptualize. This presentation traces the development of international intellectual property law and concludes that the (sub)discipline is increasingly dependent on the WTO for its continued place of prominence.

## **SEMINAR 2, 6 MAY 2010, THU, 4PM – 5.30PM**

### **Enforcement of Intellectual Property Rights under the TRIPs Agreement: The Case of Seizing Generic Pharmaceuticals in Transit**

The issue of seizing shipments of generic pharmaceuticals in transit offers the opportunity for rich legal analysis into an underexplored, yet increasingly important, area of both the TRIPs Agreement and the GATT. The focus of this presentation will be on the legal analysis of the issues surrounding the EU's continuing detention of generic pharmaceuticals for alleged patent infringement. Interestingly, the goods at issue are patented neither in the country of export nor in the country of final destination. Nor are the goods subject to a compulsory licence. The question thus becomes whether these actions violate any WTO obligations. Focusing on the principles of treaty interpretation, the presentation will investigate whether the TRIPs Agreement could be interpreted so as to maximise 'flexibilities' and significantly constrain attempts to maximize intellectual property rights and enforcement.

**Venue: NUS Bukit Timah Campus, Block B, Level 3, Executive Seminar Room**