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**Governance of New Technologies:
The Transformation of Medicine, Information
Technology and Intellectual Property:
Final Conference Report**

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1. Welcome Messages



Conference Co-Chairs

Shawn Harmon, Editor-in-Chief, *SCRIPTed*

Wiebke Abel, Managing Editor, *SCRIPTed*

Hardly a day goes by that we are not reminded, either in the popular media or elsewhere, that we are in the information and techno age. New technologies are reshaping the way we communicate, conduct business, treat the sick and govern. As a vehicle for academic thought, *SCRIPTed* is deeply concerned and engaged with these phenomena and how they interact and co-produce the reality we experience. This conference was always envisioned as a means of encouraging and enhancing our thinking around these subjects, and we hope it will be stimulating, challenging and fruitful. Without further ado, we would like to welcome all speakers and delegates to the Governance of New Technologies conference, and we hope you have an interesting and enjoyable two days. We would be remiss if we did not take this opportunity to thank the Conference Committee for their invaluable efforts. The Committee includes Dawn Conrad, Tom Flynn, Jan Freialdenhoven, Renate Gertz, Evi Giannatou, Andres Guadamuz, Simone Hull, Martin Kujan, Tsung-Tang Lee, John Lockhart, Kasey Lowe, Clare Nielson, Philippa-Lucy Robertson, Yolande Stolte, Anni van Nieuwenhuizen.



Prof. Graeme Laurie

Chair of Medical Jurisprudence

Director of *SCRIPT*, AHRC Centre for Research in Intellectual Property and
Technology

Welcome Everyone! I am Dr. Graeme Laurie, Professor of Medical Jurisprudence and Director of AHRC/*SCRIPT*, a law and technology centre supported by the Arts and Humanities Research Council and whose research covers the relationship between law and technologies in the broadest sense, and most notably intellectual property law, information technology law and medical law. *SCRIPT* is the research centre which is hosting this ground-breaking conference, and it is the home of *SCRIPTed*, the online journal whose fifth anniversary is being marked by this event. *SCRIPT* is

incredibly proud of our research community and most especially of our postgraduates who run and produce *SCRIPTed* to the highest international standards. The intellectual foci of *SCRIPT* and *SCRIPTed* are perfectly aligned and they also share a common goal to foster new and dynamic networks of scholars in and beyond Edinburgh, and in and beyond law. I am delighted to welcome you all to this conference on *Governance of New Technologies: The Transformation of Medicine, Information Technology and Intellectual Property*, which will, I hope, serve as a catalyst for further fruitful collaborations in the future.

2. Executive Summary

After over 18 months in preparation, the “Governance of New Technologies” conference has now come to a close, and it was very successful indeed, thanks to the hard work and active participation of the speakers and delegates and, of course, the Organising Committee. Our intention was to focus on evolving and emerging technologies and new-technology-driven practices and their impact on the overlapping fields of (1) healthcare, (2) information technology and (3) intellectual property, each of which are increasingly important in the post-genomic and post-AI world. The three streams of inquiry raised many issues that overlapped and generated good discussions which seemed to encourage the speakers to further inquiry.

One of the key objectives of the conference was to create a forum in which post-graduate students (PGS) and early career researchers (ECR) from the UK and beyond could discuss their research and network with each other, and with more senior experts. As demonstrated below, there was an excellent mix of jurisdictions represented, and an almost equal number of PGS/ECR speakers and senior speakers; the question periods and more informal discussion times were well taken advantage of by all delegates. Specific statistics from the conference are as follows:

Title: Governance of New Technologies: The Transformation of Medicine, Information Technology and Intellectual Property

Date: 29-31 March 2009

Location: University of Edinburgh

Keynotes: 3: Mr. Antony Taubman (WIPO), Prof. Jon Bing (University of Oslo), Prof. Bartha Knoppers (University of Montreal).

Speakers: 35: Speakers from Argentina, Austria, Brazil, Canada, China, England, Finland, Germany, India, Italy, Japan, Jordan, Netherlands, Norway, Republic of Ireland, Scotland, Sweden, Switzerland, Taiwan, USA, including 16 students and 2 practitioners.

Delegates: 110: Argentina, Austria, Belgium, Brazil, Canada, China, England, Finland, Germany, India, Italy, Japan, Jordan, Netherlands, Northern Ireland, Norway, Republic of Ireland, Scotland, Sweden, Switzerland, Taiwan, USA.

Feedback: All delegates were encourage to complete feedback forms, and 17 have been received to date. They are consistently positive and have rated the facilities, the organisation, the academic content, and the networking elements all as “excellent” or “good”, with no “below average” or “poor” ratings for any element. In particular, both the keynotes and the parallel sessions were highly rated, and most reported that the talks were relevant to their work.

With respect to recommendations for follow-up or future events, this conference has made clear the utility of finding and exploring the relationship between these three streams of law and social activity, perhaps in the context of a more specified subject matter. For example, in future, an even more interdisciplinary 1-day conference on a specific area which implicates all three streams, such as governance and international harmonisation of public forensic databases.

3. Report and Assessment

3.1 Introduction

SCRIPTed – A Journal of Law, Technology & Society is an open-access, online, peer-reviewed journal hosted by the University of Edinburgh, which, in its first five years, moved from strength to strength and is now becoming a leader in the field of academic thought around the interaction of law and technology. *SCRIPTed* turns 6 years old in 2009 and the “Governance of New Technologies” conference highlighted and enhanced this leadership role. After over 18 months of preparation, the conference has now come to a close, and it was very successful indeed, thanks to the hard work and active participation of the speakers and delegates and, of course, the Organising Committee. The overarching objective was for speakers and delegates to explore how new technologies have shaped and been shaped by the law and certain social pressures, and to encourage scholars to think about how these phenomena are shaping our lives and causing a convergence of heretofore separate fields of activity, namely those related to healthcare, information technology management, and intellectual property law and policy. Overall, the three streams of inquiry generated interesting questions and discussions which seemed to encourage the speakers to further inquiry.

3.2 Academic Contribution

The conference served as an excellent international and interdisciplinary forum. Academics and non-academics from the UK and beyond discussed their research and ideas, and networked with each other in a collegial environment.

As can be seen from the conference programme, attached below as Appendix I, speakers and delegates explored technical, social and legal issues related to the governance of technologies that are emergent in, and shaping, various overlapping fields of human/legal endeavour, namely (1) healthcare, (2) information technology and (3) intellectual property, each of which are increasingly important in the post-genomic and post-AI world. Speakers represented a wide variety of legal traditions and jurisdictions, examining developments in North America, Latin America, Europe, and Asia (eg: there were some 110 delegates and 38 speakers from 20 countries). Particular problems that were addressed include:

- how to define the scope of, and protect, fundamental rights such as privacy and freedom of association in the techno-world;
- how to reconcile in the law conflicting moral positions around the use of human tissue in biotech innovation;
- how to engineer the international IP system to better reflect aspirations for global equality; and
- how to integrate intelligent technologies into existing social constructs and legal frameworks.

In particular, the keynote lectures served as catalysts for cross-disciplinary thinking around the complex issues of technology uptake and governance. Antony Taubman, Director of the Global IP Issues Division of the World Intellectual Property Organization, in a lecture entitled, “Centripetal and Centrifugal Trends in the International Governance of IP,” discussed how very different fields of inquiry are clashing and institutions governing intellectual property internationally must become more aware of those other fields and must tailor their conduct accordingly. He also suggested a way forward to avoid conflict through considerations of equity and legitimacy, using traditional knowledge as his case study. Prof. Jon Bing, University of Oslo, in a lecture entitled, “The Computerisation of Legal Decisions,” discussed how legal decisions and policies are being pursued/advanced/realised through computer programs rather than natural language. He offered the example of the housing benefit scheme in Norway, highlighting the problems of program and data quality. Prof. Bartha Knoppers, University of Montreal, in a lecture entitled, “Genomics and Policymaking,” took the audience back to 1990 to examine how academic thinking and policy-making in the biobank setting has unfolded and been shaped by conflicting forces and agendas. This presentation in particular highlighted the need for interdisciplinary activities such as the *SCRIPTed* conference and was valuable for inspiring PGSs and ECRs in understanding their careers as a process of evolution.

3.3 Capacity-Building Contribution

The conference served as a useful capacity-building vehicle, both for participants and for those associated with its organisation. Having reference to the Joint Research Councils’ Skills Training Requirements (JSS), the conference had the following benefits:

Learning Outcomes and Benefits for All Participants

- develop substantive knowledge (JSS-E2-3);
- exchange knowledge in an interdisciplinary environment (JSS-F3);
- promote scholastic networks (JSS-F1);
- develop writing and communication skills (JSS-E1-3);
- use information technology for presentations (JSS-C4);
- promote public understanding of research (JSS-E4).

Learning Outcomes and Benefits Specific to Project Committee

- development of project design and management skills (JSS-C1-2);
- development of career-enhancing and interpersonal skills (JSS-D and G).

In particular, we should highlight knowledge exchange in an interdisciplinary environment and promotion of scholastic networks as achievements of this conference, both of which are supported by the feedback received, and which will be further advanced by publishing some of the PGS and ECR papers in *SCRIPTed*.

3.4 Participant Feedback

We received completed anonymous feedback forms from 17 delegates. They are consistently positive and have rated the facilities, the organisation, the academic content, and the networking elements all as “excellent” or “good,” with no “below average” or “poor” ratings for any element. In particular, both the keynotes and the parallel sessions were highly rated, and most reported that the talks were relevant to their work. Moreover, a number of the forms demonstrated that delegates were attending sessions that cut across all of the streams, thereby furthering our objective of cross-fertilisation of ideas. Some post-event emailed comments include the following:

- “Thanks for the opportunity to take part. I enjoyed myself hugely and am only sorry my ridiculous schedule deprived me of the chance to take part in the remaining sessions” (Keynote Speaker)
- “Thanks a lot for you organizing such successful conference. You did a wonderful job!” (Speaker)
- “Thank you very much for organising the conference. I really enjoyed the time in Edinburgh.” (Speaker)
- “Excellent work! Everyone was talking nicely of the conference, well done.” (Speaker)
- “THANK YOU for your great work. I enjoyed a lot the conference and the company!” (Speaker)

3.5 Dissemination

Selected papers will be published in *SCRIPTed*, some as peer-reviewed articles, others as analysis pieces. They will appear over the next three to four issues and will be identified as conference papers. Additionally, selected PowerPoint presentations will be made available on the conference website. Finally, selected talks will be made available to University of Edinburgh distance learning students through the e-script platform as audio files, while others will be made available to the general public via the conference and *SCRIPT* websites.

3.6 Conclusion

We are very pleased with the quality of the academic thought and the contributions of the speakers at the conference. It was an enjoyable and stimulating event which we believe was of value to all participants, both from a substantive academic and a practical networking perspective. With respect to recommendations for follow-up or future events, this conference has made clear the utility of finding and exploring the relationship between these three streams of law and social activity, perhaps in the context of a more specified subject matter. For example, in future, an even more interdisciplinary 1-day conference on a specific area which implicates all three streams, such as governance and international harmonisation of public forensic databases.

4. Conference Programme

Monday, 30 March 2009

09:00

Registration (Raeburn Room Vestibule) (Posters Erected)

10:00

Welcome & Opening (Playfair Library)(Chair: Prof G Laurie, *SCRIPT*)

Prof Douglas Brodie, Head of Law School

Shawn Harmon, Editor-in-Chief, *SCRIPTed*, and Wiebke Abel, Managing Editor, *SCRIPTed*

10:15

Keynote Address (Playfair Library) (Chair: Prof H McQueen, *SCRIPT*)

MR. ANTONY TAUBMAN, "Centripetal and Centrifugal Trends in International Governance of IP"

11:15 Coffee Break

11:30

Parallel-1: “IP-1 – IP & Nanotechnology” (Playfair Library)(Chair: S Kheria, SCRIPT)

Herbert Zech, “Nanotechnology – New Challenges to Patent Law?”

Archana Chugh & Kanika Sharma, “Dilemmas of IP in Nanotechnology: an Indian Perspective”

Simon Bradshaw, “The IP Implications of Cheap 3D Fabricators”

Parallel-2: “IT-1 – E-governance” (Raeburn Room)(Chair: R Craufurd-Smith, SCRIPT)

Anton Geist, “Preventing Information Overload in Computer-Assisted Legal Research: Ranking Austrian Supreme Court Cases According to Legal Relevance”

Hisham Tahat, “The Legal Framework of E-Government in Jordan: A Global Perspective”

13:00 Lunch (Conference Photo – Old College Quad)

14:00

Parallel-3: “IT-2 – Internet & Security” (Playfair Library)(Chair: B Schafer, SCRIPT)

Sara Smyth, “Child Pornography and the Law (Canada): A New Agenda for the Information Age”

Gerrit Hornung, “Governing Electronic Identities: The Authentication Concept of the New German ID Card”

Shizuka Abe & On-Kwok Lai, “Enriching the Quality of Life for Global Aging Society in the Information Age: The Positive Use of ICTs in Asia”

Parallel-4: “Med-1 – Stem Cell Governance” (Raeburn Room)(Chair: A Bruce, InnoGen)

Amanda Warren-Jones, “Human Stem Cells: Catching a Tiger by the Tail”

Rosario Isasi, “Policy Interoperability in the Stem Cell Research: Perspectives & Challenges”

Fabiana Arzuaga, “Stem Cell Research Regulation in Latin America”

15:30 Coffee Break

15:45

Parallel-5: “Med-2 – New Issues” (Playfair Library)(Chair: R Gertz, U Glasgow)

Bald de Vries & Lyana Francot, “Self-Determination in a Techno-World: Euthanasia as a Case Study”

Naomi Hawkins, “Gene Patents and Genetic Diagnostic Tests”

Norberto Gomes de Andrade, “Enhancement Technologies and Human Identity: A Legal Perspective”

Parallel-6: “IP-2 – Copyright” (Raeburn Room)(Chair: S Kheria, SCRIPT)

Sotiria Kechagia, “Copyright & Technology: The Management of Digital IP Rights”

Nicolas Jondet, “The French Copyright Authority (HADOPI): The Graduated Response and the Disconnection of Illegal File-Sharers”

Tobias Bednarz, “Collective Management of Copyright in Music: An Outdated Concept in the Online World?”

19:00 Conference Dinner (Apex International)

21:00 Conference Ceilidh (Apex International)

Tuesday, 31 March 2009

09:00

Keynote Speaker (Playfair Library)(Chair: Prof L Edwards, SCRIPT)

PROF JON BING, “The Computerisation of Legal Decisions”

10:00

Parallel-7: “IP-3 - Patents” (Raeburn Room)(Chair: Prof H McQueen, SCRIPT)

Juan He, “Practice and Strategy of Patent Protection for Biotechnology Inventions in China”

Abbe Brown, “The Interface Between IP, Competition and Human Rights”

Richard Taylor, “Playing Catch-Up: IP Law and New Technologies – A View from Practice”

Parallel-8: “Med-3 – Biobank Governance” (Playfair Library)(Chair: A Bruce, InnoGen)

Elisa Stefanini, “Biobanks in Italian Legislation: Mind the Gap!”

Graeme Laurie, “Biobanks in the UK and UK Biobank Governance”

Shang-Yung Yen, “Biobanking in UK and Taiwan: Controversies and Governance”

11:30 Coffee Break

11:45

Parallel-9: “IP-4 – ICTs & IP” (Playfair Library)(Chair: R Jones, U Edinburgh)

Stefan Larsson & Mans Svensson, “Law in Books, Norms in Action: Governing IPRs in a File Sharing Society”

Andrew Torrance, “Patents and the Regress of Useful Arts”

Edson Rodrigues, “In Search of a More Socially Responsible IP Regime: Some Lessons from Brazil”

Parallel-10: “IT-3 – Internet & E-Usage” (Raeburn Room)(Chair: B Schafer, SCRIPT)

Daithi Mac Sithigh, “Law in the Last Mile: Three Stories of Wireless Internet Access”

Anniina Huttunen et al., “Cooling-Off the Over-Heated Discussion of Consumer Digital Rights Discourse by Extending the Cooling-Off Period to Digital Services”

Scott Boone, “Why Study Virtual Worlds?”

13:15 Lunch

14:15 Keynote Speaker (Playfair Library)(Chair: Prof S Cunningham-Burley, InnoGen)

PROF BARTHA KNOPPERS, “Genomics and Policymaking”

15:15 Coffee Break

15:30

Parallel-11: “Med-4 – Dignity & Data” (Raeburn Room)(Chair: R Gertz, U Glasgow)

Maria Arellano, “Human Dignity Among Divergent Legal Traditions and Regulations on Human Embryonic Stem Cell Research: Constructing an Operational Definition”

Simone Penasa, “From Biological Provision Towards Genetic Rules: The Need for a Multidimensional System of Genetic Privacy Protection: The Italian Case in the EU”

Matteo Macilotti, “Property and Privacy in the Regulation of Research Biobanks”

Parallel-12: “IT-4 – Internet & Crime” (Playfair Library)(Chair: R Jones, U Edinburgh)

Lilian Edwards, “Phishing in a Cyber Credit-Crunch World”

TJ McIntyre, “Content, Control & Cyberspace: The End of Internet Regulatory Forbearance in the UK”

Andres Guadamuz, “Cybercrime, Cyber-Warfare, Networks and Resilience”

17:00

Thank You & Closing (Playfair Library)

Shawn Harmon, Editor-in-Chief, *SCRIPTed*, and Wiebke Abel, Managing Editor, *SCRIPTed*

5. Sponsors

The Conference Committee and *SCRIPTed* would like to extend its thanks to those bodies and institutions who have supported this conference, either financially or with other assistance.

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