



## Lionel Bently

**Called:** 2009

### Practice

Lionel Bently joined 11 South Square in February 2011. Through his role as the Herchel Smith Professor of Intellectual Property Law and Director of the Centre for Intellectual Property and Information Law at the University of Cambridge, Lionel has gained invaluable expertise in all areas of IP Law. He has joined chambers to provide an advisory role in cases that require such a thorough understanding of the law.

As well as a member of chambers Lionel is also a Professorial Fellow of Emmanuel College, Cambridge. He has also been the Yong Shook Lin Visiting Professor of Intellectual Property law at the National University of Singapore as well as the BNL Professor of European Law at Columbia University.

He is the author of several important publications including; Intellectual Property (with Brad Sherman); The Making of Modern Intellectual Property Law – The British Experience, 1760-1911 (with Brad Sherman); Between a Rock and a Hard Place: The Problems Facing Freelance Creators in the UK Media Market-Place; and Gurry on Breach of Confidence: The Law of Trade Secrets and Confidentiality.

Previously Lionel's expertise have been used on several occasions such as; Gowers Review of Intellectual Property, by the Treasury with regards to Public Sector Information as well as being a member of the 'Wittem Group' – a group of European Copyright scholars working on a European Copyright Code.

As an academic, Lionel has given expert advice on UK intellectual property law to firms in Germany, the Netherlands, Canada, Brazil and the United States.

### Education

1973-82 Stamford School, Stamford, Lincolnshire  
1983-86 Pembroke College, Cambridge B.A. (Law)

### Employment

1987-88 Research Assistant, Law Commission  
1988-1990 Lecturer in Law, University of Keele  
1990-91, Research Fellow, King's College, London  
1991- 2000 Lecturer in Law, King's College, London (teaching intellectual property, property)  
1998-9 Visiting Senior Research Fellow, Murdoch University  
July/August 2000, Visiting Research Fellow, Queensland University of Technology  
August-October 2002, Visiting Research Fellow, University of New South Wales  
September 2002- 2004 Professor of Law, King's College, London

October 2004- Herchel Smith Professor of Intellectual Property Law, University of Cambridge; Director of Centre of Intellectual Property and Information Law, University of Cambridge; Professorial Fellow, Emmanuel College, Cambridge  
August-Sept 2007, Yong Shook Lin Visiting Professor, National University of Singapore  
January-April 2008, BNL Visiting Professor of European Law, Columbia University

## Administration

Faculty Board, Faculty of Law, University of Cambridge (2006-)  
Resources Committee, Faculty of Law, University of Cambridge (2005-2009)  
Degree Committee, Faculty of Law, University of Cambridge (2004-2007)  
Lecture List Committee, Faculty of Law, University of Cambridge (2006-)  
General Purposes Committee, Faculty of Law, University of Cambridge (2009-)  
Chair of Part 1B Examinations, Faculty of Law, University of Cambridge (2009-)  
Law-Library Sub-Syndicate (2010-)  
Chair, Policy Sub-Committee, Review of New Media, University of Cambridge (2009-2010)

Director of Studies in Law (Part II and IB), Emmanuel College, 2006-7  
Fellowship Committee, Emmanuel College, Cambridge (2005-)  
Research Fellowship Committee, Emmanuel College, Cambridge (2005-2008)  
College Council, Emmanuel College, Cambridge (2009-)

Deputy Head, Examinations Board, School of Law, King's College, London (2003- 4)  
Deputy Associate Head, Undergraduate Admissions, School of Law, King's College, London (1999-2002)  
College External Affairs Committee, King's College, London (1999-2002)  
College Admission Committee, King's College, London (2001-2002)  
Equal Opportunities Committee School of Law, King's College, London (1999-2002)  
Teaching Committee, School of Law, King's College, London (1999-2002)  
Research Committee, School of Law, King's College, London (1992- 1997)  
College Library Advisory Committee, King's College, London (1993-1997)

## Doctoral supervision/examination

### 1. Ph D Supervision

Johnson Okpaluba, Music, Technology and Copyright, (University of London, 1994-2000).  
Belinda Mills/Isaac, Legal Protection of Brands (University of London, 1997-2000)  
Keith Lupton, The History of Patent Privileges (University of London, External, 1998-2000)  
Despina Samara, Parallel Importation and the Pharmaceuticals Industry (University of London, 2001-2005)  
Sharon Legall, Protection of Traditional Knowledge: The Steel Pan in Trinidad (2004-2009)  
Chikosa Banda, Using Intellectual Property Mechanisms to Promote the Development of Drugs Useful in Developing Countries (2005-)  
Elena Cooper, History of Photographic Copyright (2006-2010)  
Patrick Masiyakurima, Copyright in Unpublished Works (2007-) (co-supervisor with Catherine Seville)  
Patricia Vantsiouri, Technological Measures of Protection (2009-)  
Sean Bottomley, The History of Patent Law in the UK, 1700-1852 (2010-) (co-supervisor with Leigh Shaw-Taylor,(Dept of Geography))

## 2. Ph.D Examination

Bankole Sodipo, QMW 1995; Spyros Maniatis, QMW 1999; Ronan Deazley, Queen's Belfast, 2000; V. Golynger, Leicester 2003/2005(resubmission); W. v. Caenegem, University of Cambridge, 2004; Baljit Dhadda, Birkbeck College, London, 2004; Giuseppina D'Agostino, University of Oxford, 2004; Catherine Ng, University of Oxford, 2004; Melissa de Zwart, Monash University, 2005; Christopher Wadlow, University of Cambridge, 2005; Isabella Alexander, University of Cambridge, 2005; Shiva Thambisetty, University of Oxford, 2006; Aura Soininen, Lappeenranta University, Finland, March 2007; Dev Gangjee, University of Oxford, December 2007; Tina Piper, Oxford, 2008; Erol Tarhan, Oxford, 2008, re-examination 2010; Jose Bellido Anon, Birkbeck College, London, 2009; Catherine Lee, University of Oxford, 2009; Catherine Bond, UNSW, 2010; Stef van Gompel, University of Amsterdam, 2011.

## Miscellaneous

### Research Grants

Principal Investigator, AHRC Resource Enhancement Project, Primary Materials Relating to the History of Copyright (1450-1900) in 5 Jurisdictions (with. M. Kretschmer, Bournemouth University) (value: £300,000) now available at [www.copyrighthistory.org](http://www.copyrighthistory.org)

Investigation in Project Examining the Changes on Contracts Between Illustrators and Photographers and Publishers, on behalf of Design and Artistic Copyright Society (£24,000) (with Bournemouth University) (2009-2010)

HERA (Humanities in the European Research Area), 'The Work of Authorship in the Digital Age', with Mireille Van Eechoud (IViR) and Jostein Gripsrud (Bergen) (value Euro 1 million)

### Lectures

I have given invited lectures at Columbia University, New York University, Chicago-Kent School of Law, U.C.L.A., Berkeley, Fordham Law School's Annual Conference on International Intellectual Property Law and Policy, McGill University, University of Kanazawa, Kobe University, Griffith University, the Australian National University (Canberra), the Singapore IP Academy's Global forum on Intellectual Property, Bayreuth University, Bergen University, the University of Bonn, University of Leiden, University of Amsterdam, Montpellier University, Strasbourg University, Manchester University, Reading University, Aberystwyth University, the University of Oxford, London School of Economics, Queen Mary College, University of London as well as for international organisations including A.T.R.I.P. (Utrecht, Parma), A.L.A.I (Paris, Barcelona), the A.I.P.P.I. (London), I.T.M.A. (the Second Distinguished Professors lecture at the Press Club in Washington), and G.R.U.R. (Nuremberg 2009).

### Prestigious Lectures

Darwin Lecture Series, Darwin College, University of Cambridge (2007) (on Identity)  
Annual Manges Lecture at Columbia University (2007)  
Stephen Stewart Memorial Lecture, (November 2009)  
Current Legal Problems, University College, London, 2011

### Research Networks

Member, ITER, Sophistication vs. Transparency, International Network (2002-4), organised by University of Nijmegen/University of Amsterdam; Member, Wittem Group on European Copyright Code (2004-2010)

Member, AHRB Copyright Network, organised by Birkbeck College, London (2003-6)  
Associate, Australian Centre for Intellectual Property in Agriculture, A.N.U., Canberra/Griffith University, Brisbane

### **Policy Roles**

Member, Copyright Expert Panel, Strategic Advisory Board on Intellectual Property (2008-2010)  
Gave evidence to Legal Affairs Committee of European Parliament on Proposals to Extend the Term of Copyright in sound recording (November 2008)  
Co-ordinator, Study Prepared for WIPO Standing Committee on Patents on *Exclusions from Patentability and Exceptions to Patentees Rights* (2010)

### **Editorial roles**

Series Editor, *Cambridge Studies in Intellectual Property* (CUP)  
Editorial Board, *European Intellectual Property Review*  
Editorial Board, *Media and Arts Law Review* (Australia)  
Editorial Board, *Script-ed*, on-line publication, University of Edinburgh

### **Societies**

Executive Committee, British Literary and Artistic Copyright Association (2006-) (responsible for academic programme for ALAI 2009)  
Council Member, Intellectual Property Institute (2004-)  
Steering Committee, International Society for the History and Theory of Intellectual Property (2008-)

### **Academic Advisory Roles**

Advisory Board, Institute of Brands and Innovation Law, University College, London  
Advisory Board, Osgoode Hall IP  
Honorary Legal Adviser, Royal Historical Society

### **Relations with Legal Practice**

Called to the Bar (Inner Temple, November 2009)  
Pupillage, Hogarth Chambers, Lincoln's Inn (completed Jan 2011)  
Expert Advice on Law of UK to lawyers and courts in Canada, Brazil, Germany, Netherlands and the United States, including *Golan* case

### **Selected Publications**

#### **Books:**

*The Making of Modern Intellectual Property Law* (with Brad Sherman) (Cambridge: Cambridge University Press, 1999)

*Intellectual Property Law* (with Brad Sherman) (Oxford, Oxford University Press, 2001) (2<sup>nd</sup> ed, 2004; 3d. ed, 2008)

Between a Rock and a Hard Place: The Problems Facing Freelance Creators in the UK Media Market Place (London: Institute for Employment Rights, 2002)

Performers Rights: Options for Reform to the Interdepartmental Committee of the Australian Government (1996; with Brad Sherman)

**Edited Books:**

Trade Marks and Brands: An Interdisciplinary Critique (Cambridge: CUP, 2008) (ed. With Jane C. Ginsburg, Jennifer Davis)

Intellectual Property in the New Millennium: Essays in Honour of Professor W.R. Cornish (eds. L. Bently & D. Vaver) (Cambridge: CUP, 2004)

Law and the Senses: Sensational Jurisprudence (Eds. L. Bently & L. Flynn) (London: Pluto, 1996).

Intellectual Property and Ethics, Perspectives on Intellectual Property (Vol.IV) (Eds. L. Bently & S. Maniatis) (London: Sweet & Maxwell, 1998)

**Selected Articles and Contributions to Edited Books:**

Annual revision (since 1998) of 'United Kingdom' in M. Nimmer & P. Geller (eds.) International Copyright Law and Policy (New York: Lexis/Nexis)

'THE SOLE RIGHT . . . SHALL RETURN TO THE AUTHORS': ANGLO-AMERICAN AUTHORS' REVERSION RIGHTS FROM THE STATUTE OF ANNE TO CONTEMPORARY U.S. COPYRIGHT (2010) *Berkeley Technology Law Review* 1475 (with Jane Ginsburg)

'The "Extraordinary Multiplicity" of Intellectual Property Laws in the British Colonies in the Nineteenth Century,' (2010) *Theoretical Inquiries in Law*

'R. v The Author: *From Death Penalty to Community Service*' (2008) 32 *Columbia Journal of Law and the Arts* 1-109

'Law and Identity' in E. Needham-Green (ed), Identity (Cambridge: CUP, 2010)

'Authorship of Popular Music in UK Copyright Law' (2009) 12(2) *Information, Communication and Society* 179-204 (special issue, 2009)

'From communication to thing: historical aspects of the conceptualisation of trade marks as property' in G. Dinwoodie & M. Janis, Trademark Law and Theory: A Handbook of Contemporary Research (Cheltenham: Edward Elgar, 2008) (also published in Japanese (trans. Nobuhide Otomo) in 19 *Intellectual Property Law and Policy Journal* 1-50 (2008)

'The Making of Modern Trade Marks Law: The Construction of the Legal Concept of Trade Mark (1860-80)' in L. Bently, Jane C. Ginsburg, Jennifer Davis (eds.) Trade Marks and Brands: An Interdisciplinary Critique (Cambridge: CUP, 2008)

'Copyright, Translations, and Relations Between Britain and India in the nineteenth and early twentieth centuries' (2007) 82(3) *Chicago-Kent Law Review* 1181-1240

Commentary on EC Directive on Legal Protection of Computer Programs in T. Dreier & B. Hugenholtz, Concise European Copyright Law (Hague: Kluwer, 2006) 211-238

'The Impact of European Geographical Indications on National Rights in Member States' (2006) 96 *Trademark Reporter* 850-905 (with Brad Sherman)

'Copyright and the Victorian Internet: Telegraphic Property Laws in Colonial Australia' (2004) 38 *Loyola Los Angeles Law Review* 71-176

'Art and the Making of Modern Copyright Law' in D.McClean & K.Schubert, Dear Images: Art, Copyright and Culture (London: ICA/Ridinghouse, 2002)

'Great Britain and the Signing of the Berne Convention in 1886' (with B. Sherman) (2001) 48 *Journal of the Copyright Society of the USA* 311-340

'Visuality and Textuality in Nineteenth Century Intellectual Property Law', *Intellectual Property Forum* (Journal of the Intellectual Property Society of Australia and New Zealand) (Issue 29, May 1997) 28-33

'The UK's Forgotten Utility Model: The Utility Designs Act 1843' (1997) 3 *Intellectual Property Quarterly* 267-78 (with B.Sherman)

'Requiem for Registration? Reflections on the History of the The UK Registered Design System' in A.Firth (ed), Perspectives on Intellectual Property Vol 1: The Prehistory of Intellectual Property Law 1-48 (London: Sweet & Maxwell, 1996)

'Copyright and the Death of the Author in Law and Literature' (1994) 57 *Modern Law Review* 973-986