

Substantive Law, Technology and Intellectual Property in the Conflict of Laws

Kimberlee G. Weatherall (*University of Queensland – T.C. Beirne School of Law*) has posted "**Can Substantive Law Harmonisation and Technology Provide Genuine Alternatives to Conflicts Rules in Intellectual Property?**" on SSRN (also to be found in *Media & Arts Law Review*, Vol. 11, No. 4, p. 393, 2006). The abstract reads:

This article investigates whether there could be practical alternatives to relying on private international law to solve legal boundary issues in cross-border communications contexts, especially those involving IP rights. It points out that certain developments would seem to be tending in this direction — first, with significant moves to remove the legal boundaries (or make them undetectable) through harmonisation of IP law; second, with advancements in technology that seek to ‘reimpose’ geographic borders. Developments in both fields proceed apace, and it is worthwhile to explore what difference, if any, they will make. The conclusion is that, although both contribute at some level, perhaps unsurprisingly, neither provides a complete response.

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