

AALS Conference on Educating Lawyers for Transnational Challenges
May 26-29, 2004-01-05 Hawaii, USA

**CHALLENGES OF TRANSNATIONAL LAW PRACTICE: INTELLECTUAL
PROPERTY LAW CURRICULAR APPROACH**

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The challenges facing transnational law practice are many; ranging from globalisation, divergence in legal, judicial and political norms and systems, language, legal education and orientation, it has become clear that these challenges must be addressed within the axis of legal education more than on any other platform. There is no doubt that there is a compelling necessity to revisit the system of legal education in the face of the emerging trends in transnational law practice. Current trends in transnational practice with the continued impact of information technology and globalisation process has evidently reflected in the need for reconsidering the role of legal education in international practice. A nationalistic or paternalistic approach, where law curriculum are exclusively fashioned to suit the domestic legal, judicial and political system is becoming anachronistic and can no longer be sustained. There are connecting factors which makes law practice increasingly interconnected now than ever before.

International Intellectual Property Law

The study of international intellectual property law has become an important tool in international law studies. Current international developments have underscored the significance of international intellectual property law. These developments have also caused the scope of intellectual property law and practice to expand beyond territorial frontiers. The internationalization of intellectual property through existing international instruments – such as the Berne, Paris and other notable Conventions – has become an integral part of that law and has engaged contemporary discourse. Recently, intellectual property concerns have arisen in the context of the rapidly emerging global economic order represented in Trade Related Aspects of Intellectual Property Rights (“TRIPs”) under the World Trade Organization (WTO) framework. And more importantly, part of the

contemporary discourse is the African equation in the ensuing globalization question in which intellectual property plays an important role.

African content presents an important curricular approach in the study of international intellectual property law. Within the context of African intellectual property development, two major intellectual property treaties exist, namely the Banjul Protocol under African Regional Industrial Property Organization (ARIPO) and the Bangui Agreement under the Organization Africaine de la Propriete Intellectuelle (OAPI). The two organizations exist for the promotion of intellectual property in Africa and as an integrative part of the international intellectual property system. The Agreement creating ARIPO was adopted for English-speaking Africa at Lusaka, Zambia on December 1976 and amended on December 12, 1986. With regards to OAPI, the Agreement was originally signed in 1962 and amended in 1977. The revised Agreement known and called the Bangui Agreement was entered into force on 8 February 1982 and revised on 24 February 1999. The two organizations were set up essentially to promote the development of intellectual property and to establish common services and organs as may be necessary. The organizations themselves have made concerted effort to comply with the standard of protection under the TRIPs agreement and other existing international intellectual property conventions.

Legal Education; Meeting Transnational Curricular Objectives

An international intellectual property curriculum is a desirable and indispensable tool in the development of transnational law practice considering the importance of intellectual property in the current global affairs. The course within the context of legal education is proposed to this conference. The course will traverse some of the major international treaties and institutions regulating intellectual property. It will be an invaluable tool for a U. S or foreign lawyer with U. S. contacts who is engaged in or seeks to become engaged in an intellectual property-related law practice or involved in transnational commerce. This is especially so now that intellectual property law practice and administration is not limited to domestic law, and as patent, copyright and trademark attorneys are likely to encounter the agreements administered by World Intellectual Property Organization (“WIPO”) and the WTO, which are the two principal global institutions in the sphere of international

intellectual property. Lawyers will encounter IP issues as related to those inter-governmental organizations in the course in their general IP practice, whether in filings, seeking multinational protection or enforcement, or indeed in litigating on behalf of their clients. Contemporary intellectual property practitioners can no longer ignore the international dimension of this expanding subject. This course will be of interest to, and necessary for J.D and LL.M students interested in pursuing a career in any type of intellectual property, including copyright, trademark, or patent and the emerging rights such as traditional knowledge, patenting of plants and animal varieties etc and indeed within the broader scope of international economic and trade law. This course will also be of interest to students who seek to practice in public and private international law generally. It will examine how United States intellectual property law intersects these international instruments.

The course will emphasize the relationship between international trade law and intellectual property law. Indeed, it will cover the intellectual property law aspects of international trade law, and the international trade aspects of intellectual property law. It will also cover policy issues such as the interface between foreign policy and trade issues on the one hand and, the intellectual property concerns in the development of foreign policies on the other hand. Furthermore, it will address international issues such as the relationship between international intellectual property law and international human rights law.

This course will also provide a working understanding of the dynamics of global economic regulation through the World Trade Organization (WTO) as it affects intellectual property systems and the responses of member states to the Trade-Related Aspects of Intellectual Property (TRIPs) provisions. It will focus not only on the nature and substance of international instruments involving intellectual property, and but also it will focus on the manner in which those international instruments are applied and interpreted in the domestic contexts of the United States and other countries.

Comparative Law

Part of the challenges posed in transnational law practice is the evolution of new methods and tools to meet these challenges. This should involve, among others, a radical and pragmatic review of curriculum of study of law schools with a view to equipping students with the essentials and fundamentals of comparative law. Study and knowledge of comparative law is an important ingredient of transnational law practice.

There is no doubt now that the different legal systems be it, the American, or the British with its Common law system in all the Commonwealth spanning Africa, Asia and the Pacific, or the Continental civil system both of the Germanic or French models, have all found presence in transnational law practice that must now incorporate the nuances of these system. In essence therefore, the areas of convergence in particular cases are more apparent than that of divergence

Foreign Bar Requirement

Requiring students who wish to embark in transnational practice to take at least a foreign Bar to enable such to practice law in a foreign jurisdiction would be a welcome development. For example, a review of the Nigerian legal education system shows a need for reform to prepare Nigerian lawyers for the challenges of transnational practice. The legal education system comprises a period of five-year degree in the law faculty of a reputable University of choice and an additional one-year compulsory residential legal training at the Nigerian Law School under the administration of the Council of Legal Education. Successful completion leads Bar admission and it is a condition precedent to practice of law practice in Nigeria. However, foreign-trained lawyers are admitted for two years. The question is whether the two year residential training requirement is attractive to a foreign-trained lawyer to wish to have the rights or license to practice law in Nigeria and whether a lesser duration is not feasible to achieve the same purpose without compromising standard or quality.

Case for A Convention

In view of the enormity of the challenges to the future of transnational law practice and co-operation, it is suggested that a Convention of all Bars or National regulatory Bodies for

legal education or practice of all countries be established to consider harmonization of systems and standards in order to meet the challenges of transnational practice to a certain extent. The potential success of this initiative is more real than imagined as every country has inherent interest. A multilateral initiative of this nature would assist in reducing the negative impact of some these challenges.

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