

Ivan Posa providing advice to
Assistant Director Policy and
International Affairs

Ivan Posa: IP Australia's legal team powers ahead with its pro bono work



IP Australia is the Australian Government agency that administers intellectual property (IP) rights and legislation relating to patents, trade marks, designs and plant breeder's rights. The agency also contributes to the innovation system more broadly by using the skills and experience of its staff to advise the Government and Australian businesses to make the most of their IP.

Since 2019, IP Australia's in-house legal section, the Office of Legal Counsel (OLC), has undertaken voluntary work for the ACT Law Society's Legal Advice Bureau, Inner City Legal Centre, Australian Pro Bono Centre and Small Business Legal Advice Clinic. IP Australia strives to be a leader in its policy and governance work across the Commonwealth, and an important part of this goal is providing support for its in-house lawyers to undertake voluntary work in the public interest. This is set out in the agency's Pro Bono Legal Work Policy and follows the Attorney-General's Department Guidance Note on Legal Work.

"This work has brought me into contact with artists, craftspeople, photographers, fashion designers and musicians, exposing me to the seemingly endless legal issues faced by our creative and entertainment community."

Assisting our creative and entertainment community

In August 2021, OLC lawyers met with Suzanne Derry, Senior Solicitor and Director of National Partnerships and Programs from the Arts Law Centre of Australia to formalise a new pro bono work arrangement. I happily agreed to assist Arts Law Centre clients through a document review service covering review of commercial agreements and advice on related legal questions. This work has brought me into contact with artists, craftspeople, photographers, fashion designers and musicians, exposing me to the seemingly endless legal issues faced by our creative and entertainment community. I have reviewed a number of agreements relating to the appointment of agents, engagement of staff and commissioning of

artwork and designs. The questions that have arisen have related to ensuring the accurate attribution of artists, responding to the unauthorised copying and sale of unregistered designs by third parties, securing designers' IP interests in collaborative arrangements, assessing whether terms in agreements were commercially acceptable and suggesting amendments to these agreements where required. Providing easy-to-understand and

practical advice on these matters has helped Arts Law Centre clients move forward with greater certainty on their legal position.

IP Australia's Indigenous Knowledge (IK) IP Hub and Yarnline

About a third of my Arts Law Centre referrals to date have been requests to advise members of the Indigenous arts and creative community on their conventional commercial and IP interests. I have been able to support these clients with guidance on how any IK used in their work could be better protected via referrals to IP Australia's IK IP Hub and Yarnline. The Hub has been created for anyone looking to work with IK as part of their business and wanting guidance on common IP issues encountered as they grow from idea to commercialisation. Yarnline is a new call-back service supporting Indigenous businesses and those working with Indigenous businesses to better understand IP. As IP Australia recognises Aboriginal and Torres Strait Islander peoples as the First Australians and First Innovators in history under our Reconciliation Action Plan, the agency is reaching out and prioritising its support for this community. Feedback from Arts Law Centre clients on this front has been quite positive.

As noted in our policy, pro bono work provides many benefits to IP Australia's in-house lawyers such as broadening their experience and developing their skills in areas outside their usual work situation including building their adaptability and client service skills. I have embraced this important undertaking for my own development as a lawyer and to reconnect with the public interest objectives of pro bono advising I first experienced as an undergraduate law student at the University of NSW working at Kingsford Legal Centre.

Reflecting on this rewarding work with my colleagues, I feel proud and privileged to be a part of my agency's pro bono output. Although we are lawyers employed in an Australian Public Service agency with its own functions and strategic vision, providing voluntary services in these arrangements reminds us that we are also servants of the public, and the public interest should always be our guiding objective. ■



Ivan Posa is a Senior Legal Counsel in IP Australia's Office of Legal Counsel (OLC) where he has been providing in-house legal services since 2016. Before joining IP Australia in the national capital, he worked as a Legal Sub-Editor and Solicitor in Sydney with a few intervening years overseas as a Business English Consultant in Stockholm. As a member of OLC, Ivan provides advice and assistance on privacy and FOI matters, administrative law, commercial law, procurement rules, review of contracts, responses to complex stakeholder enquiries and statutory interpretation of IP legislation. He also assists in managing the agency's external legal service provider arrangements for IP rights litigation. He cites as his career highlights providing one-on-one English training to the Deputy Prime Minister of Sweden in 2003 and being part of the dynamic team in IP Australia that won the Lawyers Weekly 'Best Government Legal Team of the Year' Corporate Counsel Award in 2020.

IP Australia
Discovery
House



"As IP Australia recognises Aboriginal and Torres Strait Islander peoples as the First Australians and First Innovators in history under our Reconciliation Action Plan, the agency is reaching out and prioritising its support for this community. Feedback from Arts Law Centre clients on this front has been quite positive."

BACK TO COVER