



The CCLS Cloud
Legal Project

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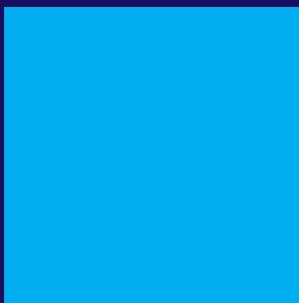
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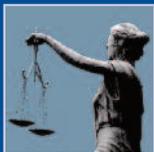
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Centre for
Commercial
Law Studies

Fifth Edition – Winter 2012/13
**Alumni
Bulletin**

Welcome from the Director

Dear CCLS Alumni

First of all, thank you to all alumni students who generously contributed to this issue.

We have now completed the refurbishment and expansion of our Lincoln's Inn Fields campus and our new students were able to start enjoying bigger and better facilities from September 2012. Please do drop by and have a look at our new premises if you are around. The Centre continues to grow and we welcomed almost 15% more postgraduate students to our courses this year than we did in 2011. Our wide range of LLM subjects now includes over 90 different modules including new modules on Law and Economics and Insurance Law. For 2013 we intend to expand our range further by introducing a Shipping Law module.

To coincide with the expansion of our premises and facilities, a number of new members of staff have been appointed

and you can read more about them in our 'Did you know?' section. You can also read all about CCLS's Paris LLM programme, which started in January.

On 10th December 2012 we started an Alumni Reunion Party in the Octagon at the Mile End campus and had the pleasure of welcoming back around 200 of our alumni students. We hope that you will be able to join us next year.

We have an extensive programme of courses planned for 2013 and we hope that you will want to be a part of some of them. The "New Voices in Commercial Law" series, a forum for debate and an opportunity for early career academics with outstanding potential to talk about their research, led by Dr Andromachi Georgosouli, continues with more seminars in February and March. Other events include weekend workshops on negotiation skills, and a very exciting Banking Law event on 26th June in Ottawa, Canada.



I hope that you will enjoy reading this 5th issue of the CCLS Alumni Bulletin and will continue contributing to its articles!

With all good wishes for 2013

Professor Spyros M Maniatis

Director, Centre for Commercial Law Studies
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If you would like any further information, to update your contact details or to contribute an article to the bulletin please email us at ccls-alumni@qmul.ac.uk or telephone Katherine Zaim at the CCLS alumni office on 020 7882 8481.

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All views represented in these articles are those of the writers and contributors.

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The CCLS Cloud Legal Project: a Major Contribution to our Understanding of a Rapidly Evolving Landscape.

Dervish Tayyip – Director, Law & Corporate Affairs, EMEA at Microsoft.
LLB, Class of 1988.

Information technology is undergoing one of those seminal changes that arrive every two or three decades to turn the tech world on its head. I'm referring to cloud computing. This is really just another way that the internet is becoming a computing platform. Cloud computing is a paradigm shift in how computer resources are acquired. It's the delivery of computing capability (whether of an application software variety, an infrastructure delivery or otherwise) by a provider remotely over a communications link, allowing for no or only partial installation (of the software or the infrastructure) at the customer site. Through its Cloud Legal Project initiative, the Centre for Commercial Law Studies is making a major contribution to the understanding of the many legal issues that arise from this paradigm shift.



The Cloud Legal Project is in its third year and its goals are three-fold: (1) to help reduce legal and regulatory uncertainty and to thereby facilitate the development of the cloud computing marketplace; (2) to demonstrate thought leadership in complex and difficult areas critical to governments, businesses and consumers; and (3) to produce and disseminate a series of scholarly yet practical research papers. These are ambitious goals since cloud computing is not yet a settled field. Notwithstanding my attempt at defining it's meaning in the preceding paragraph, not everyone even agrees what the term "cloud

computing" means never mind what its implications are. It raises all kinds of legal and regulatory issues. This is particularly so in heavily regulated jurisdictions, such as in Europe, where there are strict rules concerning data use and sharing. It's also more than simply about all the data centres that the large technology vendors such as Microsoft and Google are building; embedded devices and chips are also part of the cloud. In fact, anything that can talk to anything else as part of a network potentially becomes part of "the cloud".

During an initial three-year period, the project has looked at a number of dimensions. These have included information ownership in the cloud and specifically what happens when a user puts data onto a cloud platform, in terms of what rights are needed to process, store, replicate and to disseminate the data. What happens when the user wants to get the data back? In other words, all the intellectual property issues that may be impacted when data is placed in the cloud. A paper on this was published in March 2010 by Prof. Chris Reed.

Another area of focus has been service provider contract terms and how these are evolving over time. This prompted two papers, the first published in September 2010 by Simon Bradshaw, Prof Christopher

Millard and Prof Ian Walden reporting on this research entitled 'Contracts for Clouds: Comparison and Analysis of the Terms and Conditions of Cloud'. The second paper published in May 2012 by Kuan Hon, Prof Christopher Millard and Prof Ian Walden summarises research into negotiated cloud contracts.

Without doubt, the hottest topic related to cloud computing is related to privacy and data protection. There are new ways in which the cloud will enable the collection, sharing, matching and dissemination of data which were not envisaged when most privacy and data protection laws were being conceived. Added to this is a sub-set of issues thrown up by transborder data flows, such as what happens when you want to move personal data across borders, particularly from a jurisdiction with a high level of protection to a jurisdiction that does things differently. For example, the receiving jurisdiction may have a data protection law but may not be recognized by the first jurisdiction as being an "adequate" level of protection. This may fundamentally undermine the original idea that people had for the cloud – which is that geography and legal jurisdiction should no longer be relevant factors in regulation because cloud data could be anywhere, it can be replicated in any part of the planet. There is

already a degree of “balkanization” of the cloud taking place because it turns out that people are not prepared to easily give up their existing control and regulatory jurisdictions. In an attempt to accommodate that, we are seeing cloud vendors offer a version of the cloud where there is some element of geographical and jurisdictional control. Reflecting just how much of a “hot” topic this area is, it has so far prompted the publication of four papers as part of the project.

Also very relevant to all players in the cloud computing market is interoperability and competition law issues. These tend to come up in the cloud because there aren't, so far, very many players on a scale basis in cloud computing and there is probably no room for a large number for at least some of the fundamental cloud platforms. Indeed, there are already some interesting patterns emerging. For example, most of the major cloud players are US corporations and some politicians outside the US don't like this. A paper by Laïse Da Correggio Luciano and Prof Ian Walden reporting on this research entitled 'Ensuring Competition in the Clouds: The Role of Competition Law?' was published in April 2011.

A difficult “hot” topic, particularly since 9/11 concerns law enforcement access.

Users are concerned that other people may get access to their data in the cloud. Widespread monitoring of communications and access to data goes on, sometimes on a very long arm reach basis, maybe even on a global basis. An example of this is the SWIFT case from 2006 which involved pretty much all of the world's major banks. A paper published by Prof Ian Walden in November 2011 addresses this area entitled 'Accessing Data in the Cloud: The Long Arm of the Law Enforcement Agent'.

Government use of technology and public procurement has also become very relevant on both sides of the Atlantic where there have been some substantial shows of intent to save money, cut costs, and to stop countries from going bankrupt by moving lots of public sector data into the cloud. Examples include the G-Cloud initiative in the UK and the US Federal government's Cloud Computing Strategy. This is a very interesting direction and raises specific issues particularly in Europe where we have public procurement rules affecting how a public sector entity procures technology services, including clouds, and what it can do with public sector data in clouds. A paper by Kuan Hon, Prof Christopher Millard and Prof Ian Walden published in April 2012 describes and assesses the UK government's pilot cloud computing

framework, G-Cloud v1, including lessons learned, particularly contractual and other legal issues.

There are also plans to publish additional papers later this year on governance structures in cloud computing and consumer protection and online advertising. The first of these areas is particularly interesting as lots of businesses, governments and consumers are moving vast amounts of data into the cloud and this is raising questions generally about governance in terms of cloud arrangements. For example, who ends up with responsibility for what is in the cloud, particularly where you are likely to have complex structures with multiple parties involved, lots of sub-contracting and delegation and transfer of data going on.

The cloud computing industry is at a very early stage of development, even though it is building on components many of which have been around for a while. The CCLS Cloud Legal Project is making a major contribution to our understanding of this rapidly evolving landscape.

Ask the Professor

Robin Callender Smith* interviews Christopher Millard, Professor of Privacy at the Centre for Commercial Law Studies

Robin: What first sparked your interest in technology?

Christopher: When I was eight my parents gave me an 'electronic engineer' kit. Building a crystal radio seemed magical and I was hooked. Currently, my favourite computer and communications devices, both about 100 years old, are a restored player piano I inherited from my grandfather and an antique AT&T brass phone I found in a junk shop in the US.

Robin: And the law?

Christopher: I chose law for my first degree because I wanted to keep my options open. My LLB at the University of Sheffield convinced me that the law was for me. A year later, having passed the Law Society exams, I resolved to try both academia and practice. I was awarded a Connaught Fellowship to

study criminology at the University of Toronto – a fascinating mix of sociology, psychology, philosophy, statistics, and even a bit of law. After completing my MA in 1982 I was awarded a University of Toronto Fellowship for an LLM.

Robin: Technology law still looks like rather a jump!

Christopher: The LLM had a substantial thesis requirement and the first challenge was to pick a topic. I was having a lot of fun playing keyboards in a student band at the time so I considered music copyright, but many people had beaten me to that. Then I stumbled across an early article on computer law. This was more like it! An exciting new field - and a chance to become a relatively big fish in what was then a very small pond.

Robin: Did you get around to practicing law?

Christopher: I joined what is now Clifford Chance in 1984 and qualified as a solicitor two years later. The Thatcher government privatised British Telecom in 1984 and I found myself immersed in communications regulation, in the UK and then internationally. That year also saw the UK's first Data Protection Act, leading me into an area I am still active in today. In 1989 I was the first law firm secondeé to OfTel (now Ofcom). I can't tell you much about that because I remain bound by the Official Secrets Act! I worked mainly on 'logical separation of telecommunication systems', a novel technique at the time that enabled multiple 'virtual' systems to be run on the same physical infrastructure. We are tackling related issues at CCLS today in the field of cloud computing. In the mid-90s I was kept busy by a couple of well-known Internet Service Providers and by the end of that decade was specialising in ecommerce projects. After more than 18 years at Clifford Chance, I moved to Linklaters in 2002 and led the global privacy practice there until 2008. Since then I have been Of Counsel to Bristows with a focus on strategic privacy issues.

Robin: OK, so what happened to your plan to become an academic?

Christopher: An expanded version of my LLM thesis was published in 1985 as one of the

first comparative technology law books. I also co-founded the International Journal of Law and Information Technology and International Data Privacy Law, both published by OUP. Along the way, I taught Computer Law at QMUL on a visiting basis from 1986 and set up the Telecommunications Law LLM module in 1990. Combining that with a full-time job in a City law firm was not easy and I was more than happy to hand those courses over to my colleagues Prof Chris Reed and Prof Ian Walden when they arrived at QMUL. I have made occasional contributions to the Cyberspace Law and Ecommerce Law LLM modules and now co-teach Privacy and Information Law. I love teaching and with so many smart students at CCLS, it certainly keeps me on my toes!

Robin: What is your main research interest today?

Christopher: Since I joined the CCLS faculty as my 'day job' on 1st September 2008, I have focussed mainly on cloud computing law. This has turned out to be every bit as challenging and fascinating as computer law was 30 years ago. Our Microsoft-funded Cloud Legal Project** is now in its 4th year and we have just started an EU-funded project on Cloud Accountability (A4Cloud). There is a lot more work to be done in that field.

Robin: What impact do you think technology will have on the practice of law?

Christopher: When I requested a PC in 1984, my bosses asked whether I wanted to be a lawyer or a typist. The cliffordchance.com website in 1995 and NextLaw in 1998 were also controversial. Lawyers tend to be both cautious and to think that what they do is very special. Innovation is often resisted and constant reinvention of the wheel can perpetuate inefficiency. However, as my good friend Richard Susskind has been arguing for over two decades, a great deal of what lawyers do can, and should, be commoditised. I share his view that information technology will be just as disruptive to the legal profession as it has been in many other sectors.



and Information Law

Robin: What's the next big thing in technology law?

Christopher: Current hot topics include governance of 'big data', social networks and the cloud, as well as how best to update privacy laws in the EU and elsewhere to keep up with technology. Meanwhile, IP and media lawyers continue to grapple with the fundamental regulatory, commercial and social challenges presented by the Internet. Looking ahead, as computing becomes pervasive, some say ubiquitous, we will need to deal with ever more complex issues at the human-machine interface. Robots can already drive cars and manage complex financial and industrial processes and 'smart' technologies are being rolled out in sectors ranging from energy to education. Meanwhile, computer and communications devices are being embedded in people for purposes ranging from healthcare to surveillance. With the relentless growth in significance of computers, communications, clouds and cyborgs, I am confident that there will be no shortage of work in the future for technology law academics and practitioners.

* Robin Callender Smith, Queen Mary LLB 1973, Queen Mary LLM 2010, Queen Mary PhD Candidate 2013, is a Barrister and Information Rights Judge.

** Information about the Cloud Legal Project is available at:

www.cloudlegal.ccls.qmul.ac.uk

Alumni Profile



Miriam Greenwood OBE DL is a founding partner of SPARK Advisory Partners Limited an independent corporate finance business providing advice to companies and private equity. Miriam is also a non executive director of OFGEM and a number of companies including Henderson Global Trust plc, Mithras Investment Trust plc and Eclipse Shipping Limited. In recognition of her services to corporate finance she was awarded the OBE in 2000.

Miriam first came to Queen Mary to study the LLB in 1975. "I really wanted to study law in London with very good people and I wanted to be close to the professionals". Being taught by practising lawyers was very important to me. It was not just academic study and a purely philosophical approach to the law, we were taught the practical elements and how to apply our learning."

On completing her graduate qualifications, Miriam's first choice of career was to become a barrister and she undertook two pupillages in chambers in London's Lincoln's Inn. Realising the challenges facing women attempting to forge a career at the commercial bar in the late 1970s, she

focused her attention on the City's financial institutions. Initially facing what she describes as sometimes very direct discrimination, Miriam's persistence and ability won through when she became the first woman hired into an executive role at SG Warburg, the leading London investment bank, rising to Senior General Manager. What followed was a distinguished City career spanning over 25 years being headhunted into a series of senior positions including: Head of Financial Institutional Business at Deutsche Bank; leading a management buyout of British Linen Advisers from Bank of Scotland and becoming its Chief Operating Officer. She subsequently joined the Board of Quayle Munro Holdings Plc to run their Debt Advisory business, before taking the same role at Brewin Dolphin. With some very fundamental changes taking place in the advisory world for mid-size companies, Miriam decided that this offered an opportunity to set up an independent corporate advisory business with four of her senior colleagues. This is now SPARK Advisory Partners and whilst only in business since the beginning of 2012, support from clients has been very encouraging.

When reflecting on her time studying commercial law, Miriam says, "the intellectual discipline of studying law in the environment provided by the academics and practitioners at QMUL, has been both the foundation and continuing strength of my career. When I was asked by Professor Sir Roy Goode, the founder of CCLS, to join its Development Board, the group of industry professionals tasked to help find external sources of funding to enable the Centre to grow, I felt honoured to have the opportunity to help. I feel a strong sense of vibrancy and dynamism when I visit the Centre and I am sure that it will continue to be the foremost centre of advanced teaching and research in Commercial Law, attracting graduates of the highest calibre to its specialist programmes."

Fraud at The Hague? - Attacks on Arbitration

Dr. Sabine Konrad, Partner at McDermott Will & Emery Rechtsanwälte Steuerberater LLP, Frankfurt on Main, Germany. Diploma in International Commercial Arbitration, Class of 2005

On 30 January 1913, an article appeared in the New York Times with the eye-catching heading "Fraud at Hague".¹ Its subject was a forthcoming report of a US Senate Committee, the so-called first Rothermel Report of 31

January 1913. This Rothermel report alleged that the United States had obtained a favourable award against the Russian Empire by fraud.²



The report went as follows: "Isaac Liebes, president of the North American Commercial Co., did correspond, combine, and agree with one H.H.D. Peirce, then Third Assistant Secretary of State of the United States, and Charles H. Townsend, "seal expert" of the United States Bureau of Fisheries, in preparing, promoting, and collecting a fraudulent claim in the case of James Hamilton Lewis (the sealing vessel owned and outfitted by said Isaac Liebes and Herman Liebes) and Capt. Alexander McLean, the aforesaid British Pirate. The said H.H.D. Peirce and Charles H. Townsend, as representatives of the Government, presented the claims of said Alexander McLean, who was master of the James Hamilton Lewis, a sealing vessel owned by Isaac and Herman Liebes, and which said vessel was fraudulently registered at San Francisco on the 10th January, 1890.

In 1891 the said schooner, the James Hamilton Lewis, commanded by said Alexander McLean, was caught by a Russian vessel and under the claim that the crew headed by the said McLean had raided the seal islands belonging to Russia. Disputes arose as to the question of whether the

Russian Government had a right to seize the schooner James Hamilton Lewis and its crew. Damages were claimed by the owners of the vessel as well as the master and crew thereof.

In 1893 proceedings were commenced in the State Department, claiming damages on the part of owners, master, and crew of the James Hamilton Lewis. H.H.D. Peirce and Charles H. Townsend, "sealing experts," of the United States Bureau of Fisheries, prepared the cases for the parties interested and presented the claim on the part of the United States against the Russian Government at The Hague in 1902, which resulted in an award of approximately \$50,000 in favour of the United States Government for the use of the parties interested, including Alexander McLean and Max Weisman, November 29, 1902. The said H.H.D. Peirce and Charles H. Townsend presented the claim of Max Weisman as the owner of the vessel James Hamilton Lewis before the tribunal at The Hague, when in truth and in fact the owner of said schooner at the time of its seizure was Herman Liebes, of San Francisco. The said H.H.D. Peirce and Charles H. Townsend represented to the tribunal in the trial of said case that Alexander McLean, the captain of said vessel, was an American citizen, when in truth and fact he was a British subject and notoriously known as a pirate." (1913 Rothermel Report, p. 3, 4; Alexander McLean was the real life model for Jack London's Sea Wolf).

The report concluded with a recommendation to the US Senate:

"That the State Department take up with Russia the matter of the case of the James Hamilton Lewis for the purpose of rectifying the wrong done by Liebes, C.H. Townsend, and H.H.D. Peirce against the Government of Russia, a friendly power" (p. 3, 4).

An award in a State-State arbitration between two of the most powerful nations at the time obtained by fraud? An unthinkable allegation, but, after all, an allegation made by a committee of the US Senate.

What had happened? The arbitration had taken place eleven years before in 1902. At

issue was the seizure of several whaling and sealing ships by the Russian Empire in the Bering Sea outside Russia's territorial waters in 1891. The USA claimed that the seizure had violated international law. Russia admitted the facts (including that the seizure had taken place more than three miles from shore) - a circumstance conveniently forgotten by both the Rothermel Report and the New York Times.

Russia defended herself arguing that the USA itself had claimed the same right to seize vessels in the 1890s.³ Indeed, the USA's claim that the Bering Sea was mare clausum and that the practice of seizing Canadian-British vessels had led to a previous arbitration. The Bering Sea Arbitration between the US and the UK resulted in a resounding defeat for the US in 1893: the high seas remained free. The tribunal did however itself impose regulations on seal hunting as it had been asked to do by the parties.⁴

Unsurprisingly, the Hague tribunal agreed with the Bering Sea tribunal and ordered Russia to compensate the USA who had espoused the claims of the ship owners (Asser Decision, p. 457-458). No fraud at The Hague after all.

The 1902 arbitration was the very first arbitration ever to be held in the Peace Palace at The Hague. Its sole arbitrator, Tobias Michael Carel Asser, under whose name the arbitration is commonly known today, received the Nobel Prize for Peace in 1911. Neither prevented the Rothermel Report from slandering the arbitration and the US agents two years later. It seems malicious attacks on arbitration are nothing new.

The North American Commercial Company, Isaac Liebes, the 1893 Bering Sea Arbitration and the 1902 Asser Arbitration feature in the case-study for the 2012/2013 Frankfurt Investment Arbitration Moot. The Best Advocate will receive a scholarship for an LLM at Queen Mary School of International. The case-study as well as the details about the moot are available on

www.investmentmoot.org

¹ New York Times, 30 January 1913, "Accuse H.H.D. Peirce of Fraud at Hague",

² Report of the Committee of Expenditures in the Department of Commerce and Labor, 31 January 1913, 62d Cong. 3d session, Report No. 1425, p. 3,

³ See Decision of the Arbitrator, Mr. T.M.C. Asser, p. 456, <http://images.library.wisc.edu/FRUS/EFacs/1902ap1/reference/frus.frus1902ap1.i0013.pdf>

⁴ Award between the United States and the United Kingdom relating to the rights of jurisdiction of United States in the Bering's sea and the preservation of fur seals, 15 August 1893, RIAA XVIII, p. 263, 270, http://untreaty.un.org/cod/riaa/cases/vol_XXVIII/263-276

European Union Increases its Fighting Measures Against Cybercrime

By Julie Rabischung, a junior lawyer in Intellectual Property and Communication Law, France. LLM in Computer and Communications Law, Class of 2012.



Cybercrime has become one of the major threats of the 21st century. More than one million people worldwide become victims of cybercrime every day.

During both my computer crime and privacy and data protection course modules studied as part of the Distance Learning LLM in Computer and Communications Law at the CCLS, as well as during my internship in the Association Together Against Cybercrime, I've been concerned by the new threats created by cybercrime and especially by the growing attacks launched against internet users. Indeed, the news is full of data security breaches and identity thefts reports, such as the massive Sony Playstation data theft in 2011 or the daily reporting of cyber attacks against Facebook accounts.

Almost all states across the world have taken initiatives and adopted various provisions to fight cybercrime. In the European Union, the Convention on Cybercrime from 2001 has been created in order to foster cooperation between the States and to pursue a common policy

against cybercrime. Both the Directive from 2010 on attacks against information systems and the Directive from 2011 on child exploitation and child pornography online are also reinforcing the measures to tackle cybercrime. Yet the implementation and the enforcement of these various measures are difficult if not sometimes impossible, due to the international dimension and the borderless nature of cybercrime.

The Communication from the Commission from March 2012¹ proposes the creation in 2013 of a European Cybercrime Centre, placed inside the governance structure of Europol in The Hague and which will be a focal point in the fight against cybercrime in the European Union. The Centre will focus on three major strands of cybercrime: cybercrimes committed by organized crime groups and particularly those generating large criminal profit such as online fraud; cybercrimes that cause serious harm to their victims such as online child sexual exploitation and cybercrimes affecting critical infrastructure and information systems in the European Union. One of the core functions of the Centre will be an informational role.

The Centre will have the mission to improve knowledge on cybercrime prevention, detection and prosecution but also to foster cybercrime reporting, information sharing and to encourage the cooperation between public and private authorities. It will also support Member States expertise by offering, via the creation of a cybercrime desk, training to both law enforcement and the judiciary to increase their expertise and technical knowledge. High-level forensic assistance and encryption expertise will also be provided to support the investigations.

Still, according to the Communication from the Commission, the European Cybercrime Centre will therefore act as the collective voice of European Union cybercrime investigators in their discussions with the

private sector in order to update and increase their response to cybercrime. If the cooperation between the various investigators of the European Union Member States is necessary to fight cybercrime at a higher level, it is nevertheless fundamental, in my opinion, that ICT industries and private sector Companies work in coordination with the enforcement authorities to increase the security of their infrastructures.

A complete response against cybercrime is, in my opinion the conjunction between three elements: good training and cooperation between the enforcement and judiciary authorities, high-level infrastructure security but also good information provided to internet users, and especially children, about the risks they are facing online and how to efficiently protect their private information online.

If this new European Cybercrime Centre is a success, it might be the beginning of a better enforcement of the European provisions against cybercrime and might serve as a model for similar structures at an international level, in order to foster harmonization in the fight against cybercrime worldwide.

¹http://ec.europa.eu/home-affairs/doc_centre/crime/docs/Communication%20-%20European%20Cybercrime%20Centre.pdf



My Time at Queen Mary, University of London

Yue Fan (Joy), Manager of Trademark & Intellectual Property, Maple Leaf Foods Inc., Toronto, Canada. MSc in Management of Intellectual Property in the Law, Class of 1994.



The 2012 London Olympic Games have brought me so much joy and excitement. They have also brought back to me all the sweet memories of London and about Queen Mary & Westfield College (QMW), as it was then called. Seeing Hyde Park, London Bridge, the River Thames, Big Ben, double-decker buses, Trafalgar Square....and all that was presented on the television screen took me back to 19 years ago when I first landed in London from Beijing and started my pursuit of MSc in Management of Intellectual Property in the Law Faculty of QMW.

Life in QMW was happy and unforgettable. I lived in an on-campus dormitory with students from all over the world. We were learning each other's language, culture and cooking, and most importantly we became good friends. We helped each other in study and in daily life. We shared our life stories and our expectations for the future. I learnt to cook pasta, bake pizza and make French toast for the first time in my life. I fell in love with fish & chips, still one of my favourite dishes.

Studying at QMW could be tough and challenging, particularly for students like me, whose first language is not English. I found it difficult to remember trademark cases due to my lack of knowledge of certain brand names and the associated products/services. Patent was a big challenge as well because I do not have a science background; EU Competition Law was another mountain to climb.... However, with the help of my teachers and peers, I managed to survive. What impressed me the most was the assistance from Dr. Noel Byrne, the then head of the IP Unit. He understood our difficulties and voluntarily offered to tutor five of the international students from Asia once a week during his lunch break. I was deeply touched by his kindness. I felt truly lucky and privileged. I successfully completed my studies in summer 1994 and returned to China. One thing I always regret today is that I was not able to go back to QMW a few months later to attend the graduation ceremony.

I moved to Canada in 2000. My first job there was working for a UK company as the Senior Legal Assistant, assisting in managing part of the company's trademark portfolio worldwide. I successfully passed the examinations and became a Registered Canadian Trademark Agent in 2004. I now work for the leading Canadian food company Maple Leaf Foods Inc. as Manager of Trademark & Intellectual Property, managing the company's entire trademark portfolio and other IP related matters in Canada and worldwide. The knowledge I acquired from QMW provides me with a solid foundation to assess cases from a broader IP legal perspective, while the 12 years corporate IP experience enables me to also think from the business standpoint and try to become a business partner, not just an IP adviser. I love my job. It gives me a sense of pride when I see a new product launched on the market under the brand name that was searched, cleared and registered by me, a sense of achievement when a contentious matter was resolved with my effort, and a sense of satisfaction when I see consumers are loyal to the brands that passed through my hands.

QMW has become part of my life. It brought me closer to the world of Intellectual Property Law. It connected me to the wonderful people of QMW and to the classic city of London. Going back to London to visit has always been my dream and if that dream comes true someday, QMW will be the first stop on my journey.

CCLS Successfully Launches New LLM Programme in Paris

CCLS's new LLM in Paris was launched in June. A reception held in Paris to mark the occasion was attended by guests from CCLS, the University of London, the Paris Bar School (EFB) and Sciences Po as well as Paris-based law practitioners, representatives of the British Council and many others interested in the programme. The keynote speech presented by Lord Hoffmann, who will teach on the programme, was well received.

Developed by the Centre for Commercial Law Studies, the Paris LLM programme builds upon the success and reputation of the existing London based LLM. In bringing the expertise of Queen Mary's School of Law to the heart of the French capital, the programme offers an in-depth immersion in a common law environment for those unable to study in the UK.

Thanks to a long-standing partnership between Queen Mary and the University of London Institute in Paris (ULIP), teaching will take place at ULIP's premises overlooking the Esplanade des Invalides in the 7th arrondissement.

The programme, which started in January 2013, will have two intakes per year – January and September. Courses will be taught in English by distinguished Queen Mary academics, with visiting

lecturers from leading French law firms and other prestigious schools and universities. English language support is also included.

Students will have the opportunity to develop academic and professional expertise in specialised areas of commercial law, through a wide range of modules on subjects including banking and finance law, intellectual property, international dispute resolution and economic law.

With a flexible model and specially tailored timetable of evening classes and intensive block teaching periods, the programme has been designed to promote compatibility with students' work and other commitments.

CCLS has also developed partnerships with the Paris Bar School (EFB), the French Association of In-house Lawyers (AFJE) and SciencesPo.

For more details, please visit:

<http://www.law.qmul.ac.uk/postgraduate/llm-paris/>

Or contact: Samantha Webb, Programme Administrator LLM Paris at: llm-paris@qmul.ac.uk

Application deadline: July 2013

Did you know ?

- Queen Mary, University of London became a member of the Russell Group of universities, with effect from Wednesday 1 August 2012. QM was invited to join the Russell Group in March this year, in acknowledgment of the College's quality and status as a top-class research-led institution. Queen Mary joins the Russell Group alongside fellow new members, the Universities of Durham, York and Exeter. Queen Mary is now one of 24 leading UK universities represented by the Russell Group, that are committed to maintaining the very best research, an outstanding teaching and learning experience, excellent graduate employability and unrivalled links with business and the public sector.
- In addition to the LLM in Computer & Communications Law taught in London, CCLS also offers it as a Distance Learning option. This innovative course is entirely taught online using a virtual teaching environment which is used for delivering course content and teaching by interactive chat rooms, posts on discussion boards and blogs. It is also a global course: a chat room discussion or online negotiation exercise may be between a student in China, Brazil, Kenya and Germany!
- Distance Learning is geared for working, part-time students. It is flexible with course content broken down into small manageable parts, allowing students to study in the evening and at weekends. This is ideal for busy professionals who have only 7-9 hours a week available to study.
- Students have the option of meeting each other and their course tutors in person at the annual Distance Learning Weekend Seminar held at Cumberland Lodge in Windsor Great Park and enjoy presentations on Computer & Communications Law given by academic staff and fellow students. The Facebook site for the Distance Learning courses in Computer and Communications Law, can be found at <http://www.facebook.com/computerlaw>
- For more information about the Distance Learning LLM in Computer and Communications Law, see www.law.qmul.ac.uk/postgraduate/distancelearning
- To coincide with expansion of the CCLS facilities a number of new members of staff were appointed: Daria Akritidou, Receptionist & Clerical assistant; Maya Davis, Administrator for LLM Law and Economics; Diane Denny, Alumni and Development Director, covering for Roz Bristowe (maternity leave); Debbie De Girolamo, Lecturer in Arbitration/Energy; Miriam Goldby, Lecturer in Insurance and Commercial Law; and Anna Gray, Business Development/LLM Paris (based in Paris).



Events

Conferences, Courses and Events

| | | |
|--|--|---|
| 9 January 2013 | Room 313 , Queen Mary, University of London, Mile End Road, London E1 4NS | Minorities, Pluralism and Law |
| 14 January 2013 - 16 January 2013 | The Honourable Society of Lincoln's Inn | EQE Training Programme on European Patent Law and Practice |
| 7 February 2013 | Lecture Theatre , CCLS, 67-69 Lincoln's Inn Fields | New Voices in Commercial Law - Seminar 2 |
| February - March 2013 | CCLS , 67-69 Lincoln's Inn Fields London WC2A 3JB | School of Law Doctoral Research Seminar Series 2012-13 |
| 14 March 2013 | Lecture Theatre , CCLS, 67-69 Lincoln's Inn Fields | New Voices in Commercial Law - Seminar 3 |
| 6 March 2013 | Room 313 , Law Building, Queen Mary, University of London, Mile End Road, London E1 4NS | Legal Theory and Legal History Seminar - Legalism: Anthropology and History - Dr Paul Dresch |
| 12 April 2013 - 13 April 2013 | Law Building , Queen Mary, University of London, Mile End Road, London E1 4NS | 2013 UK IVR Annual Conference - Legal Theory and Legal History: A Neglected Dialogue? |
| 26 June 2013 - 27 June 2013 | University of Ottawa , Ottawa, Canada | Banking Law Workshop: Who Wants Big Banks? |
| 6 June 2013 | CCLS , 67-69 Lincoln's Inn Fields London WC2A 3JB | Queen Mary Postgraduate Legal Research Conference 2013 - Reinvigorating Legal Thought in Times of Change |
| December 2013 | Venue TBC | Alumni Reunion |

For further information on forthcoming events please see our website www.ccls.qmul.ac.uk/events

Call to Alumni Students

To coincide with the recently launched LLM programme in Paris, we hope to extend the work of the CCLS Alumni and Friends Association to Paris, and to set up a 'branch' specifically for those of our alumni who are now based in the city, or elsewhere in France.

We hope that there could be a number of ways through which building a branch of the CCLS Alumni and Friends Association in Paris would be mutually beneficial, and of interest to our alumni here.

We aim to:

- promote face-to-face alumni networking – with other alumni, new students and other legal professionals
- ensure you hear about any CCLS events and seminars taking place in Paris, and perhaps even offer the opportunity to attend certain courses here
- offer a route through which alumni can share information on their latest work including, for example, through a Paris Focus section in the next Alumni Bulletin

- keep you up to date with developments in Paris, including the LLM partnerships which so far include Sciences Po, the French Bar School and the French Association of In-house Lawyers

- offer opportunities for alumni to become involved with CCLS activities here in Paris

In order to develop the association we really need your feedback. What do you think of the idea? Would you like to be involved?

In the first instance, we would be really grateful if you could help us ensure that we have up-to-date email and postal addresses for you, and a sense of your interest in a Paris branch of the CCLS Alumni and Friends Association. Since we are at the very earliest stage of development of this

idea, we encourage you to participate and actively shape the new French 'branch'. If you have any suggestions, then we would be delighted to hear them.

We shall of course keep you updated with developments.

Anna Gray

Anna.Gray@qmul.ac.uk

Business Development Europe & LLM Paris Assistant Manager

Centre for Commercial Law Studies, Queen Mary, University of London

Careers & Networking

We are looking for part-time tutors for our Distance Learning Programme in Computer & Communications Law. This involves updating course materials, leading discussions in online chat rooms and on blogs, giving students feedback by email and online, motivating students and answering questions, setting exams and essay topics as well as marking them. The workload is about 4 hours each week over 16 weeks. This is an exciting programme

and many of the students are practitioners working in private practice or in industry in the Computer & Communications Law field. There is no need for any real-time lecturing, however you may wish to record a short audio-lecture file and upload it onto the virtual learning environment. You will receive assistance and support from the academic team and co-teaching may also be an option.

We are looking for legal practitioners and academics in the Computer & Communications law field. If you are interested in doing some tutoring, please contact Julia Hornle on j.hornle@qmul.ac.uk

YAR

Young Arbitration Review

Dear Colleagues and Friends,

As former LLM students of Queen Mary – University of London, we would like to address all those interested in dispute resolution, and particularly international arbitration, to participate in YAR - Young Arbitration Review.

YAR - Young Arbitration Review was launched in January 2011, in Lisbon, and it is now in its second year of publication.

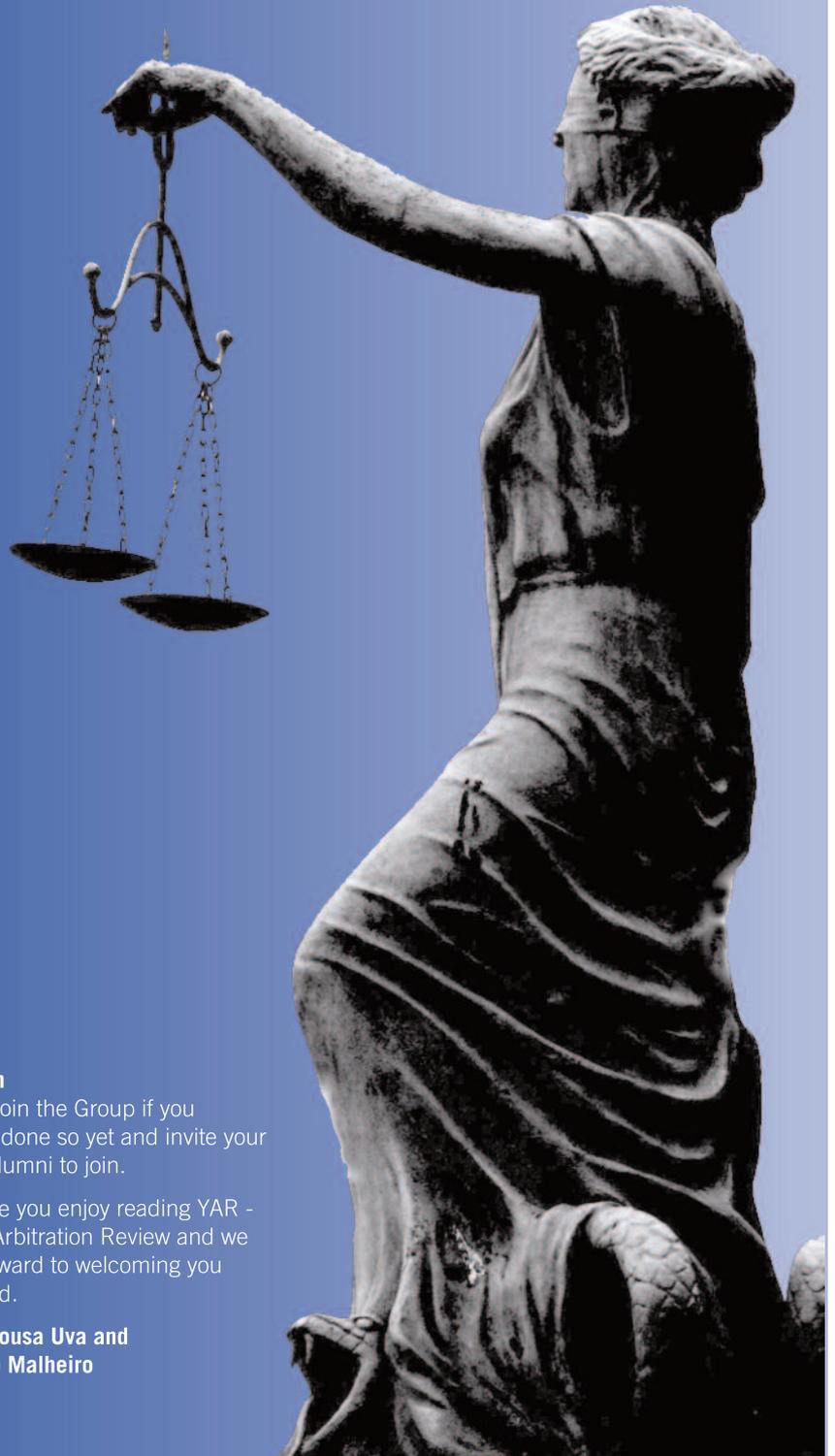
As many of you may know, YAR is an on-line publication dedicated to international arbitration matters and trends through the eyes of young practitioners and lawyers with expertise and interest in international arbitration. Written in English by lawyers from several jurisdictions and distributed world wide, it is the first under 40 international arbitration review created and edited in Portugal.

YAR aims at the development of arbitration as an alternative method for dispute resolution, thus being a unique tool for informed and aware players to deepen their knowledge of arbitration in an international perspective.

As Founders of YAR, we would like to invite all LLM & PHD students, as well as young professors, arbitrators, lawyers and all those working in international arbitration to share their knowledge and views on hot topics of international and domestic arbitration, and mediation.

Thus, we encourage all of you to participate and send us your articles for consideration, along with your CV & photo to the following e-mail address: young.arbitration.review@gmail.com

You can also find more information in our website: www.yar.com.pt



LinkedIn

Please join the Group if you haven't done so yet and invite your fellow alumni to join.

We hope you enjoy reading YAR - Young Arbitration Review and we look forward to welcoming you on board.

**Pedro Sousa Uva and
Gonçalo Malheiro**

On the Bookshelves

Intellectual Property Archive Librarian, Malcolm Langley, recommends the following new book releases

Gurry on breach of confidence: the protection of confidential information, 2nd ed.

Tanya Aplin, Lionel Bently, Phillip Johnson & Simon Malynicz

Oxford: Oxford University Press, 2012
ISBN 9780199297665

New edition of the renowned *Breach of Confidence* by Francis Gurry, the original authority in its field dealing with the British law of confidence.

Intellectual property enforcement: a commentary on the Anti-Counterfeiting Trade Agreement (ACTA)

Michael Blakeney

Cheltenham: Edward Elgar, 2012
ISBN 9781849800037

Analytical treatment of the Anti-Counterfeiting Trade Agreement (ACTA) and its impact on intellectual property enforcement

Trade marks: law and practice, 3rd ed.

Alison Firth, Gary Lea & Peter Cornford

Bristol: Jordan, 2012
ISBN 9781846612633

A concise account of UK trade marks law within the European and international context

Ambush marketing and brand protection: law and practice, 2nd ed.

Johnson, P.

Oxford: OUP, 2011,
ISBN 9780199696451

The only book specifically focussed on the protection of major event sponsorship and laws to control ambush marketing

Constructing intellectual property

Alexandra George

Cambridge: Cambridge University Press, 2012
ISBN 9781107014619

Analyses the core concepts by which intellectual property law is constructed

New frontiers in the philosophy of intellectual property

Annabelle Lever (ed.)

Cambridge: Cambridge University Press, 2012
ISBN 9781107009318

Collected papers from the conference at Institute of Philosophy, University of London that examine the justification for intellectual property

Making laws for cyberspace

Chris Reed

Oxford: Oxford University Press, 2012
ISBN 9780199657612

Proposes a new model for cyberspace laws focusing on human actions rather than the technology used

You might like to know that QM Library catalogue now contains records for all the material held in the IP Archive, at Russell Square www.library.qmul.ac.uk/news/Mar2012/IPA

Alumni News Winter 2012/13

Krasimira Kadieva (LLM in International Business Law in 2010) has recently set up her own CSR and sustainability consulting firm called Eco Notion Ltd. (for more information, please visit: www.econotion.bg). The company is located in Sofia, Bulgaria. Krasimira is the founder of this business and she sees her role as helping organizations create, develop and implement successful sustainable strategies and programs. She is also involved in volunteering and pro bono work is an immense part of Eco Notion's corporate culture. Krasimira was involved as a volunteer in the International Water Bridge 2012 project until 22 March 2012 (for more information, please visit:

www.waterbridge.info

Aemen Zulfikar Maluka (LLM Alumna in Corporate and Media Law) is launching a database devoted to Pakistani laws online, please see her website for more details www.joshandmak.com. Aemen is the owner and founder of Josh and Mak LLP law firm in Pakistan. She is a member of the Islamabad Bar Association and an advocate of the High Court, Punjab Bar Council. She is also a member of the Energy Institute, London UK and a Door Tenant at Rowchester Chambers, Birmingham UK. Aemen attributes her career success to her studies at Queen Mary, University of London.

Queen Mary Interdisciplinary Centre for Competition Law and Policy (ICC) is a unique research centre aiming at the delivery of

world-class work in the field of competition law and policy. It is run by a community of students, scholars and practitioners from Queen Mary and other institutions. The ICC Global Antitrust Review (GAR), which is published by the Centre every year, was founded in 2008 as a refereed student journal and represents another outstanding example of intellectual entrepreneurship at the ICC. The GAR aims to encourage and promote outstanding scholarship among young competition law scholars by providing a unique platform for students to engage in research within the field of competition law and policy with a view to publishing the output in the form of scholarly articles, case commentary and book reviews. The GAR is dedicated to achieving excellence in research and writing among the competition law students' community around the world. Please see their website for previous publications and if you are interested in contributing to the next edition: www.icc.qmul.ac.uk/GAR/issues

Dr Jennifer Farrell (QMUL School of Law PhD Alumna) was awarded the prestigious Mitchell B Carroll prize for 2011 for her doctoral thesis entitled, "The Interface of International Trade Law and Taxation: Defining the Role of the World Trade Organisation in the Field of International Taxation". The prize was awarded to Jennifer at the opening ceremony for the 2011 International Fiscal Association (IFA) Congress which took place at the Palais de Congrès in Paris on 11 September.

For more details about IFA, please see www.ifa-uk.org During the congress, Jennifer also gave a presentation on her thesis to the Young IFA Network representatives attending. The Mitchell B Carroll prize was established by IFA in 1947 as a tribute to its first honorary president. It is awarded to a candidate of not more than 35 years of age for an outstanding work dealing with international fiscal questions, comparative fiscal law or local fiscal law. Jennifer Farrell is the first UK candidate to win the Mitchell B Carroll prize for more than 30 years.

Ms. Zane Paeglīte, an associate, joined SORAINEN, a regional law firm operating in Baltics and Belarus, in 2004. After graduating from the CCLS in 2011 with LLM in Corporate and Commercial Law, Zane leads the Corporate Advisory Team of SORAINEN Latvia. Zane's key areas of expertise include company law, corporate governance and mergers and acquisitions. Another significant focus of her specialisation is cross-border mergers, as she was involved in structuring and implementing the very first cross-border merger cases advised by SORAINEN, thus also contributing to know-how of legal aspects of cross-border mergers. Zane has authored articles on Latvian and EU company law and recently acted as a researcher for the project of the London School of Economics on the study on directors' liability, commissioned by the European Commission.