

**INTELLECTUAL PROPERTY DISCUSSION GROUP (IPDG)
TERM CARD**

TRINITY TERM 2025

Convenors: Phoebe Woo, Max Wong and Mohammad Ataul Karim

Seminar by Tania Phipps-Rufus

(Week 4)

Date: 23 May 2025 (Friday)

Time: 12.30 pm -2.00 pm

Venue: White & Case Lecture Room, Faculty of Law Building, St. Cross Road

Light Refreshments will be provided.

Title: From Absence to Access: Redefining IP's Negative Space Through the UK Fashion Sector: Reviewing the landscape two decades after the Piracy Paradox

Abstract

Nearly two decades after Raustiala and Sprigman's influential articulation of the "piracy paradox," this paper revisits the concept of fashion's "negative space" through the lens of original research into the UK fashion industry. Traditionally, the sector has been cited as a domain where formal intellectual property (IP) protections are weak, underutilised, or altogether absent yet innovation continues to flourish. While this account remains foundational within fashion and broader IP scholarship, this paper argues that such frameworks risk obscuring the structural inequalities that underpin this apparent absence of legal protection.

This research complicates the prevailing narrative by demonstrating that, in the UK, a robust IP framework including copyright, trademarks, and design rights, coexists with infrequent enforcement, particularly for emerging and independent designers. The disconnect between the availability of legal protections and their practical inaccessibility highlights the uneven operation of IP across the fashion field.

Drawing on Bourdieu's theory of the field of cultural production and his writings on fashion the paper contends that "negative space" is not a legal void but a stratified system one in which exclusion is not incidental but systemic, shaped by disparities in resources, legal literacy, and enforcement access. By foregrounding the lived experiences of those most vulnerable to copying, this research redefines fashion's negative space as a site of both legal and symbolic exclusion.

Ultimately, the paper reframes negative space as a structural rather than doctrinal phenomenon, calling for a more critically engaged and distributionally aware understanding of IP law's function in creative economies. In doing so, it refines the contours of fashion law and challenges prevailing assumptions about how and for whom; IP regimes operate.

Bibliography

Tania Phipps-Rufus is a Senior Lecturer in Fashion Cultures and Business Management at the University of East London, where she also serves as Research and Innovation Lead. An interdisciplinary scholar working at the intersections of law, fashion, and culture, she is the founder of Fashion, Law and Business and launched the Fashion Law Masterclass series hosted at Condé Nast College of Fashion & Design.

Tania read law at the University of Kent and received her LL.M in Intellectual Property Law from Queen Mary, University of London. In 2013, she was awarded an AHRC-funded scholarship to begin developing her doctoral research. She is currently completing her PhD, an empirical, socio-legal study examining the effectiveness of the intellectual property regime for designers in the UK fashion

industry, which is due to be submitted in 2025.

She co-authored a chapter in *The Handbook of Fashion Law* (Oxford University Press, 2025) and served as Co-convenor of the Open Law Section at the Society of Legal Scholars (2021-2024) She is also a member of the Research Ethics Board at the Design Museum and has been featured in *The Guardian*, *HuffPost*, and BBC Radio 4.

Seminar by Ahmed Essa Al-Sulaiti

(Week 6)

Date: 4 June 2025 (Wednesday)

Time: 12.30 pm -02.00 pm

Venue: White & Case Lecture Room, Faculty of Law Building, St. Cross Road
Light Refreshments will be provided

Title: The Potential Role of Alternative Dispute Resolution (ADR) in Resolving Intellectual Property (IP) Disputes Within Qatar, Aligning with Sustainable Development Goal 16

Abstract: Alternative Dispute Resolution (ADR) has become essential for resolving intellectual property (IP) disputes, offering faster, cost-effective, and flexible procedures that enhance commercial predictability while reducing litigation burdens. However, ADR alone does not guarantee effective access to justice, a core principle of Sustainable Development Goal (SDG) 16.3.

This paper argues that ensuring meaningful access to justice in IP disputes requires moving beyond traditional arbitration and mediation toward an integrated legal and technological framework. Innovations such as Online Dispute Resolution (ODR) and decentralized arbitration improve accessibility, expedite proceedings, and lower costs in cross-border disputes. A structured institutional framework is needed to embed ADR within a coherent legal system.

Qatar offers a compelling case study, given its cultural emphasis on amicable settlement and mediation, rooted in the Arab legal tradition. By integrating indigenous dispute resolution methods with digital technologies, Qatar can develop an ADR model that aligns with international best practices while enhancing justice in IP disputes and build the foundation for revamping the ADR ecosystem in Qatar to support the vision of the nation to become a hub for mediation and Arbitration in technology and IP dispute.

This article contributes to discussions on the intersection of IP law, ADR, and legal technology by proposing a framework that balances efficiency with justice imperatives. It advocates for a multidimensional approach that moves beyond ADR-centric models to create an inclusive, technologically adaptive, and legally coherent system for resolving IP disputes.

Biography:

Ahmed Essa Al-Sulaiti serves as the Director of the Office of the State of Qatar to the World Trade Organization, World Intellectual Property Organization, and the United Nations Conference on Trade and Development. He brings extensive expertise in international law, and diplomacy, particularly in trade, intellectual property, and national security. With 13 years of experience in international negotiations, mediations, arbitrations, and strategic dispute resolution. He has held key leadership roles, including President of the Berne Union (WIPO), Chair of the WTO Committee on Anti-Dumping Practices, Vice Chair of the Berne Parliamentary Assembly, and President of the International Law Association (ILA) GCC Branch. Recently, Ahmed contributed to the drafting committee for the Design Law Treaty at the WIPO Diplomatic Conference, playing a significant role in the development of international legal frameworks.

Ahmed's expertise in Alternative Dispute Resolution (ADR) has enabled him to efficiently resolve complex disputes, fostering cooperation among diverse parties. He represents Qatar in the Dispute Settlement Body of the WTO and the European Union, providing strategic advice on various legal, diplomatic, and commercial matters.

Ahmed has published peer-reviewed articles in reputable journals, including the Arab Law Quarterly—a paper titled "Intellectual Property: A Catalyst for Development, Cooperation between the World Intellectual Property Organization and Developing States"—as well as in the Journal of World Trade and the Global Journal of Comparative Law. He holds a Juris Doctor (J.D.) in Comparative Law from Hamad Bin Khalifa University (College of Law and Public Policy), completed in partnership with Northwestern University.

Seminar by Sarath Ninan Mathew

(Week 8)

Date: 17 June 2025 (Tuesday)

Time: 12.30 pm -2.00 pm

Venue: White & Case Lecture Room, Faculty of Law Building, St. Cross Road

Light Refreshments will be provided.

Title: Do Unauthorised E-Sports Broadcasts Infringe EU Copyright Law?

Abstract: E-Sports is the competitive playing of videogames in league based tournaments. The tournaments are broadcast over the internet to millions of ardent fans. In 2025, the global esports industry is estimated to have an annual viewership of 772.4 million and annual revenues totalling \$4.9 billion.

Videogames, as opposed to normal sports games, are copyright protected works. Therefore, the broadcast of E-Sports inherently includes dealing with copyright protected works. Presently, most major E-Sports tournaments are organised either by the videogame publisher themselves or by third parties who obtain authorisation from the publisher. However, smaller tournaments are often organised without publishers' knowledge or consent. Qualitative interviews, I undertook for my DPhil, suggest that many top E-Sports broadcast producers are worried that their careers could be immediately terminated if videogame companies decide to pull the plug on the industry.

This presentation seeks to address how harmonised EU copyright law deals with that worry. I consider whether unauthorised E-Sports broadcasts violate EU copyright laws. I look at violations of reproduction right and communication to public right; and consider the application of temporary copying, pastiche, and quotation exceptions.

My conclusions are as follows. The broadcasts violate the videogame's reproduction right. The broadcasts do not violate the videogame's communication to public right. Most of the temporary copies produced as part of the technical process in playing and viewing E-Sports broadcasts are exempt under Article 5(1). However, archived copies retained by tournament hosts for making available to the public are not exempt under Article 5(1). It is within the discretion allotted to member states for them to choose whether to exempt or penalise E-Sports broadcasts under the quotation exception in Article 5(3)(d). We do not have enough case law yet from the CJEU to see whether E-Sports broadcasts can fall under the pastiche exception in Article 5(3)(k). Title: The Protection of AI Prompts in EU Copyright Law and its Implications for the Public Domain

Biography:

Sarath Ninan Mathew is a full-time DPhil Researcher in the Law Faculty and a member of St. Hughes College. He is a stipendiary lecturer for torts law in Mansfield College, Oxford. Sarath completed his Bachelor's in Law, B.A. LL.B. (Hons.) from the West Bengal National University of Juridical Sciences; and his Master's in Law, LLM in Commercial Laws from the University of Cambridge. He graduated his LLM with the 'CMS Prize for Corporate Law' for distinction in Corporate Finance Law examination, and was the Pratibha M. Singh Cambridge Trust scholar during his LLM year.

Sarath's doctoral research is at the interface of E-Sports and copyright law. He seeks to understand how US and EU copyright law regulates E-Sports streams, and how the doctrinal position contrasts with the self-regulation presently found in the industry. The research is expected to include both doctrinal and empirical work.

Sarath has served on the editorial boards of the Cambridge Law Review and the Journal of Indian Law and Society. He was the Chief Editor of the Journal of Indian Law and Society during his last 6 months with the journal. Sarath worked for 1 year in Ambala district in Haryana as a Chief Minister's Good Governance Associate wherein he worked with the State Government and the District Administration to improve public administration. Sarath has also served as the Administrative Head of the NUJS-HSF Bridge Project, a project that educates underprivileged kids living in the slums of Kolkata.