

**SAMUEL K. MURUMBA**  
**LL.B (Hons), LL.M, Ph. D (With Special Honors & Commendation)**

**EDUCATION AND ACADEMIC HONORS AND DISTINCTIONS**

**Bachelor of Laws (Honors)**

**Degree:**

Makerere University, Kampala, Uganda, 1975.

**Honors and Distinctions:**

- \* Graduated first in class.
- \* Awarded the Makerere University Exhibition Prize for top student in law school.
- \* Published first prize-winning article in the Makerere Law Journal.
- \* Co-Editor, Makerere Law Journal (1974-1975).

**Post-Graduate Diploma  
in Legal Practice:**

Law Development Centre, Kampala, 1976.

**Master of Laws Degree:**

Monash University Law School, Melbourne, Australia, 1980.

**Honours and Distinctions:**

- \* Highest grades in all Master of Laws courses: ***Copyright and Designs, Patents and Trademarks, Economic Torts, Theories of Justice.***
- \* Wrote the mostly highly graded (High Distinction) paper titled, ***The Interventionist Note in International Human Rights Law and the Ideal of Autonomous Statehood: Seeking Guidance in the Kantian Variety***, described by the late Professor Julius Stone as “excellent in all respects.”
- \* Commonwealth Post-Graduate Scholarship 977.
- \* Monash University Post-Graduate Scholarship 1977-1979.
- \* President: Monash University African-Australian Association.

**Ph. D in Law:**

Monash University Law School, Melbourne, Australia, 1986

**Honours and Distinctions:**

- \* Doctoral Thesis entitled ***The Cultural and Conceptual Basis of Human Rights in International Law***. Professor Richard Falk, the Distinguished Professor of International Relations and International Law at Princeton University who examined this thesis wrote this glowing comment in his Examiner’s report calling for special honors and commendation for the thesis:

“I am deeply impressed by Samuel Murumba’s thesis submitted for a Ph.D. degree. It is an extraordinary work of scholarly exploration that manages to combine an astonishing command over a wide range of academic source material with a creative conceptualization of the important problems associated with grounding human rights. In my view, this achievement definitely qualifies this thesis for unconditional approval at a level of endorsement that calls for special honors or commendation.

Let me specify some of the grounds for this high degree of enthusiasm. To begin with Murumba sets himself an immense task of surveying both the diverse

philosophical and cultural foundations of human rights. Better than anyone else, he has managed to interpret and present this material in concise and focused form. He sustains, with a wealth of documentation, his contention that human rights rests upon a core of universal affirmation that can be traced to the major cultural embodiments of human value and to the principal philosophical and theological accounts of justice, the human person, and rights.

In addition, Mr. Murumba offers a synthesis of these conceptual orientations that provides a solid ground upon which to assert and implement a universally binding set of human rights norms, thereby contributing to the basis for an international law of human rights and for its universal application. This theory, which is highly original, needs to be related more concretely to the existing corpus of international human rights norms to discern the extent to which the positive law fulfills, over-fulfills, or under-fulfills this universal core.

Nevertheless, as written, this thesis succeeds in providing a coherent theory of universal human rights that takes suitable account of historical, cultural, and philosophical dimensions of the subject. As such, it is the most ambitious thesis I have ever read, and quite possibly, the single most impressive.”

## **PROFESSIONAL QUALIFICATIONS AND AFFILIATIONS**

**Member, Board of Directors, Human Rights Watch 1996-2008**

**Emeritus Member, Board of Directors, Human Rights Watch 2009-present**

**Co-Chair, Human Rights Watch Africa Division Advisory Committee 2015-present**

**Member, Human Rights Watch Women’s Rights Division Advisory Committee 2010-present**

**Member, Human Rights Watch Africa Division Advisory Committee 1995-present**

**Member, Board of Directors Policy Committee, Human Rights Watch**

**Member, ALAI-USA (*Association Littéraire et Artistique Internationale*)**

**Member, American Law Institute**

\* In his letter informing me of my election to membership of this prestigious body, the President of the Institute, Professor Charles Alan Wright, wrote:

“Dear Professor Murumba:

It is my happy privilege to inform you that last Saturday the Executive Committee of the American Law Institute elected you to membership in The Institute. I congratulate you on your election and I congratulate ALI on having you as a member. I have read the

information about you in the proposal form, as well as the letters that accompanied it, and it is clear that you have an outstanding record of accomplishment and the kind of ability and dedication to improvement in the Law that The Institute always needs in its members.

A principal theme of my presidency is an attempt to give a more international aspect to The Institute's work. Your expertness will be helpful to us in that, particularly if we take on, as some have proposed, a project on the international aspects of intellectual property. And I noted a coincidence that I enjoyed. Another person who was elected to membership in The Institute on Saturday was Sir Anthony Mason [then Chief Justice of Australia] who relied on your work on intellectual property in his judgment in the New South Wales Dairy case...."

**Adviser, American Law Institute Project: *Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes.***

**Member, American Law Institute Consultative Group on the Restatement of the Law of Trusts**

**Editor, Intellectual Property Section, *Australian Business Law Review* 1992-2006**

**Member, The Law Council of Australia Intellectual property Section, 1989-1992**

**Member, Australian Industrial & Intellectual Property Society, 1986-1992**

**Australian Society for Legal Philosophy, 1988-1992**

## **APPOINTMENTS**

<b>Visiting Scholar, Australian National University Law School</b>	<b>2001</b>
<b>Visiting Professor, Monash University Law School Melbourne Australia</b>	<b>2009</b>
<b>Visiting Professor, Monash University Law School Melbourne Australia</b>	<b>2010</b>
<b>Tenured Professor of Law, Brooklyn Law School, New York</b>	<b>1992-Present</b>
<b>Visiting Professor of Law, Brooklyn Law School</b>	<b>1990-1991</b>
<b>Tenured Senior Lecturer in Law, Monash University Law School, Melbourne, Australia</b>	<b>1990-1992</b>
<b>Tenured Lecturer in Law, Monash University Law School Melbourne, Australia</b>	<b>1986-1990</b>
<b>Senior Tutor in Law, Monash University, Melbourne, Australia:</b>	<b>1979-1980</b>

<b>Sessional Tutor in Law, Monash University, Melbourne, Australia</b>	<b>1980-1985</b>
<b>Teaching Fellow, Makerere University Law School, Kampala, Uganda</b>	<b>1976-1977</b>
<b>Associate, Obol-Ochola &amp; Co. Advocates, Kampala, Uganda</b>	<b>1976-1977</b>
<b>Advocate of the High Court of Uganda and of Courts Subordinate thereto</b>	

## **PUBLICATIONS**

### **Books**

**Commercial Exploitation of Personality (Sydney, Australia, The Law Book Company 1986)**

\* This is the pioneering book on “character-merchandising” and the “right of publicity” discussing the state of the law throughout the common law world, especially Australia, the United Kingdom, Canada, and the United States. It has been cited in numerous works and in the leading Federal Court of Australia case of *Hogan v. Pacific Dunlop Ltd (1989) Intellectual Property Reports 225 (the “Crocodile Dundee” case)*. *The following are excerpts from some of the reviews of the book in leading legal journals:*

\* “A serious treatise concerning [commercial exploitation of personality and] currently the most thorough book on the subject”: **Law Institute Journal, Melbourne, Australia, April 1987.**

\* “It is clear from even a cursory reading of Murumba’s *Commercial Exploitation of Personality* that the author has read widely and thought deeply before publicly expressing his views. It appears to be the only published attempt to deal exhaustively in text form with a topic which has attracted a considerable degree of attention from periodical contributors.

In *Commercial Exploitation of Personality* he undertakes the ambitious task of describing and explaining in a critical fashion the efforts of the courts to grapple with the emerging phenomenon of wrongful appropriation by one person of the personality, likeness or reputation of another as a promotional aid for their own goods or services. As he explains in his introduction, the nature of mass production is such that many merchandisers seek to personalize, individualize and glamorize their product by linking it in the minds of the public with the identity of some individual who has achieved prominence or celebrity, or who possesses some remarkable feature. The book focuses on the generally confused and unsatisfactory state of the law governing unauthorized appropriation of identity.

Murumba approaches the issue of what protection the law should and does accord to personality, likeness and reputation from two distinct, although related, aspects. First, he argues that those who have through their own efforts created value in their identities

should be regarded as possessing a proprietary right in that identity, commenting, “Proprietary justice demands that ‘he who reaps shall sow’.” Secondly, he explores the protection that recognition of a right of privacy would be appropriate to give to a private person who has not accumulated property in their identify but who nevertheless is distressed by being dragged from their anonymity into “the glare and publicity of commercial exploitation.” Although Murumba is strongly in favour of according protection to personality, likeness and reputation, this is clearly a well-reasoned position. He is aware of and makes explicit reference to the danger of suppressing commercial expression and activity by the creation of monopolies.

Murumba’s concern with the complex theoretical and policy issues raised in *Commercial Exploitation of Personality* has not, however, distracted him from the more pragmatic task of describing the current state of the law. He gives solid attention to the action for passing off, which although impotent in many cases has been utilized by some imaginative and courageous judges as a source of legal redress for those whose personality, likeness or reputation has been appropriated without their authority:” **Australian Business Law Review, (1988)**

\* “Dr. Murumba has provided a valuable up-to-date examination of an area of the law the boundaries of which are frequently being tested and expanded as one person or body seeks to derive commercial advantage from another’s fame or success”: **The Australian Law Journal, Vol. 61 (1987).**

\* **Commercial Exploitation of Personality** was relied upon on a point of law by the Federal Court of Australia in one of the most significant cases on commercial exploitation of personality, *Hogan v. Pacific Dunlop Ltd.* (1989) 12 **Intellectual Property Reports 225 (Federal Court of Australia, Full Court) (The Crocodile Dundee case).**

### **Chapters in Books**

*Trade, Peace and Human Dignity: An Inter-Play of Freedom and Cognition, in Trade as Guarantor of Peace, Liberty and Security? Critical, Historical and Empirical Perspectives (2006)*

*Intellectual Property in Baxt & Kewley (eds.), An Annual Survey of Australian Law (Sydney Law Book Co. 1988).*

*Intellectual Property in Baxt & Kewley (eds.), An Annual Survey of Australian Law (Sydney Law Book Co. 1989).*

\* This chapter was cited on a point of law on Copyright protection of computer programs in the important Federal Court of Australia case of *Dyason v. Autodesk, Inc.* (1980) 18 **Intellectual Property Reports 109 (Federal Court of Australia, Full Court).**

***Intellectual Property in Baxt & Kewley (eds.), An Annual Survey of Australian Law (Sydney Law Book Company, 1990).***\* In a Full Bench<sup>1</sup> decision of the **High Court of Australia** (Australia's highest court) in the most important Trademark case in Australia in recent history, ***New South Wales Dairy Corporation v. Murray Goulburn Co-op. Co. Ltd.*** (1991) 18 Intellectual Property Reports 385 my Intellectual Property chapter was relied upon by both the Chief Justice (Mason C.J.) and McHugh J. The Chief Justice acknowledged my earlier identification of the particular trademark issue before this highest court in Australia. Justice McHugh. quotes my opinion in the above work in the course of his judgment as follows:

“But as [Murumba] points out: “It is difficult to see the need for this massive swing from one extreme to another: from denying the [infringer] her or his ill-gotten fruit to granting the [registered proprietor’s] mark this presumptive immunity unless he or she was at fault. If the court had said that the [registered proprietor] would not lose a mark which had become deceptive as a result of an infringer’s wrongful conduct, this would have taken care of the assiduous efforts of an infringer; but the proprietor would still lose his mark if it was deceptive for any other reason – that is, irrespective of who was to blame.”

***New South Wales Dairy Corp. v. Murray Goulburn*** 18 Intellectual Property Reports 385 at 385 (High Court of Australia).

***The Doctrine of Precedent in Bird G. (Ed.), The Process of Law in Australia (Sydney, Butterworths, 1988).***

\* This essay was specially commissioned for this seminal text which was launched by the Prime Minister of Australia who also wrote the foreword.

***The Passing Off chapter in the Intellectual Property section of The Laws of Australia (Sydney, Australia: Law Book Co. 1996)***

\* This chapter is part of the Intellectual property section of the prestigious multi-volume legal practitioners’ work on all aspects of Australian law, of which I was also a reviewer.

***Cross-Cultural Dimensions of Human Rights in the Twenty-First Century, in Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry (A. Anghie & G. Sturgess eds. 1998)***

\* This chapter was written by special invitation as a contribution to a book in honour of Judge Christopher Weeramantry, Vice-President of the International Court of Justice.

***Property in Krever, Mastering Law Studies and Law School Examinations (1989)***

## **Law Review Articles**

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<sup>1</sup> In the High Court of Australia, the highest court in the country, appeals are normally heard and decided by three judges. More important cases are decided by five judges. In the most important cases, such as this one, the Full Bench of seven judges hears and decides the appeal.

*Foxes and Hedgehogs at the Intersection of Human Rights and Intellectual Property* 38 Monash University Law Review 119 (2012)

*Intellectual Property Online: The Challenge of Multi-Territorial Disputes*, 30 Brook. J. Int'l L. 91 (2005)

*The Emerging Law of the Digital Domain and the Contract/IP Interface: An Antipodean Perspective* [Symposium: Software as a Commodity: International Licensing of Intellectual Property], 26 Brook. J. Int'l L. 91 (2000)

*The Universal Declaration of Human Rights at 50 and the Challenge of Global Markets: Themes and Variations*, 25 Brook. J. Int'l L. 5 (1999)

*Globalizing Intellectual Property: Linkage and the Challenge of a Justice-Constituency*, 19 U. Pa. J. Int'l Econ. L. 435 (1998)

*Grappling with a Grotian Moment: Sovereignty and the Search for a Normative World Order*, 19 Brook. J. Int'l L. 829 (1993)

*Recordal of Other Interests on the Trademark Register*, (1993) 23 Australian Business Law Review

\*This article was my contribution on the Law Council of Australia 's proposals for reform of the **Australian Trademarks Act**.

*Character Merchandising in Australia: Welcome Home Wanderer* Journal of the Industrial & Intellectual Property in Australia (1990).

\* This article and my book on the subject were discussed in the leading article on the right of publicity in 81 *California Law Review* 125 (1993).

*Good Legal Writing: A Guide for the Perplexed* (1991) 17 Monash Law Review, 93

\* This article has been adopted or reprinted in books in courses in legal writing in Canada and Australia.

Book Review (reviewing *Intellectual Property in the Global Marketplace* (2d ed., 1999)) *New York Law Journal* 2 (May 23, 2000).

Book Review (reviewing C.R. Williams & M.S. Weinberg, *Property Offences* (1986)), 15 *Australian Business Law Review* 73 (1987)

*Negligence and the Child En Ventre Sa mere*, [1974-1975] *Makerere University Law Journal* (1975) (First Prize-winning article).

## Select Conference and Symposia Papers

***Reconciling Human Rights and Intellectual Property: Annual Conference of Property Law, University of British Columbia 2014***

***Between Critique and Solidarity: How to TWAIL an African Renaissance***  
**Africa in International Law Conference, Albany Law School 2012**

***Copyright's Other Worlds: The Challenge of Virtual Reality: Interdisciplinary Conference on the Impact of Technological Change on the the Creation, Dissemination and Protection of Intellectual Property, The Princeton Club, New York, October 26-28, 2006.***

***Originality, Fixation, and Idea-Expression Dichotomy: Copyright's Trilogy or E Pluribus Unum? Intellectual Property Scholars Conference, Berkeley Center for Law and Technology, Berkeley, California August 10-11, 2006.***

***Private Sector, Public Interest, and International Intellectual Property Law Regimes, Intellectual Property and the World Trade Organisation, Special Lecture, Australian National University Law School Center for Intellectual Property in Agriculture, Canberra, Australia, May 2001.***

***Modernism is Dead, Postmodernism is Dead, and I Don't Feel Too Good Myself: Contemporary Efforts to Capture Chaos in Law and Legal Theory, Australian National University Law School Academic Staff Seminar, May 2001, and Monash University Law School Academic Staff Seminar, June 2001.***

***Intellectual Property Protection of Traditional Knowledge, Cardozo Law School Conference, New York, February 21-22, 2002.***

***International Intellectual Property Lawmaking and Global Elites, Cardozo Law School Symposium, March 7, 2001.***

***Between the Nightmare and the Noble Dream: International Intellectual Property and Leeways of Choice at the Heart of Law's Ontology, Weidner Law School Conference, 2000.***

***International Intellectual Property Lawmaking, American Society of International Law, International Economic Law Interest Group, Washington DC.***

***Must Globalization Be Hegemonic? American Society of International Law International Economic Law Interest Group, Washington DC.***

***Intellectual Property and Antitrust Law: A False Dichotomy? Centre for Commercial Law Studies, Queen Mary and Westfield College, London and Brooklyn Law School Center for the Study of International Business Law, Symposium on Intellectual Property and Competition Law: Changing Views in the European Community and the US: New York, April 15, 1994.***



***The Trade Mark Reform Process* (Address to Sixth National Conference of the Australian Industrial and Intellectual Property Society 1992).**

***Kicking and Screaming into the 21st Century: Reforming Australian Trade Mark Law for a New Market Place*, Address to the Australian Intellectual Property Society: The Melbourne Hilton Hotel, May 1992.**

***Character Merchandising in Australia*, Address to the Australian Intellectual Property Society, the Melbourne Menzies at Rialto, June 14, 1990.**

***Confusion, Deception and Erroneous Assumptions of Fact, The Difficulties of §52 of the Australian Trade Practices Act 1974*, (Delivered at the Centre for Commercial Law and Applied Legal Research Intellectual Property Workshop, Sydney, Manly-Pacific Hotel, September 1987).**

***Putting Humpty Dumpty Together Again: Heretical Reflections on the Decline of Law as an Autonomous Discipline*, Brooklyn Law School Faculty Forum, December 1990.**

***Professor Julius Stone and the Doctrine of Precedent: Steering a Jurisprudential Middle Course*, Law Faculty Seminars at both Monash University and Melbourne University Law Schools (1987).**

***The Bombing of Pan Am Flight 103 and the New World Order* Brooklyn Law School, Annual Dean's Day Address 1993.**

***A Skills-Oriented Approach to the Teaching of Legal Process: Teaching them to Fish Rather than Donating a Fish*, Law Faculty Seminar, Monash University, 1988.**

***African Culture and Identity: The Myths and the Realities*, (Melbourne Afro-Australian Association Conference 1987).**

***Human Rights and Refugees*, Refugee Week, June 1989, Melbourne, Australia.**

***Human Rights and the Gospel*, Monash Religious Centre 1979.**

#### **Addresses and Lectures Given by Special Invitation**

**Principal Speaker, Sixth Annual Conference of the Australian Industrial and Intellectual Property Society, Canberra, Australia, June 1992.**

**Guest Lecturer, Industrial and Intellectual Property Formal Dinner, Menzies at the Rialto, June 14, 1992.**

**Principal Speaker, Intellectual Property Conference, the Sydney Manley-Pacific Hotel, August 1987.**

**Principal Speaker, Australian Intellectual Property Teachers Conference, Sydney, University of New South Wales, November 1991.**

**Human Rights Guest Lecturer, Melbourne University Law School, April 1989.**

**Speaker, Third International Community Education Conference, Melbourne, Southern Hotel, 1979.**

**Principal Speaker, Law Council of Australia Seminar on Trademark Reform, Melbourne Australia, 1992.**

**Speaker, Brooklyn Law School Dean's Day, February 1993.**

**Speaker, University of Melbourne Law School Faculty Seminar, 1987**

**Guest Lecturer (Human Rights), University of Melbourne Law School Faculty, 1986**

**Speaker, Monash University Law School Faculty Seminar, 1987**

**Speaker, Monash University Law School Faculty Seminar, 1992**

**Speaker, Monash University Law School Faculty Seminar, 2001**

**Select Non-Law Publications**

**Murumba, S.K. "Real Unreality," Dhana, iii, 1, pp. 1-5; The Journal of Commonwealth Literature Vol. 9 pp. 14-19 (short story).**

**Murumba, S.K. "Return Match," Panoramic Makerere, 1973 (Short story).**