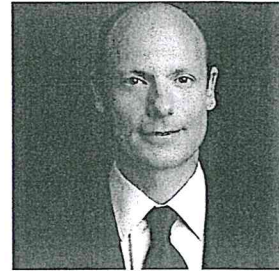


## CURRICULUM VITAE

### Malcolm Bain

Partner

id law partners/BGMA, Barcelona, Spain



Malcolm Bain specialises in Information Technology law and Intellectual Property law. He has more than 15 years' experience representing clients on both sides of IT transactions, with a special focus on the legal issues of open source software and content.

He has participated in various R+D projects and written and lectured on many aspects of IT law, e-commerce and internet regulation. His pro bono activities include participation and advising several free and open software projects and communities.

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### *Professional Experience*

Malcolm trained and first practiced in the London office of Slaughter and May, from 1991. Within the IT consultancy firm "*The Information Highway Group*" in Barcelona, he participated in and led research on the legal aspects of ecommerce, open source software, virtual ecosystems and software agents for several European funded R&D projects.

His involvement in research and advising on the legal aspects of Information Technology led him in 2003 to set up first LegisTICs and then *id law partners* in 2007 – boutique law firms exclusively dedicated to advising developers, small and large companies, universities and public administration on all legal aspects relating to Information Technology, with a special focus on Free and Open Source Software. *Id law partners* is now part of Brugueras, García-Bragado Molinero & Asociados.

Malcolm has more than fifteen years' experience advising technology companies and public administration on all aspects of IPR, IT and Internet related law and e-commerce issues, including more specifically the legal aspects of developing and adopting free and open source software, freeing software, software audits, licensing strategies, together with privacy, copyright and trademark issues. His current focus is on ICT start-ups and new ventures.

By way of example, currently Malcolm advises the Spanish centre of open source in public administration, CENATIC, as well as several open source businesses and projects such as Openbravo, eyeOS, Abiquo, OSSIM, Freesound. Recently, Malcolm has been advising SaaS and cloud computing based companies, such as Dexma, Logtrust, UPCnet.

### *Professional Affiliations and Community Activities*

- Member of the Law Society of England and Wales, 1991-present
- Member of the Barcelona Bar, 2004-present
- Member of the Càtedra de Programari Lliure, UPC 2004-present
- Fellow of the FSF-Europe and member of FSF-E Legal Task Force (ELN)
- Co-Editor, International Free and Open Source Software Law Review, [www.ifosslr.org](http://www.ifosslr.org)

### *Publications*

- *Los Aspectos Legales y de Explotación del Software Libre*, Anaya-Fundación UOC, co-author at first, second and third editions, edited in Spanish and in Catalan, 2004-2007 (two volumes, 669 pages)
- *Legal programming*, Communications of the ACM, Volume 49, Issue 9, September 2006 ([ACM](http://www.acm.org))
- *Legal Programming : Designing Legally Compliant RFID and Software Agent Architectures for Retail Processes and Beyond*, Springer 2004 ([Amazon](http://www.amazon.com))
- *Legal Aspects of Software Agents*. 4 article series in Computer Law and Security Report, Elsevier, 2003-2004, starting Volume 19, Issue 3 , May 2003, Pages 201-211 ([ScienceDirect](http://www.sciencedirect.com))

- *Architecting and Managing Virtual Learning Networks: A Business Process-orientated Approach to Legal Compliance*, European Management Journal, Volume 21, Issue 5, October 2003 ([ScienceDirect](#))
- *Comentarios breves sobre la GNU General Public License v3*. En: «Software libre» [monográfico en línea]. IDP. Revista de Internet, Derecho y Política. N.º 8. UOC, 2008
- 'Software Interactions and the GNU General Public License', *IFOSS L. Rev*, 2(2), pp 165 – 180 DOI: 10.5033/ifosslr.v2i2.44
- "Google, Chrome and Android – Legal aspects of Open Source Software". Chapter in "Google and the law", Empirical Approaches to Legal Aspects of Knowledge-Economy Business Models, Series: Information Technology and Law Series, Vol. 22, 2012 ([Springer](#))
- "FOSS and Patents", chapter in "[FOSS Law and Policy](#)", Oxford University Press, Eds Ian Walden and Noam Shemtov.

#### *Conferences*

Malcolm participates regularly in conferences on IT related legal issues, with a special focus on free software and open contents in venues such as the 3<sup>rd</sup> and 5<sup>th</sup> *Jornadas TIC* and Free Software Conferences (UPC), the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup> Free GIS Conference (Girona), 1<sup>st</sup> *Jornades Univer Lliure*, the Sakai Licensing Summit (Indianapolis), and other discussion groups for example those organised by Creative Commons Spain and the [3<sup>rd</sup> International GPLv3 conference](#) hosted by the Free Software Foundation. In addition, he has spoken on software patents, free software, Web 2.0, intelligent agents and automated contracting at venues such as the Internet Global Congress and the École Polytechnique, Paris. Malcolm has participated in [EOLE](#) conferences from 2009-2012 and co-organised [EOLE 2011](#) in Barcelona. Malcolm has been assisting WIPO in Geneva and with regional seminars on IT and copyright, including Lebanon y Mauritius, covering FOSS and cloud computing related issues. Recently, Malcolm has spoken at the [INTESC TEC Conference on IP Issues in ICT](#) and [Bocconi TIPSA summer Academy 2015](#) on trade issues of ICTs and IPR.

#### *Academic activity*

Assistant Professor / Tutor at

- Associate Professor, International and European Community Law, University of Barcelona, Spain (2014-present)
- Master in Free Software, Open University of Catalonia (UOC), 2004-present
- Master in Free Software Development, University of Lerida (UdL), 2007-2009
- Master in Free Software, Free Technology Academy (2009-2010)
- Postgraduate degree in Free Software Development, Polytechnic University of Catalonia (UPC), 2004-2006

#### *Education*

Bachelor in Business Studies, ESCP (Paris, 1987)

CPE and Law Finals (London, 1989)

Master in International Studies (European Law), University of Barcelona, 1999

#### *R+D*

Malcolm was legal researcher in the following EU-RTD projects:

- ECAMP (online business set up and contracting)
- GROCER (augmented reality in shopping environment (FET))
- DBE (Digital Business Ecosystems)

#### *Languages*

English, Spanish, French and Catalan

