



McGill

cipp

# ANNUAL REPORT 2015-2016



Photo: Quartier de l'Innovation, Montréal



McGill



CENTRE FOR INTELLECTUAL  
PROPERTY POLICY

CENTRE DES POLITIQUES EN  
PROPRIÉTÉ INTELLECTUELLE

# Board of directors

[Daniel Jutras](#)

Dean, McGill Faculty of Law  
Chair, CIPP Board of Directors

[Allison Christians](#)

H. Heward Stikeman Chair in Tax Law  
Associate Professor, McGill Faculty of Law  
CIPP member

[Vincent Gautrais](#)

Directeur, Centre de recherche en droit public  
Professeur, Université de Montréal, Faculté de droit  
CIPP external member

[Richard Gold](#)

Associate Dean (Graduate Studies)  
Professor, McGill Faculty of Law  
CIPP member

[Rose Goldstein](#)

Vice-Principal (Research and International Relations)  
McGill University  
VPRIR representative

[Pierre-Emmanuel Moyse](#)

Director, Centre for Intellectual Property  
Associate Professor, Faculty of Law

[Francis Lord](#)

DCL student, McGill Faculty of Law  
CIPP graduate student representative

[Sydney Warshaw](#)

BCL/LLB student, McGill Faculty of Law  
CIPP undergraduate student representative

# CIPP ANNUAL REPORT 2015-2016

## Table of contents

<b>A word from the Director</b>	<b>4</b>
<b>Mission &amp; vision</b>	<b>4</b>
<b>Core team</b>	<b>5</b>
<b>CIPP in action &amp; in the news</b>	<b>8</b>
<b>Seminars &amp; conferences</b>	<b>11</b>
<b>CIPP/Lallemand seminars</b>	<b>15</b>
<b>Publications</b>	<b>18</b>
<b>Grants</b>	<b>20</b>
<b>Works in progress</b>	<b>21</b>
<b>Collaborators &amp; sponsors</b>	<b>22</b>
<b>Graduate education &amp; training</b>	<b>24</b>
<b>Innovation in teaching &amp; learning</b>	<b>26</b>
<b>Looking ahead</b>	<b>28</b>



# A word from the Director

From the collective vision of David Lametti, Richard E. Gold, and Tina Piper, the Centre for Intellectual Property began more than 10 years ago as a movement looking at IP Policy. We all realized that innovation was happening on the fringe or in the continuum of IP and we have worked tirelessly since that time to bring our expertise and research on all varieties of IP to centre stage, to the minds and pens of policymakers, to the Supreme Court of Canada, to the Canadian parliament, and beyond.

Our work on innovation, in particular, is in itself innovative and foundational. If we are not the sun (in a Copernican view), we are close!

The CIPP is, in fact, one of the campus leaders on innovation at McGill. In recent years, we have been reorienting the Centre to focus both research and pedagogy towards innovation. We have been instrumental in initiating a new interdisciplinary course open to all undergraduate students at McGill—a first for McGill Law and quite possibly for any law faculty in the country. This course fits into a revamped progression in innovation and IP, which culminated this year for the first time in a policy course that we created in conjunction with Innovation, Science and Economic Development Canada and Canadian Heritage.

The Centre is a source of great pride for McGill; it is a thriving and respected resource for IP specialists in both academic and professional settings.

Our future is as innovative and bright as the exceptional members of our team: The CIPP's core team is composed of Professors Pierre-Emmanuel Moyse (Director), E. Richard Gold, Allison Christians, David Lametti MP, and Tina Piper, and Research Associate Sarah Ali-Khan. The CIPP team is supported by Sharon Webb, the Coordinator for the Centre; Jeff Roberts, the author of our *CIPP Newsletter*; and a small team of engaged students.

Pierre-Emmanuel Moyse, April 2016

## Mission & vision

Our mission is to provide a forum for the study of the legal, social, and political implications of intellectual property norms and their applications, and to provide a point of contact between academic researchers, policymakers, critics, the business community and the public.

Our vision is to advance research and policy formation for IP and innovation systems at and throughout McGill. The CIPP is a home for interdisciplinary research into the impact of IP policies and rules on creativity and innovation in several jurisdictions. The Centre not only examines if and how IP regimes contribute to broad social goals such as increased health, cultural development, access to information, and economic growth, but how cosmopolitan lawyers can effectively navigate a complex international IP environment. This work informs the teaching of IP law and innovation systems to undergraduate, graduate, and executive students, as well as the active dissemination of new knowledge and findings to the global community.

Innovation is central to our research and vision for the future, but we are also clear that future innovators need us. Collectively and individually, we are leaders in IP law and policy and we are now taking our place at the centre of innovation research, law, and policy at McGill and in Canada.

# Core team



## **Pierre-Emmanuel Moysé**

Associate Professor, Faculty of Law  
Director, Centre for Intellectual Property Policy

Pierre-Emmanuel Moysé is an Associate Professor at the McGill Faculty of Law and the Director of the [Centre for Intellectual Property Policy](#). He teaches intellectual property, commercial law, and property law.

He is the founder and editor of the Thémis Competition and Innovation Series and Director of Publications of the *Jurisclasseur Propriété Intellectuelle* published in Québec by LexisNexis. In 2014–15, he taught a course on the Laws of Innovation at the Buchmann Faculty of Law of the University of Tel Aviv and was visiting scholar at the University of Paris II Panthéon-Assas and Paris XI. He is currently researching the social and legal costs of innovation.

He also successfully pleaded in the case of *Euro-Excellence v. Kraft Canada* in front of the Supreme Court of Canada in 2007, one of the most important recent decisions in intellectual property.

Full bio: <http://www.mcgill.ca/law/about/profs/moyse-pierre-emmanuel>

Publications: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=1206249](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1206249)

### **Latest research**

- Competition and innovation
- Mobility of knowledge
- Abuse of IP rights
- The Digital patrimony
- Regulating innovation



## **E. Richard Gold**

Full Professor; James McGill Professor, Faculty of Law  
Associate Member, McGill Department of Human Genetics, Faculty of Medicine

A James McGill Professor, Richard Gold was the founding Director of the [Centre for Intellectual Property Policy](#). He teaches in the areas of intellectual property, international intellectual property, comparative intellectual property, innovation policy, and intellectual property management. His research generally focuses on the life sciences.

Professor Gold has provided advice to Health Canada, Innovation, Science and Economic Development Canada, the Canadian Biotechnology Advisory Committee, the Ontario Ministry of Health and Long-Term Care, the Organisation for Economic Co-Operation and Development (where he was the lead author of the OECD Guidelines on the Licensing of Genetic Inventions and a report on Collaborative Mechanisms in Life Science Intellectual Property), the World Health Organization, the World Intellectual Property Organization, and UNITAID.

Full bio: <https://www.mcgill.ca/law/about/profs/gold-richard>

CV and publications: [https://www.mcgill.ca/law/files/law/gold-richard\\_law\\_faculty\\_mcgill\\_cv.pdf](https://www.mcgill.ca/law/files/law/gold-richard_law_faculty_mcgill_cv.pdf)

### Latest research (R. Gold)

- Patents, property and innovation policy
- Intellectual property and development
- Brings patent expertise to courts, government, and international organizations



### Allison Christians

Associate Professor; H. Heward Stikeman Chair in Tax Law, Faculty of Law

Allison Christians is the H. Heward Stikeman Chair in the Law of Taxation at the McGill University Faculty of Law. Her research and teaching focus on national and international tax law and policy issues, with emphasis on the relationship between taxation and economic development and on the role of government and non-government institutions and actors in the creation of tax policy norms.

Before entering academia, she practiced tax law at Wachtell, Lipton, Rosen & Katz in New York, where she focused on the taxation of domestic and cross-border mergers and acquisitions, spin-offs, restructurings, and associated issues and transactions involving private and public companies, and at Debevoise & Plimpton in New York, where she focused mainly on private equity funds.

Full bio: <https://www.mcgill.ca/law/about/profs/christians-allison>

Publications: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=348301](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=348301)

### Latest research

- Tax law and tax policy
- Tax justice
- Tax and innovation



### David Lametti (on leave, fall 2015–)

Full Professor, Faculty of Law

David Lametti is a Professor of Law at McGill University. He was Associate Dean (Academic) between 2008 and 2011. He is a Member of the Institute of Comparative Law, and was a founding Member of the Centre for Intellectual Property Policy; he served as its Director from 2009 to 2012. Professor Lametti obtained a B.A. in Economics and Political Science from the University of Toronto in 1985, and received his first Common and Civil law degrees from McGill in 1989. He received an LL.M. from the Yale Law School in 1991, and a doctorate in law at Oxford University; his thesis was entitled “Ethical Aspects of the Theory and Practice of Private Property”. Professor Lametti was a clerk to Justice Peter Cory of the Supreme Court of Canada in 1989–90.

Full bio: <https://www.mcgill.ca/law/about/profs/lametti-david>

Publications: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=89893](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=89893)

### Latest research

- Property and Virtue
- Canadian fair dealing as an export



**Tina Piper (on leave 2015–2016)**  
Associate Professor, Faculty of Law

Before joining McGill University, Tina trained as a biomedical-electrical engineer and completed her doctorate at the University of Oxford as a Rhodes Scholar. Her doctorate studied how and why physicians in early twentieth-century Britain created and enforced a prohibition against patenting medical methods of treatment. This was the basis for her research into communities which apply, ignore, and transform intellectual property law in the course of their activities. She has explored a number of communities including independent music labels in Montreal, scientists investigating plant hormones at Canada's National Research Council, early twentieth century Canadian university research scientists, mid-twentieth century Canadian military officers, and Canadian lawyers' contemporary copyright practices.

Full bio: <https://www.mcgill.ca/law/about/profs/piper-tina>

Publications: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=830618](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=830618)

#### Latest research

- Intellectual Property in its Place: Creative Labour and the Everyday
- The Urban Night as Interdisciplinary Object



**Sarah Ali-Khan**  
Research Associate, Faculty of Law  
Project Manager, PACEOMICS Genome Canada Project

Sarah is a research associate in the CIPP, working with Prof. Richard Gold as part of PACEOMICS (a stand-alone GE3LS research project funded by Genome Canada in the 2012 Competition in Genomics and Personalized Health).

Her research examines public policy and socio-ethical implications of intellectual property and knowledge management in biomedical innovation. This includes qualitative research on the impacts of gene patents on patient access and R&D, on knowledge dissemination and on 'Open Science' in Canada and beyond. She also leads knowledge translation for PACEOMICS (<http://paceomics.org>).

Sarah trained as a biomedical scientist, completing her PhD in pharmacology and therapeutics at McGill. She was a Post-Doctoral Fellow in genomics and innovation policy at the University of Toronto (McLaughlin Rotman Centre for Global Health), and was at the McGill's Centre of Genomics and Policy before joining the CIPP.

Full bio: <https://www.mcgill.ca/law/about/visiting-professors-fellows-and-postdocs/ali-khan-sarah>

#### Latest research

- Policy and ethical implications of IP rights
- Knowledge management in Personalized Medicine innovation

# CIPP in action & in the news

## **Liberals' Lametti Takes Rejigged Riding of Lasalle-Émard-Verdun from NDP**

Montreal Gazette, 20 Oct 2015

Source: David Lametti, Facebook



“A surge of support for Liberal Leader Justin Trudeau in the final weeks of the campaign helped McGill law professor David Lametti win the reconfigured riding of LaSalle-Émard-Verdun for the Liberals on Monday night. Lametti defeated NDP candidate H el ene LeBlanc, who won the old riding of LaSalle- emard during the orange wave in 2011.

“People wanted change and they responded well to the message of hope and the message of optimism that the Liberal Party was promoting,” Lametti said

before heading to his campaign office in Verdun to celebrate with his supporters.”

Source: <http://montrealgazette.com/news/election-results-lasalle-emard-verdun-up-for-grabs-in-tight-contest-between-ndp-liberals-and-bloc> (Katherine Wilton)

## **Trudeau Names 35 New Parliamentary Secretaries**

iPolitics, 02 Dec 2015 <http://ipolitics.ca/2015/12/02/trudeau-names-35-new-parliamentary-secretaries/>

David Lametti, Parliamentary Secretary to the Minister of International Trade

## **E. Richard Gold on David Lametti’s role as Parliamentary Secretary**

Twitter, 18 Feb 2016

Have no doubt @DavidLametti will do as careful a job in analysing the #TPP as he did in studying #IP at @LAWMcGill

## **Researchers at the Centre for Intellectual Property Policy take a hands-on look at where new ideas come from and what we do with them**

Law Focus online, 18 Jan 2016

“A comparison of Montreal and Silicon Valley’s legal and regulatory rules. An educational documentary. A public interest lawsuit at Federal Court. A journal article on how the presence of the digital cloud affects copyright.

Legal research comes in all shapes and sizes and these are just some of the examples of current research underway at the Faculty of Law’s Centre for Intellectual Property Policy (CIPP).

The CIPP is a hub for research and action, through which its members and collaborators on five continents carry out cutting-edge research in the realms of technological and artistic innovation.



A key to keeping these research findings relevant is to communicate the results clearly and openly to the people who need the information and the Centre disseminates its findings not only through workshops, conferences and academic publications, but also public discourse in the media, appearances before parliamentary committees and the submission of educational briefs to the courts.

Three action-oriented research initiatives by CIPP members—Professors Pierre-Emmanuel Moysé (its current director), Allison Christians, Richard Gold, and David Lametti—look at how existing intellectual property laws and practices may often deter rather than spur innovation. This critical questioning leads to new ideas and perspectives on how the law can best advance creativity and the broad dissemination of knowledge—hence innovation—in a global context.

Source: <http://publications.mcgill.ca/droit/2016/01/07/january-2016/> (Mark Witten)

## **E. Richard Gold and CIPP file Amicus Brief with Supreme Court of Canada**

A fourth Supreme Court intervention in just over three years, E. Richard Gold files an Amicus Brief in collaboration with Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) on the Eli Lilly NAFTA Chapter 11 challenge.

[CIPPIC/CIPP Amicus Brief on arbitration between Eli Lilly & Government of Canada](#) [.pdf]  
(February 12, 2016)

## **Allison Christians, who holds the H. Heward Stikeman Chair in Tax Law, has been named to the *International Tax Review's* 2015 Global Tax 50 list**

Law Focus online, 18 Feb 2016



“The members of the Global Tax 50 represent the choices of the *International Tax Review's* editorial team for those people and organizations who have had the biggest impact on taxation around the world during the past twelve months.

As colleague Professor Louise Otis pointed out upon hearing the news, “very few Canadians have made that list over the years, and so Allison is truly among a select group.”

Source: <http://publications.mcgill.ca/droit/2016/02/08/globaltax50/> (Lysanne Larose)

## **TPP symposium examines IP rights and foreign investments**

Law Focus online, 18 Feb 2016

“The Centre for Intellectual Property (CIPP) and the Centre for International Governance Innovation (CIGI) organized a conference at the end of January to discuss the business, academic and legal impact of the Trans-Pacific Partnership. Stacey Smydo, 3L and a student member of CIPP, provides a recap.

Last week, Minister of International Trade Chrystia Freeland signed the Trans-Pacific Partnership (TPP), a free trade agreement on which Canada’s negotiators have been working for the last three and a half years. Canada now has two years to decide whether or not to ratify the treaty.



The TPP has been a hot topic in recent months and its content is highly controversial. The decision to either ratify the treaty or not will have far-reaching consequences across various sectors of the Canadian economy as several of our largest trading partners are also signatories. Two of its most important chapters cover intellectual property rights and foreign investment.

With a view to contributing to this important conversation, the Centre for Intellectual Property (CIPP), a research centre at the Faculty of Law, together with the Centre for International Governance Innovation (CIGI) organized a conference, attended by over 100 participants, to discuss these issues: “Understanding the TPP: IP Protection and Investment Protection.” The conference was held at CEIM in Montreal’s Quartier de l’Innovation.

<https://publications.mcgill.ca/droit/2016/02/03/tpp-symposium/> (Lysanne Larose / Stacey Smydo)

## **CIPP launches dynamic new website**

[www.cippmcgill.ca](http://www.cippmcgill.ca), 06 April 2016

We are very excited to announce the launch, on April 6, 2016, of the long-awaited, fully revamped CIPP website ([www.cippmcgill.ca](http://www.cippmcgill.ca)). With the collaboration and support of Vincent Gautrais and his team at OpenUM at the University of Montreal, and the creative design and dedication of law student and CIPP collaborator Sydney Warshaw, our new website presents our research projects, our team, past and upcoming events, and recent and current publications. The site provides a wide range of resources and opportunities for anyone interested in the CIPP, engaged in IP, or wanting to keep themselves informed about the future of IP in Canada. The site also provides a new home for the famous and fabulous monthly newsletter IP News written and compiled by CIPP collaborator Jeff Roberts. Enjoy the site. Feedback welcome!



## **E. Richard Gold leads team win in Canadian patent case: Settlement sets model for not-for-profit gene testing**

Financial Post, 12 April 2016; republished in Law Focus online



“It took 20 years for Richard Gold, Associate Dean at McGill University’s Faculty of Law, to find a test case that would clear the way to removing gene patents as an obstacle to diagnosing a life-threatening heart condition for Canadian patients.

Aided by the pro bono efforts of Toronto lawyers Nathaniel Lipkus of Osler Hoskin & Harcourt LLP and Sana Halwani of Gilbert’s LLP, and the steadfastness of the Children’s Hospital of Eastern Ontario, Gold’s perseverance paid off.

In March, CHEO and Transgenomic Inc., a global biotechnology company based in Connecticut, announced they had settled a lawsuit challenging five gene patents owned by the company. The patents related to Long QT syndrome, a potentially deadly heart rhythm condition.

Under the [terms of the settlement](#), Transgenomic agreed to provide CHEO, located in Ottawa, and all other Canadian public sector hospitals and laboratories, the right to test Canadians for Long QT on a not-for-profit basis.”

<http://business.financialpost.com/legal-post/canadian-patent-settlement-sets-model-for-not-for-profit-gene-testing> (Julius Melnitzer)

# Seminars & conferences

**July 6 & 7, 2015**

## **Third Private Law Consortium**

**David Lametti, with Shauna van Praagh, Stephen Smith, Evan Fox-Decent and 12 colleagues**

The Consortium is a grouping of six international law faculties – McGill, Harvard, Penn, Bar Ilan, Trento and Oslo – which meets annually to exchange papers in a workshop format in a field loosely defined as private law. This year, with McGill as host, five IP papers were presented, some by very well-known scholars, and others by emerging ones!

**Abraham Bell & Gideon Parchomovsky**, “Aggregate Use Rights”

**Ole-Andreas Rognstad**, “The Thingness of Intellectual Property Revisited”

**Abraham Bell & Gideon Parchomovsky**, “Copyright Trust”

**Roberto Caso and Giulia Dore**, “Copyright as Monopoly: The Italian Fire under the Ashes”

**Janet Freilich**, “An Empirical Assessment of Patent Scope Enforcement”

Each year, one of the member schools hosts the workshop in which up to three participants from each school present written works and works in progress for intensive comment and discussion. The workshop format demands a great deal of engagement and preparation on the part of each participant, both in terms of preparing their own texts and reading and reflecting on the part of others, but it is exceptionally useful for the exchange of ideas and improvement of written work. (David Lametti)

McGill colleague Vincent Forray commented: “I would just like to add my voice to say how this group is inspiring. I presented a vague project last year at U-Penn. The questions and commentaries were so great that they help me to quickly achieve a paper. It is going to be published soon in *Les Cahiers de droit*. Longue vie au Consortium et à sa frange McGilloise! Thanks for making this possible!”

**September 1, 2015**

## **IP Masterclass**

**E. Richard Gold**

The CIPP started the 2015–2016 academic year early, with a masterclass offered by Professor Richard Gold on patent law and policy just before registration. This masterclass, open to all new undergraduate students, attracted so much interest that registrations had to be capped.

The Masterclass offered incoming students with a glimpse of the world of patents both from a technical and a socio-economic point of view. Assisted by his research team, Professor Gold delved into the ubiquity of intellectual property in our lives as well as some recent controversies in patent law such as the patenting of genes and an arbitration launched by Eli Lilly against patent law for supposed violations of international trade agreements.

The Masterclass was a unique opportunity for new law students to delve into an exciting area of the law and many have since continued to pursue an interest in intellectual property law.

Watch the class: <http://bcooltv.mcgill.ca/Viewer1/?rid=526cdb0c-00ca-4ff7-913c-61d27bb74ac5>



**7 octobre 2015**

**PI Masterclass: « Heures et malheurs » de l'harmonisation et droit européen de la propriété intellectuelle**

**Valérie-Laure Benabou, Mélanie Clément-Fontaine, et Célia Zolynski**



Pour cette master class organisée par le CPPI, Professeures Valérie-Laure Benabou, Mélanie Clément-Fontaine, et Célia Zolynski de l'Université de Versailles-Saint-Quentin-en-Yvelines et membres du laboratoire de recherche DANTE, sont venues à la Faculté pour partager leur expertise en propriété intellectuelle européenne. Elles ont parlé des enjeux de l'harmonisation de la propriété intellectuelle en Europe. Même s'il y a une harmonisation ostensible, les apparences sont parfois trompeuses. La construction européenne ressemble un peu à une construction fédérale et,

même si un domaine apparaît homogène, il y a des difficultés d'implémentation. Comme une étude de cas, nos invités sont présentés le triple test des accords ADPIC ou un seul test peut être interprété de façon différente dans divers pays. Nous sommes appris beaucoup de bénéfices et difficultés associées avec l'harmonisation de la propriété intellectuelle dans le contexte européenne et était très reconnaissante pour cette occasion de discuter la propriété intellectuelle européenne avec Professeures Benabou, Clément-Fontaine, et Zolynski.

**26 novembre 2015**

**CIPP & CRDP Seminar: Inflation législative**

**Professeure Mistrale Goudreau**

Le CPPI, avec le Regroupement de droit, changements et gouvernance et dans le cadre du Cycle de conférences 2015 sur les fonctions contemporaines du droit « Normes énormes », était très heureux d'accueillir Professeure Mistrale Goudreau, professeure titulaire à l'Université d'Ottawa—section de droit civil pour présenter une conférence intitulée « Inflation législative et droit d'auteur ». Professeure Goudreau nous a expliqué qu'il y a une inflation législative au Canada, particulièrement dans la loi sur le droit d'auteur, mais il n'y a aucune volonté politique de lutter contre l'inflation législative. La Loi sur le droit d'auteur, qui a commençait avec 36 pages, est maintenant plus que 150 et est la loi le plus difficile à lire dans les pays Commonwealth. Professeure Goudreau nous a expliqué que ceci est un phénomène nul récent, mais qui devienne de plus en plus un problème, car l'inflation législative est un frein à la croissance économique et le poids de la réglementation étatique est inefficace. En plus, la



loi perd de crédit où la loi ne reflète pas la réalité. Nous avons appris beaucoup du défi de l'inflation législative et des leçons à garder en tête quand nous pensons l'avenir de la Loi sur le droit d'auteur.

### **January 29, 2016 Colloquium**

#### **Understanding the TPP: IP Protection and Investment Protection**

**Keynote address: David Lametti**

**IP panel: P-E Moyse, E. Treppoz, E.R. Gold, T. Cottier, E. Judge**

**Investment panel: A. de Mestral, C-E Côté, R. Cadieux, M. Bungenberg**

**Closing remarks: Kirsten Hillman**



In February 2016, Minister of International Trade Chrystia Freeland signed the Trans-Pacific Partnership (TPP), a free trade agreement on which Canada's negotiators have been working for the last three and a half years. Canada now has two years to decide whether or not to ratify the treaty.

The TPP has been a hot topic in recent months and its content is highly controversial. The decision to either ratify the treaty or not will have far-reaching consequences across various sectors of the Canadian economy as several of our largest trading partners are also signatories. Two of its most important chapters cover intellectual property rights and foreign investment.

With a view to contributing to this important conversation, the Centre for Intellectual Property (CIPP), a research centre at the Faculty of Law, together with the Centre for International Governance Innovation (CIGI) organized a conference, attended by over 100 participants, to discuss these issues: "Understanding the TPP: IP Protection and Investment Protection." The conference was held at CEIM in Montreal's Quartier de l'Innovation.

Panelists and guests included David Lametti, Member of Parliament for LaSalle-Émard-Verdun and Parliamentary Secretary to the Minister of International Trade, and Kirsten Hillman, Canada's Chief Negotiator for the TPP and Acting Assistant Deputy Minister at Global Affairs Canada, both alumni of the McGill Faculty of Law. The panelists, practitioners and academics alike, hailed from Canada, Switzerland, and Germany, and discussed two chapters of the agreement specifically, but also expanded their inquiries to reflect on broader questions in public international law and governance.



**April 15, 2016**

**Regulating Innovation: Law and the Creative District workshop**

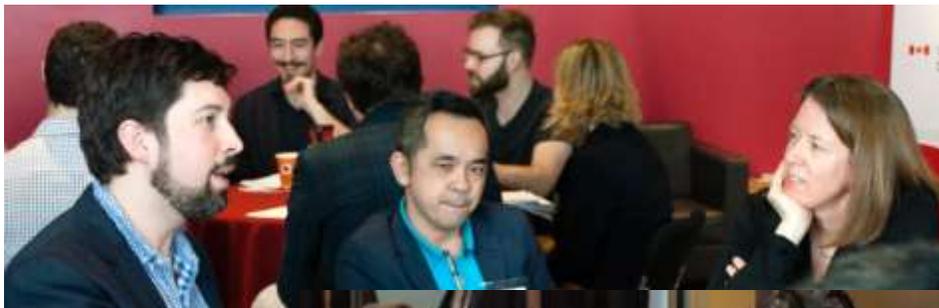
**Professors Pierre-Emmanuel Moyse and Allison Christians, Jacob Heyka (2L student and project leader), and a team of ten law student researchers**



Professors Pierre-Emmanuel Moyse and Allison Christians hosted a workshop as part of their SSHRC-funded research project “Regulating Innovation: Law and the Creative District” at the Centre d’entreprises et d’innovation de Montréal in the Quartier de l’innovation. They revealed the findings of their research so far to Montreal’s innovation community and organized discussions to test their hypotheses and gain new insights as they embark upon the next phase of the project.

The project investigates how tax and intellectual property law impact innovation in the film, video game, and aeronautics industries. The team have been researching and conducting interviews with stakeholders to learn more about how legal institutions affect innovation on the ground in various jurisdictions: Montreal, Silicon Valley, and Israel’s Silicon Wadi. The main hypotheses were that non-compete clauses (NCCs) have a chilling effect on innovation because they prevent the circulation of knowledge. On the tax side, research findings suggested that tax incentives are not necessarily the reason why innovators choose to locate in a particular jurisdiction; it seems that innovators are more attracted by other factors such as a capable workforce, quality of life, and access to a healthcare system. However, tax incentives are an additive to increasing the attractiveness of certain jurisdictions, namely Quebec.

The CIPP presented these hypotheses and then participants engaged in small group discussions with representatives from the industries on which the project concentrates. The event was a huge success



and the research team discovered several new avenues to pursue as the research continues. (Stacey Smydo / Jacob Heyka)

Above (l-r): Matthew Smith (Bombardier), Aryavuth Tan (Bombardier), Prof. Allison Christians (McGill, Law)

Right (l-r): Prof. Meg Graham (McGill, Management), Me Louis Dubé (DS Avocats), Prof. Vincent Gautrais (UdeM, Law)



# CIPP/Lallemand seminars

November 24, 2015

## CIPP/Lallemand Seminar: How Influential Are Your Professors? The Role of Academics in IP Politics

Professor Jean-Frédéric Morin

The CIPP was pleased to welcome Professor Jean-Frédéric Morin of the University of Montréal to share a presentation about the role of academics and other actors in IP politics. In particular, Professor Morin spoke about the attitudes towards intellectual property rights held by actors in various roles (academia, policy, and practice) and in various jurisdictions (developed and developing countries). In particular, he discussed these attitudes in relation to the “paradigm shift” in IP towards a less restrictive attitude towards the use of intellectual property. Professor Morin’s research has found that the attitudes of academics towards intellectual property rights do not vary significantly amongst those working in developed and developing countries. He did find, however, that one’s attitudes are highly influenced by one’s role in the system (i.e. whether one works with business, NGOs, or government.). With regards to academics, he found that their research generates uncertainty. They are generally not sure of the costs and benefits of protecting intellectual property rights. But Professor Morin explained the importance of this voice and this source of research to help other actors guide their decisions in light of the evidence that academics produce. We all learned a lot about the roles and attitudes of various actors working in the area of intellectual property policy.



7 décembre 2015

## CIPP/Lallemand Seminar: La protection des plantes

Me Julie Gauvreau

Me Julie Gauvreau, associée principale de Goudreau Gage Dubuc ici à Montréal, est venue nous parler de son travail concernant le droit et la protection des plantes. La Loi sur les obtentions végétales canadienne était récemment modernisée et Me Gauvreau nous a expliqué les modifications et leurs impacts potentiels. Les modifications s’agissait entre autres de l’harmoniser avec la convention internationale et ainsi les lois correspondantes d’autres pays, promouvoir l’innovation en agriculture et améliorer l’offre de nouvelles variétés de plantes au Canada.



Me Gauvreau nous a exposé à ce domaine de droit pas très bien connu, mais très important pour l'économie canadienne et a inspiré quelques de nos étudiants intéressés par le droit et la biologie à considérer la poursuite d'une carrière dans ce domaine.

**January 20, 2016**

**CIPP/Lallemand/McGill Arbitration Student Society Seminar: Intellectual Property Rights as Foreign Direct Investment: When Intellectual Property Crosses Borders: Dangers and Opportunities**

**Lukas Vanhonnaeker, DCL Candidate, McGill University**

The CIPP was pleased to partner with the McGill Arbitration Student Society to organize a seminar led by one of our own doctoral candidates, Lukas Vanhonnaeker. Lukas Vanhonnaeker mainly focuses on international trade law and international investment law, and, in this seminar, discussed their intersection with intellectual property law.

Mr. Vanhonnaeker structured his presentation around three questions. First, does intellectual property qualify as foreign direct investment? In his research, he has found that intellectual property rights must meet certain requirements in order to be qualified as investments. Second, how does increased investor protection enhance the dissemination of knowledge? In answering this question, Mr. Vanhonnaeker presented the tension between the need to protect investors and the need for developing countries to acquire and benefit from new technology. And third, how can we reach consistency across intellectual property rights at the bilateral and multilateral levels? To illustrate this problem, Mr. Vanhonnaeker presented the current cases of *Philip Morris* and *Eli Lilly*. He suggested that harmonization of intellectual property rights is desirable, but easier said than done!



**February 22, 2016**

**CIPP/Lallemand Seminar: Non-Traditional Trademarks Unplugged: Or Should Trademark Law Protect Aesthetic Product Features?**

**Professor Irene Calboli**

Professor Calboli came all the way from the Singapore Management University School of Law to talk to us about the challenges associated with non-traditional trademarks and whether the law should protect non-traditional distinguishing features such as shapes, scents, and sounds.



Professor Calboli argued that non-traditional trademarks are not themselves bad, but that they can be anti-competitive and create monopolies. Calboli argued that protecting non-traditional trademarks may result in a decrease in the number of competing products available and an increase in the cost of products in general. She says that they are not necessary because they will not prevent people from becoming confused—the purpose of trademark law—but rather, are another form of IP protection for rights holders.

Professor Calboli’s presentation was attended by a great many of our undergraduate students, all of whom were enthralled and inspired by her presentation.

**March 17, 2016**

**CIPP/Lallemand Seminar: Beyond IP: The Cost of Free Informational Capitalism in a Post IP Era**

**Professor Guy Pessach**

“Nothing is free.” This was the central message of our final CIPP/Lallemand Seminar of the year, presented by Professor Guy Pessach of Hebrew University Faculty of Law. Professor Pessach presented his paper “Beyond IP: The Cost of Free Informational Capitalism in a Post IP Era.” He questioned the assumption that this “post IP” era is necessarily better for innovation, particularly given the costs associated with the move towards “free” and open access information which has provided a new set of challenges to which we need to respond. He argues that this movement has shifted revenues to advertisements and personal information associated with the circulation of free works and that returning to an IP-centred regime would shift the sources of revenues and incentives back to the source of content. Essentially, he says that we need to begin to criticize our own critique of intellectual property rights.



Professor Pessach’s talk inspired a fascinating discussion among the academics, practitioners, and students in attendance and was a resounding success.

All seminar summaries above written by Stacey Smydo unless otherwise indicated.

# Publications

## **Monthly Newsletter**

Our *CIPP Newsletter*, authored by graduate Jeff John Roberts, is considered one of the premier publications in our field; with over two thousand subscribers worldwide, the *Newsletter* fosters a global conversation about new ways to understand the ever-evolving world of innovation.

## **Current and Recent Publications: Articles and Contributions**

### **2015**

Moyse, Pierre-Emmanuel, « La propriété », (2015) McGill Companion, <http://www.mcgill.ca/companion/>

Moyse, Pierre-Emmanuel, « From importation to digital exhaustion: a Canadian copyright perspective », (2015) in I. Calboli, (dir.), *Trademark Protection and Territoriality Challenges in the Global Economy*, Edgar Edgar.

Moyse, Pierre-Emmanuel, « Le droit des utilisateurs au Canada Juris », (2015) 25 *Juris*, Art. Etc. 30-33

De Beer, Jeremy, E. Richard Gold & Mauricio Guaragna, « Intellectual Property Management: Policy Issues and Options » (2015)

Gold, E. Richard, “Pluralist Property: The Interaction of Legal and Social Norms” (2015)

Rivoire, Maxence and E. Richard Gold, “Propriété intellectuelle, Cour Suprême du Canada et droit civil” (2015) 60:3 *Revue de Droit de McGill*, 381-430.

### **2014**

Grant, Emily, Megan Van den Hof and E. Richard Gold, “Patent landscape analysis: A methodology in need of harmonized standards of disclosure” (2014) 39 *World Patent Information*, 3-10.

Gold, E. Richard and Michael Shortt, “The Promise of the Patent in Canada and Around the World” (2014) 30:1 *Canadian Intellectual Property Review*, 35-77.

Morin, Jean-Frédéric and E. Richard Gold, “An Integrated Model of Legal Transplantation: The Diffusion of Intellectual Property Law in Developing Countries” (2014) 58 *International Studies Quarterly* 781-79

Moyse, Pierre-Emmanuel. “Abus et propriété intellectuelle ou du bon usage des droits” in Teresa Scassa, Mistrale Goudreau, Madelaine Saginur, B Courtney Doagoo, eds, *Intellectual Property for the 21st Century: Multidisciplinary Perspectives on Intellectual Property Law* (Toronto: Irwin Law, 2014).

Moyse, Pierre-Emmanuel. « Abus et propriété intellectuelle ou du bon usage des droits », dans Teresa Scassa, Mistrale Goudreau, Madelaine Saginur, B. Courtney Doagoo, eds, *Intellectual Property for the 21st Century: Multidisciplinary Perspectives on Intellectual Property Law*, Irwin Law, 2014.

Piper, Tina. “Putting Copyright in its Place” (2014) *Canadian Journal of Law and Society*.

Piper, Tina. “How War Creates Commons: General McNaughton and the National Research Council, 1914-1939” in Brett Frischmann, Michael Madison and Katherine J. Strandburg, eds., *Cultural Commons* (Oxford: Oxford University Press, 2014).

### **2013**

Gold, Richard, Robert Cook-Deegan & Tania Bubela. “AMP v Myriad: A Surgical Strike Against Blockbuster Business Models” (2013) 5(192) *Science Translational Medicine* 1.

Gold, Richard. “Patents and Human Rights: A Heterodox Analysis” (2013) 41:1 *J of Law, Medicine & Ethics* 185.

- Gold, Richard, Tania Bubela, Gregory D Graff, Daniel R Cahoy, Dianne Nicol, & David Castle. "Patent Landscaping for Life Sciences Innovation: Toward Consistent & Transparent Practices"(2013) 31 *Nature Biotechnology* 202.
- Gold, Richard & Dianne Nicol. "Beyond Open Source: Patents, Biobanks and Sharing" in Giovanni Pascuzzi, Umberto Izzo & Matteo Macilotti, eds, *Comparative Issues in the Governance of Research Biobanks* (New York: Springer, 2013) 191.
- Lametti, David. "Laying Bare an Ethical Thread: From IP to Property to Private Law?" in S Balganesch, ed, *Intellectual Property and the Common Law* (Cambridge: Cambridge University Press, 2013) 353.
- Lametti, David. "The Concept of the Anticommons: Useful, or Ubiquitous and Unnecessary?" in H Howe & J Griffiths, eds, *Concepts of Property in Intellectual Property Law* (Cambridge: Cambridge University Press, 2013) 232.
- Moyse, Pierre-Emmanuel & Francis Lord, "Principes et justifications de la propriété intellectuelle" Fascicule 1 du *Jurisclasseur Québec: Propriété Intellectuelle* (Montréal: LexisNexis, 2013).
- Moyse, Pierre-Emmanuel. "Droits moraux", Fascicule 7 du *Jurisclasseur Québec: Propriété Intellectuelle* (Montréal: LexisNexis, 2013).

## ***Publications in Progress***

### ***Competition & Innovation 5: Le Droit et la Machine***

Les Éditions Thémis  
2017 (anticipated)

The *Competition and Innovation Series* aims to explore the law as an object and factor of innovation. This collaborative work assembles experts and scholars from various disciplines, who have presented at McGill University's half-day colloquia, organized by the Centre for Intellectual Property and Policy (CIPP) under the eponymous cycle, inaugurated in 2007. This publication also provides an opportunity to republish works that, due to their quality and originality, deserve to be disseminated to a wider and new audience. This collection of essays devises the contours of the law of tomorrow and displays the names of exceptional legal minds. (Les Éditions Thémis)

## **Current and Recent Grants**

### **Montreal Neurological Institute Open Science Project**

**E.R. Gold, Principal Investigator, 2015**

**\$20 000 CDN**

#### **Montreal Neurological Institute**

We investigate the meaning of open science to researchers and students working at the Montreal Neurological Institute, their concerns over the effect of open science on their work and propose principles to advance open science within the context of the Institute.

### **BIOSMART: Managing the Transition to a "Smart" Bioeconomy**

**E.R. Gold, Partner, 2015**

**39 960 000 NOK**

#### **The Research Council of Norway**

BIOSMART promotes a "smart" transition by conducting a major foresighting exercise on stakeholders in the bioeconomy. An initial extensive foresighting process will cover 1500 businesses from the farming, forestry, fisheries, bio-science, and industry sectors to develop separate industry scenarios of bioeconomic development.

### **An Intellectual Property Index: Creating a Firm Foundation for Transdisciplinary Study, Policy-Making and Business Strategy**

**E.R. Gold, Principal Investigator, 2013, 4 years**

**\$139 980 CDN**

#### **Social Sciences and Humanities Research Council, Insight Grant**

This project brings together a multidisciplinary team to construct and validate an index of intellectual property rights protection around the world.

### **PACE - 'Omics: Personalized, Accessible, Cost-Effective Applications of 'Omics Technologies**

**E.R. Gold, Co-Investigator and Co-Lead of Intellectual Property Theme, grant co-PIs, Chris McCabe & Tania Bubela, 2013, 4 years**

**\$4 502 080 CDN**

#### **Genome Alberta and Genome Quebec**

This multi-disciplinary team investigates how best to connect those who innovate in respect of personalized medicine with those who conduct technology assessment. Prof. Gold's role on the grant is to investigate innovation systems, intellectual property and to lead knowledge translation activities.

### **Un nouveau régime de propriété pour les biens numériques**

**P.-E. Moyse, Principal Investigator, 2014, 1.5 years**

**\$14 572 CDN**

#### **Chambre des Notaires du Québec**

Notre projet a pour ambition d'examiner dans quelle mesure la reconnaissance d'une propriété virtuelle affecte le régime du droit des biens, qu'il s'agisse du commerce des biens numériques ou de succession. qu'advient-il des fichiers informatiques du *de cuius*? La question est d'une grande actualité au point où en 2012 un député français avait saisi l'Assemblée Nationale afin de préciser "la valeur juridique de ces informations [les données personnelles], tant auprès de la famille du défunt et de ses ayants droit, que des autres internautes et des gestionnaires des données".

### **Regulating Innovation: Law and the Creative District**

**A. Christians, Principal Investigator; P.-E. Moyse, Co-Investigator; 2014, 3 years**

**\$56 000 CDN**

#### **Social Sciences and Humanities Research Council, Insight Grant**

This project investigates how legal institutions affect innovation in our newly globalized era and draws on well-documented innovative districts in Montreal and Silicon Valley to assess the role law plays in the promotion or hindrance of innovation. Our main focus is how such state regulation affects innovation.

# Works in progress

## ***Grants in Progress***

### ***La propriété intellectuelle dans les accords TPP-CETA : les portes de l'Amérique et de l'Europe***

ANR-FRQSC Appel à projets franco-québécois en sciences humaines et sociales

Pierre-Emmanuel Moyse, application December 2015

Outcome: Under review

### ***International Fiscal Association General Report on "BEPS, where are we now?"***

Foundation for Legal Research Grant

Allison Christians, application January 2016

Outcome: Unsuccessful

### ***Obsolescence : le droit des res inertia***

SSHRC Insight Development Grant

Pierre-Emmanuel Moyse, application January 2016

Outcome: Under review

### ***Power and the Intellectual Property of Professions***

SSHRC Insight Development Grant

Tina Piper, application January 2016

Outcome: Under review

### **The Healthy Brains for Healthy Lives (HBHL) initiative is an interdisciplinary program built on McGill's scientific excellence and global leadership in areas of neuroscience that hold the greatest promise for delivering implementable, clinically effective outcomes in brain and mental health.**

Canada First Research Excellence Fund

E. Richard Gold, contributor, April 2016

Outcome: Under review

### **Project title: *Genomics and personalized health Ge3LS Network***

Genome Canada

E. Richard Gold, application May 2016

**Outcome: Funded** (grant value \$1,996,945; Prof. Gold's share approximately \$300,000)

# Collaborators & sponsors

We sincerely thank our collaborators and sponsors for their engagement and support in 2015-2016. We value and invite such partnerships and welcome collaborations to help keep our network strong, our community diverse, and our ideas relevant and innovative.



**Centre for International Governance Innovation (CIGI)**

We are excited that our first collaboration with CIGI as a partner and principal sponsor of the Understanding the TPP conference on January 29 was such a success, and hope our passions for innovation will lead us to further collaborations!

<https://www.cigionline.org/>

---



**DS Avocats**

Long-time supporters of the CIPP, Patrick Goudreau and Louis Dubé of DS Avocats Canada, generously co-sponsored the Understanding the TPP colloquium on January 29.

<https://www.dsavocats.com>

---



**MANN SYMONS LLP Fraser Mann**

2015-2016 is our first collaboration with Fraser Mann of Mann Symons LLP who is sponsoring the work of an exceptional Research Assistant (IP enthusiast/future specialist!) at the CIPP.

<http://www.mannsymons.com/our-team/fraser-mann/>; <http://www.mannsymons.com/>

---



**Innovation, Science and Economic Development Canada / Canadian Heritage**

Specialists from Innovation, Science and Economic Development Canada and Canadian Heritage were co-teachers in Professor Moyses's IP Policy in the Making seminar course in Fall 2015.

<https://www.ic.gc.ca/>; <http://www.pch.gc.ca/eng/1266037002102/1265993639778>

---

## **Jean Monnet Chair in in the Law of International Economic Integration at McGill:**

Chair and McGill Professor Emeritus Armand de Mestral and the CIPP collaborated to great effect on the organization of the Understanding the TPP conference on January 29. The Chair was also a co-sponsor of the conference.

<https://www.mcgill.ca/law/about/profs/de-mestral-armand>



Now in its third year, our collaboration with Lallemand, a global leader in the research and development of yeast and bacteria, has proven a great success. Lallemand sponsor the CIPP seminar series.

2015-2016 Lallemand Speakers:

Jean-Fédéric Morin, Julie Gauvreau, Lukas Vanhonnaeker, Irene Calboli, Guy Pessach

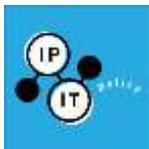
<http://www.lallemand.com/>



### McGill Arbitration Student Society (MASS)

MASS were a collaborator and co-sponsor of Lukas Vanhonnaeker's January 20 seminar on IP Rights as Direct Foreign Investment and the networking cocktail following the seminar. We are pleased the intersections between our work brought us together and hope they will again.

<http://www.arbitrationsociety.ca/>



### McGill Intellectual Property & Information Technology student club (IPITPol)

A close collaborator of the CIPP since their inception, this year IPITPol organized a coffeehouse for students in Fall 2015. Several of their members are also research assistants working with the CIPP on various CIPP projects throughout the year.

<https://ipitpol.wordpress.com/>



### Quartier de l'innovation (QI) / Centre d'entreprises et d'innovation de Montreal (CEIM):

Jointly founded in 2013 by École de technologie supérieure (ÉTS) and McGill University, the Quartier de l'innovation (QI) is an innovation ecosystem in the heart of Montreal. The success of CIPP's first venture to the QI and the CEIM (TPP conference, January 29) encouraged our prompt return on April 15 for the SSHRC-funded Regulating Innovation research workshop.

<https://www.mcgill.ca/qi/quartier-de-linnovation-qi> <http://www.ceim.org/en/>



### Regroupement Droit, changements et gouvernance (RDCG), CRDP; openUM; & la Chaire LR Wilson

Le RDGC est un regroupement stratégique FRQSC liée au Centre de recherche en droit public (CRDP) de l'Université de Montréal. Le CIPP et le RDGC organisent certains événements en collaboration.

[www.rdcg.org](http://www.rdcg.org) | [www.crdp.umontreal.ca](http://www.crdp.umontreal.ca)

La Chaire L.R. Wilson et son équipe ont généreusement collaboré avec le CIPP sur le développement de notre nouveau site internet sur la plateforme OpenUM.ca.

[www.chairelrwilson.ca/en/](http://www.chairelrwilson.ca/en/) | <http://openum.ca>



# Graduate education & training

The CIPP provides graduate education and post-doctoral training at McGill. These students and fellows are provided with leadership roles in conducting research, applying for grants and supervising student learning. Students are encouraged to present their research at CIPP organised workshops, publish book chapters in CIPP-edited books and to present CIPP research at national and international conferences.

**Priscilla Maria Dias Guimarães César, DCL candidate** (Dir: Prof. Richard Gold)

***Thesis: “Bio-knowledge governance: The role of emerging economy states in complex intellectual property and innovation systems”***



Priscilla is a Brazilian lawyer and researcher. She holds a Masters degree in International and Comparative Law (2011) and a law degree (2005) from the University of São Paulo Faculty of Law (USP) in Brazil and a degree certificate in Industrial Property from the University of Buenos Aires, Argentina (2007). She is also a graduate student fellow at the Centre for International Governance Innovation (CIGI), in Waterloo, Ontario (2015–2016) and has been working as an online tutor at the World Intellectual Property Organization (WIPO) Academy’s Distance Learning Course since 2013.

Her research explores new approaches to intellectual property rights (IPRs) and innovation systems regulation and governance applied to health-related biotechnology research and development.

**Kent Nnadozie, DCL candidate** (Dir: Prof. Richard Gold)

***Thesis: “International governance of plant genetic resources and International Relations Theory: Trans-disciplinary perspectives on the international legal system”***



Currently a Senior Treaty Officer with the Food and Agriculture Organization of the United Nations, at the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (PGRFA), Kent’s research explores how International Relations theory can contribute to the understanding of the international context in which international law and rules are made in the field of PGRFA and the nexus with intellectual property rights; the drivers, processes and outcomes; and how the principal actors interact.

**Palmira Granados Moreno, DCL candidate** (Dir: Prof. Richard Gold)

***Thesis: “Patents and genetic information. Is this a convenient combination? The case of Mexican indigenous peoples”***



Palmira Granados is a Mexican lawyer specialized in intellectual property. She obtained her law degree from la Escuela Libre de Derecho in Mexico and her LL.M from the Faculty of Law at the University of Toronto.

Palmira specializes in the interplay of intellectual property and information and biotechnological technologies. Her doctoral research focuses on the intersection of intellectual property, ethics, human genetic information, and indigenous peoples. Palmira currently works at the Centre for Genomics and Policy focusing on the ethical and legal aspects of research and development involving human genetic information, including intellectual property.

**Francis Lord, DCL candidate** (Dir: Prof. Pierre-Emmanuel Moyse)

**Thesis: “*The Legal Interpretation of Technology*”**



Francis Lord holds an LL.M from Université Laval, and an MSc in Science and Technology Policy and Management from the University of Edinburgh. He will submit his thesis, *The Legal Interpretation of Technology*, in the present academic year. His work examines assumptions jurists share about technology.

*The Legal Interpretation of Technology* draws on technology studies and literary theory to argue that legal agents construct the meaning of technology—what technologies are and what they can do. Francis contends that some of the greatest challenges technology presents to law flow from legal practice, rather than from the technologies themselves. He further supports his thesis with studies of how jurists, through copyright law, formulated the properties and capacities of a familiar technology: the book.

**Alexander Ezenagu, DCL candidate** (Dir: Prof. Allison Christians)

**Thesis topic: *The socio-legal and economic impacts of tax treaties on developing countries from a normative perspective.***



Alexander holds a Master of Laws degree (LL.M) from the University of Cambridge, and is a member of the Nigeria Bar Association. He is interested in the intersection of taxation, development, and cooperation among nations.

Alexander’s research analyzes the socio-legal and economic impacts of tax treaties on developing countries from a normative perspective. He is engaged in the critical comparative study of the OECD and UN approaches to model tax conventions and standards with a view to understanding the shifting attitude toward the taxation of income by source states, and the implications of this shift for developing countries, especially in today’s digital world. Alexander is a Rathlyn fellow.

**Lukas Vanhonnaeker, DCL candidate** (Dir: Prof. Andrea Bjorklund)

**Thesis topic: *International investment law, investor-state arbitration and international corporate law.***



Lukas completed his bilingual (French/English) bachelor’s degree in law at the Facultés Universitaires Saint-Louis (Brussels, Belgium) in 2010, and received his law degree (cum laude) from the Catholic University of Louvain, Belgium in 2012. He received a LL.M. in international business law from the Free University of Brussels, Belgium in 2013 (magna cum laude) and an LL.M. from McGill University in 2014, where he specialised in the fields of international trade law and international investment law.

Mr. Vanhonnaeker mainly focuses on international trade law and international investment law and had the opportunity to study corporate and IP law, which leads him to write on topics characterized by the intersection of these different legal fields.

# Innovation in teaching & learning

**September–December 2015**

**Research Seminar: IP Policy in the Making**

**Professor Pierre-Emmanuel Moyse**

In collaboration with Innovation, Science and Economic Development Canada and Canadian Heritage, the CIPP organized a research seminar open to undergraduate students at the Faculty. Students worked in pairs to prepare a policy report on one of three questions proposed by Innovation, Science and Economic Development Canada and to present their proposals to a panel of experts in Ottawa including a Member of Parliament, an Assistant Deputy Minister from Canadian Heritage, the Vice Chairman of the Copyright Board, and a professor specialized in copyright law. Reports and presentations were given on three topics: collective licensing, protection for creators, and sovereign patent funds. All of their presentations were very well received by our audience in Ottawa and our students also greatly enjoyed the experience. This course was a unique opportunity for students to become involved in public policy thinking and all were challenged and learned a lot about the policy process in addition to delving into a specific aspect of intellectual property policy.



**2015-2016**

**McGill Think Ahead**

**Co-organizers: Pierre-Emmanuel Moyse and Véronique Bélanger**

**Law, Technology, and Disruption**

**October 20, 2015**

**Professor Vincent Gautrais, Me Marcel Naud, Professor David Fewer**

We usually describe the relationship between law and technology by referring to “law lags”. Law is past-dependant and technology has no set agenda. The latter comes to impose *de facto* its law. So, does law really fail to meet technological advances?

**Caught in the Web**

**November 17, 2015**

**Me Éloïse Gratton, Professor Alexandra Bensamoun, Professor Shauna Van Praagh, Ms. Alyssa Wiseman**

The information society has turned into a supranational knowledge society and digital economy. No discipline can claim a monopoly on regulating its unbridled development. Can law still play its fundamental role of protection of individuals?

**Digital Patrimony**

**January 19, 2016**

**Me André J. Barette, Mlle Miriam Clouthier, Professor Nicolas Vermeys**

Has law fully taken account of the effects of the digital revolution on its key concepts, including the concept of “property”? Incorporeal property exists in law, but the concept is not well developed. Dematerialization of patrimony means that the civil law needs to address virtual property.

### **Innovation and Intellectual Property**

**February 23, 2016**

**Professor Pierre-Emmanuel Moyse, Professor Richard Gold, Professor Irene Calboli**

Montreal is a creative hub for innovators (in certain industries at least) and Canada is investing seriously in innovation. How does law help and hinder innovation? What are the successes and obstacles of Canadian innovation policy and the regulation of creative industries? What’s happening in 3D printing?

### **Modern Warfare**

**March 22, 2016**

**Professor Frédéric Mégret, Dr. Tanya Krupiy, Dr. Cassandra Steer, Eric Ward**

New technologies, including drones, automated weapon systems and cyberwarfare, have revolutionized military capabilities on the battlefield. How does the international law of armed conflicts respond to the legal and ethical challenges posted by such technologies?



### **Innovation Incubator session**

**April 13, 2016**

**Co-organizers: Pierre-Emmanuel Moyse and Allison Christians**

**Student project leader: Jacob Heyka**

In preparation for the April 15 *Regulating Innovation: Law and the Creative District* workshop at the CEIM, 2L student Jacob Heyka lead a team of ten student researchers in an “incubator session” to share team findings, prepare all students to lead a discussion table at the workshop, and be sure everyone was well-informed about the major points of the project. The team also selected questions to be asked at the workshop two days later.

Using the language and some techniques of innovators and the research base the students worked on over the course of the year, the student researchers used this incubator session to develop the upcoming workshop where the research findings would be formally presented and discussed with stakeholders in the three key industries of interest: aeronautics, film, and video games. Students again took the lead at the April 15 workshop, with six students leading discussion tables at which the stakeholders lent valuable insight on their experiences in their respective industries. The students gained much from guiding these technical conversations: encountering first-hand the intersection of research and the cutting edge, building their professional networks, advancing the research of the CIPP and Stikeman Chair in Tax Law.

This student-led research project, the incubator session, and the workshop were all done under the guidance and with the support and vision of Professors Moyse and Christians, who gave the group of law students full ownership of the event, allowing them to excel in their areas of interest, which they did!



# Looking ahead

The CIPP is looking ahead to new initiatives, new courses, new collaborators, and most importantly, new ideas. We are excited about the following projects being planned for 2016-2017.

## **Fall 2016: Joint course and research workshop, McGill Law School and Hebrew University Law School The Cost of Innovation – An Inquiry beyond Contemporary Views**

The interface of law and innovation is regularly framed in a technological context. The scholarly discussion in this area largely concentrates on the appropriate legal means to incentivize technological progress and on the impact of new technologies on extant legal rules, mostly in the field of intellectual property. Conversely, the social side of innovation is often absent from legal discourse. Yet, innovation is both affecting and being affected by various social dynamics. For example, different social conditions can spur or discourage different types of innovation; social perceptions of what constitutes successful innovation may direct innovators in unexpected ways. Likewise, social interactions play a crucial role in the diffusion of certain innovations, while these interactions themselves are impacted or changed by certain innovations.

## **Fall 2016: New academic program in innovation law and policy Innovation @ McGill Law**

This new program and strategy aims to bring teaching and experiential learning in innovation to a new level at the faculty. The strategy involves a multi-initiative plan: A new Innovation 200 or 300 level course offered to undergraduate law students and open to all (Dir. Prof. R. Gold); Intellectual and Industrial Property will continue to be offered as a 3-credit course available only to law students. Eventually, the Innovation course will be made a prerequisite for IIP; a graduate course (500 or 600 level) open to undergraduate law students on Innovation in Action (Dir. Prof. P.-E. Moyses); an experiential learning component will also be included, and potentially Focus Weeks or Summer courses; complementary courses on legal history, communications, etc. will provide students the opportunity to explore different areas of business, society, and culture to help broaden their perspective on areas directly affected by innovation.

## **Winter 2017: New proposed legal clinic on IP and innovation Proposed 'entrepreneurship and innovation' legal clinic at the CEIM in the Quartier de l'innovation**

Housed at the CEIM, a home and hub in Griffintown (downtown Montreal) for young entrepreneurs and start-up businesses, the clinic will, under the supervision of lawyers from the CIPP team, provide this local community of innovators with timely support and helpful documentation as they learn to navigate the legal complexities of starting a small business in Montreal. The clinic will also provide law students interested in innovation and IP with an opportunity for experiential learning and network-building as they refer cases forward to law firms specializing in intellectual property. A win-win-win!



**McGill University  
Faculty of Law  
3644 Peel Street  
Montreal, QC H3A 1W9  
[www.cippmcgill.ca](http://www.cippmcgill.ca)**

Pierre-Emmanuel Moyses, Prof. [pierre-emmanuel.moyse@mcgill.ca](mailto:pierre-emmanuel.moyse@mcgill.ca)  
Richard Gold, Prof. [richard.gold2@mcgill.ca](mailto:richard.gold2@mcgill.ca)  
Allison Christians, Prof. [allison.christians@mcgill.ca](mailto:allison.christians@mcgill.ca)  
David Lametti, Prof. [david.lametti@mcgill.ca](mailto:david.lametti@mcgill.ca)  
Tina Piper, Prof. [tina.piper@mcgill.ca](mailto:tina.piper@mcgill.ca)  
Sarah Ali-Khan, Dr. [sarah.ali-khan@mcgill.ca](mailto:sarah.ali-khan@mcgill.ca)

**The report covers the period May 1, 2015 to April 30, 2016.**  
Report designed and compiled by Sharon Webb.

# CIPP 2015-2016

## Propelling Innovation and Competition McGill's Centre for Intellectual Property