

CIPP ANNUAL REPORT 2017-2018





McGill



CENTRE FOR INTELLECTUAL
PROPERTY POLICY

CENTRE DES POLITIQUES EN
PROPRIÉTÉ INTELLECTUELLE

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2017-2018

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A word from the Director

Since 2003, the Centre for Intellectual Property Policy has been home to IP enthusiasts, students, teachers, researchers, innovators, practitioners, and policy makers. The Centre is committed to providing students with enriched learning opportunities, and to pursuing a full and rigorous research program.

The CIPP is behind the innovative teaching experiment “IP Policy in The Making”, created in collaboration with Canadian Heritage. The objective of the course is to provide students with an opportunity to gain experience in public policy analysis, drafting and briefing. After a successful test-run in 2015, the course was expanded in 2018 and four sister Canadian universities agreed to join: Université de Montréal, University of Ottawa, University of Toronto, and York University (Osgoode Hall). The course culminated in a “Grand Oral” that took place in Ottawa in March 2018. The teams defended the Memorandum to cabinet that they had prepared and explained to federal policy makers how the *Copyright Act* should be reformed. The students had a captive audience, as the policy makers to whom they presented are working on the quinquennial copyright reform.

Le Centre a identifié quatre grands objets d'étude pour l'année à venir : les politiques d'innovation, le droit de la nourriture et des appellations géographiques, l'obsolescence programmée ainsi que le droit des arts. Les deux premiers sujets sont la continuité des recherches effectuées les années passées. À ce titre, début 2018, le Centre a organisé une Semaine de l'innovation ainsi qu'un colloque d'une demi-journée sur la protection du cidre de glace. Deux nouveaux cycles de recherches sur l'obsolescence programmée – grâce à l'obtention récente d'une bourse du Conseil de recherches en sciences humaines du Canada – ainsi que le droit des arts s'ajouteront au programme du Centre à partir de l'an prochain.

CIPP is a place to think but also to act. Our work is widely disseminated through conferences, seminars, ideas, reports and amici briefs. We also contribute by bringing independent views on sophisticated issues and engaging in discussions at the metropolitan, provincial, federal and international levels. We believe that our work matters for society and for the future leaders that we are privileged to have among us in our classrooms and research teams at McGill.

We are imaginative, curious and independent. Our voices are informed, respected, and undaunted. We are engaged, connected, and thoroughly grounded in the intersection of our work with the greater good.

Pierre-Emmanuel Moyses, May 2018

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 act as a nexus between academic researchers, policymakers, critics, practitioners, the business community, and the general public on IP issues.

Our vision is to advance research and shape IP and innovation policy and systems at McGill and to bring our expertise to bear, when possible, on issues at the local, provincial, and national levels. The CIPP is a home for interdisciplinary research into the impact of IP policies and rules on creativity and innovation in several jurisdictions. We not only examine if and how IP regimes contribute to broad social goals such as increased health, cultural development, access to information, and economic growth, but also how cosmopolitan lawyers can effectively navigate a complex international IP environment. Our work informs how we teach IP law and innovation systems to undergraduate and graduate students, and the way we actively disseminate our new knowledge and findings to multiple local and global communities and stakeholders.

Core team



Pierre-Emmanuel Moyses

Associate Professor, Faculty of Law

Director, Centre for Intellectual Property Policy

Pierre-Emmanuel Moyses 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. Since 2014, he has taught his new course “The Laws of Innovation” in various venues including the Buchmann Faculty of Law at the University of Tel Aviv and the Facoltà di Giurisprudenza at the

University of Trento. He is currently researching the social and legal costs of innovation, the interrelation between tax and IP, and the idea of terroir in the law.

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

Publications: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1206249

Latest research

- Geographical indications
- Regulating innovation
- Programmed obsolescence
- Digital patrimony
- Terroir and food law



E. Richard Gold

Associate Dean (Graduate Studies); 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 innovation and intellectual property, both at a national and international level. While much of his research focuses on the life sciences, his work crosses sectoral boundaries. He is currently heading a large international project examining the role of Open Science in both accelerating research and innovation in 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

Latest research (R. Gold)

- Patents, property and innovation policy
- Intellectual property and development
- Brings patent expertise to courts, government, and international organizations
- Named Senior Fellow at the Centre for International Governance Innovation



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

Latest research

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



Tina Piper

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

Latest research (T. Piper)

- Intellectual Property in its Place: Creative Labour and the Everyday
- Emerging Health Researchers and the Commercialization of Academic Science



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).

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 student team



What would the CIPP be without our exceptional student researchers, assistants, and coordinators? Our sincere thanks to all for a great year!

CIPP student team (left to right): Priscilla Dias Guimarães César, Cédric Mulcair, PE Moyse, François Le Moine, Daniel Goldenbaum, Valentina Cean. Missing: Éléna Sophie Drouin, Jessica Cytryn, Eda Uludere, Nicole Thompson, Pierre-Luc Purtell, Sharon Webb.

Visitors to the Centre

It is our great privilege to host visitors in residence at the CIPP who bring significant intellectual dynamism to our small team, to the faculty, and to our extended CIPP community. In 2017-2018, we hosted two visitors: Asa Kling, Professor of Practice, who taught an intensive patent course during Innovation Week and offered a keynote address at the IP and Tax Colloquium on Feb 22, 2018; and Marta Breschi, Graduate Research Trainee, who worked in collaboration with Professor Moyses, and participated in conferences and seminars during her stay.



Asa Kling

Professor of Practice, Spring 2018
Former Director, Israel Patent Office

Asa Kling is a high-profile public servant and was until recently the Director of the Israel Patent Office. He is the CIPP's 2017-2018 Professor of Practice. Asa Kling led several reforms in the Israel Patent Office promoting transparency and reducing bureaucracy while enhancing international collaborations. Asa Kling's professorial visit to McGill University was made possible by the generous support of the Consulate General of Israel in Montreal.

Marta Breschi

Graduate Research Trainee, Spring 2018
University of Trento

Marta Breschi obtained her law degree (cum laude) from the University of Modena, Italy in 2015. She is a PhD Candidate on Comparative and European Legal Studies at University of Law in Trento (Italy), from 2015. Her Doctoral Research focuses on Mega-Regional Trade Agreements and their implications on Copyright Law and Personal Data Protection, through a comparative legal perspective. She further supports her thesis through the "Law and Technology" approach: exploring the relationship between the law and technology, we are able to better understand the transatlantic phenomenon.



Asa Kling, CIPP Professor of Practice, Konstantinos Georgaras, Director General, CIPO, and Richard Gold held a roundtable on international innovation and patent strategy as part of CIPP's Innovation Week held during the faculty's Focus Week in February 2018.

“La Transformation du cidre au Québec – Perspective écosystémique”

Book launch, Tourism office of Montérégie (May 16, 2017)

<http://www.cippmcgill.ca/news/2017/05/16/book-launch-la-transformation-du-cidre-au-quebec-perspective-ecosystemique/>

“La transformation du cidre au Québec’ remporte un Prix GOURMAND AWARDS!”

<http://www.cippmcgill.ca/news/2017/12/20/la-transformation-du-cidre-au-quebec-remporte-un-prix-gourmand-awards/>

Pierre-Emmanuel Moyse



The book is a collective work providing a multidisciplinary study of cider in Québec on six themes: (1) history, actors, and trends; (2) the quality of cider; (3) ice cider and its microbiological, sensorial, and distinguishing elements; (4) history and market positioning of ice cider; (5) the legislative framework, governance and protected geographical indication of “Québec ice cider”; (6) entrepreneurial, managerial, and strategic aspects of the cider industry. The fifth section features a chapter co-authored by CIPP director Pierre-Emmanuel Moyse and former CIPP research assistant Claudette van Zyl, entitled “Le cadre juridique du cidre de glace au Québec”.

“Canada is placing bets on ‘open science’ to drive innovation”

Barrie McKenna, Globe and Mail (June 25, 2017)

<https://www.theglobeandmail.com/report-on-business/rob-commentary/canada-is-placing-bets-on-open-science-to-drive-innovation/article35459425/>

“How Canada can lead the world in innovating innovation”

Globe and Mail, (November 17, 2017)

<http://publications.mcgill.ca/droit/2017/11/01/nouvelles-de-la-faculte/>

E. Richard Gold

“The “Neuro”, as the institute is known, hopes its six-month-old open-science experiment will attract more private venture capital, create jobs and lure companies back to the city’s shrunken medical-research sector. The institute is in the midst of drawing up “measurable indicators” to track whether its groundbreaking approach to research and development is delivering on the promise, said Richard Gold, a professor of law and human genetics at McGill, who is leading the evaluation. [open science initiative](#)”

“SCC revamps patent utility standard by scrapping ‘promise doctrine’”

Cristin Schmitz, Lawyers’ Daily (June 30, 2017)

<https://www.thelawyersdaily.ca/ip/articles/4111>

“‘Bombshell’ Canadian Patent Ruling Seen Favoring Foreign Companies”

Josh Wingrove, Bloomberg (June 30, 2017)

<https://www.bloomberg.com/news/articles/2017-06-30/canada-bombshell-patent-ruling-seen-favoring-foreign-companies>

“Supreme Court harms Canada’s innovation policy stand ahead of NAFTA negotiations”

Globe and Mail (July 2, 2017)

<https://www.theglobeandmail.com/report-on-business/rob-commentary/supreme-court-harms-canadas-innovation-policy-stand-ahead-of-nafta-negotiations/article35532093/>

E. Richard Gold

“In the end, this will give the upper hand to patent holders with deep pockets, and make it harder for Canadian innovators to get out of the block,” predicted McGill University intellectual property law professor Richard Gold. “Canada now has less leverage going into the NAFTA negotiations than it had before.” Gold, and co-counsel Jeremy de Beer, represented the CIPP which asked the Supreme Court to reaffirm, as “a central principle of Canadian patent law,” that as part of the patent bargain, an invention must do what the applicant says it does. “ [...] In Gold’s view, the ruling also “opens up significant holes” in patent law that will take years to fill. “For example, the decision leads to confusion about how one is to apply the utility standard in the future,” he suggested.

“Eli Lilly’s Canadian odyssey to use a fake rule and fake news to protect bad patents”

STAT (August 16, 2017)

<https://www.statnews.com/2017/08/16/eli-lilly-canada-patents-zyprexa-strattera/>

“States impatient for opioid declaration”

Politico (August 21 2017)

<https://www.politico.com/tipsheets/prescription-pulse/2017/08/21/states-impatient-for-opioid-declaration-221985>

E. Richard Gold

“CATCHING OUR ATTENTION: DID ELI LILLY SPREAD FAKE NEWS TO TRY TO WIN A CANADIAN PATENT FIGHT? The Indiana-based drug maker Eli Lilly was so desperate to hold onto its patents for two drugs that it tried to concoct a legal doctrine out of thin air, according to an [op-ed](#) in STAT, written by Richard Gold, a Canadian law professor. [...] What’s interesting is not just that Lilly lost its NAFTA case, but rather the extensive lobbying efforts the company employed on both sides of the border to buttress its arguments. Gold said Lilly enlisted the help of U.S. lawmakers and think tanks that received its money, and tried to skew data in a way that made it look like a larger number of companies were experiencing similar problems. In late June, the Canadian Supreme Court threw out the basis for Lilly’s case, but Gold says the episode shows how far drug companies will go to protect their patents.”

Allison Christians promoted to the rank of Full Professor”

(September 7, 2017)

<https://www.mcgill.ca/law/channels/news/allison-christians-promoted-rank-full-professor-270145>

Allison Christians

In sharing the news, Dean Robert Leckey indicated how Professor Christians “contributes to our community in many ways – not only as an internationally influential and admired scholar, but also as an indefatigable supervisor of term papers and leading disseminator of research via social media.”

“Gates Foundation Hosts Open Science Workshop”

The Leaders’ Forum, Washington DC, (October 5 - 6, 2017)

E. Richard Gold and Sarah E. Ali-Khan

In October 2017, thought-leaders from around the globe gathered at an Open Science Leadership Forum in the Washington DC offices of the Bill and Melinda Gates Foundation to share their views on what successful Open Science (OS) looks like.

Organizers of the Open Science Leaders’ Forum; David Carr, Wellcome Trust; Rachel Bruce UK Research and Innovation/Department of Business, Energy & Industrial Strategy (UKRI/BEIS) ; Jennifer Hansen, Bill and Melinda Gates Foundation (BMGF); Robert Kiley, Wellcome Trust; Richard Gold (CIPP, McGill); held at the Bill and Melinda Gates Foundation, Washington DC, October 5-6 2017. Supported by the BMGF, Wellcome Trust, UK Research and Innovation/Department of Business, Energy & Industrial Strategy (UKRI/BEIS), CIPP and the Tanenbaum Open Science Institute, McGill University.



“Les frontières de l’art. Appropriation culturelle et liberté d’expression: la propriété intellectuelle à l’heure de la réconciliation”

CRDP, Université de Montréal (November 14, 2017)

<http://www.crdp.umontreal.ca/nouvelles/2017/10/26/les-frontieres-de-lart-appropriation-culturelle-et-liberte-dexpression-la-propriete-intellectuelle-a-lheure-de-la-reconciliation/>

Pierre-Emmanuel Moysé

L’imitation est peut-être parfois une forme de flatterie, mais elle peut être aussi un acte de domination voire de spoliation. On emprunte pour parodier, pour critiquer, mais on copie aussi pour profiter. Nos lois sanctionnent le contrefacteur quels que soient les motifs de son acte. Pourtant, dans le cas de l’art premier, de l’art autochtone et du savoir traditionnel, il semble que l’emprunt demeure souvent impuni. Nous chercherons à expliquer pourquoi. De la coiffe traditionnelle utilisée comme enseigne à la commercialisation industrielle de recettes médicinales locales, la propriété intellectuelle doit-elle aussi prendre le chemin de la réconciliation ?

“Les enjeux juridiques de l’intelligence artificielle”

McGill Law Journal (November 20, 2017)

<https://www.eventbrite.ca/e/les-enjeux-juridiques-de-lintelligence-artificielle-tickets-39838522092?ref=estw#>

Pierre-Emmanuel Moysse

Professeur Moysse a été invité à modérer la discussion avec les panelists, Me Eric Lavallée, avocat et agent de marque de commerce chez Lavery Avocats, et Mme. Christelle Papineau, étudiante chercheuse au Laboratoire de cyberjustice du Centre de recherche en droit public de l'Université de Montréal, qui discutait des enjeux actuels et à venir de l'intelligence artificielle dans le monde juridique : l'état actuel de la législation, comment la pratique et l'éducation sont affectées et comment elles s'ajustent.



“Allison Christians convenes the Spiegel Sohmer Tax Policy Colloquium: 100 Years of Tax Law in Canada: McGill Tax Policy Colloquium 2017”

(October-December 2017)

<https://www.spiegelsohmer.com/en/2017/09/28/100-years-of-tax-law-in-canada-mcgill-tax-policy-colloquium-2017/?platform=hootsuite>

Allison Christians

Prof. Christians convened the Spiegel Sohmer Tax Policy Colloquium. 2017 marked the centennial of Canada’s federal income tax, so this year’s tax policy colloquium focused on the theme of 100 Years of Tax Law in Canada.

“Professor Tina Piper tribute to Professor Vaver”

IP Osgoode and Osgoode Hall Law School (November 20, 2017)

<https://www.iposgoode.ca/2017/11/ip-osgoode-and-osgoode-hall-law-school-host-intellectual-property-symposium-in-honour-of-osgoode-prof-david-vaver-intellectual-property-fuel-for-the-fire-or-shelf-life-of-a-banana/>

Tina Piper

Tina Piper was invited to pay tribute to Professor Vaver’s important IP career, by participating in a panel chaired by Professor Ikechi Mbeoji, IP Osgoode faculty member and Professor, Osgoode Hall Law School, alongside Casey Chisick, Partner, Cassels Brock & Blackwell LLP. The panel was day’s final and was titled on “The Importance of History”. Among the compliments, it was mentioned his work was fun to read with wine” (Jeremy DeBeer on Twitter).



“The CIPP travels to Annual Canadian Food Law and Policy Conference in Ottawa”

<http://www.cippmcgill.ca/news/2017/12/05/the-cipp-travels-to-the-annual-canadian-food-law-and-policy-conference-in-ottawa/>

***“It looks like food law and policy have found a home at the McGill Law Faculty!:
Contributing to advancing Canada’s food policy”***

Focus Online, (December 2017)

<https://publications.mcgill.ca/droit/2017/12/08/advancing-canadas-food-policy/>

Pierre-Emmanuel Moyse

In early November, the CIPP traveled to the Second Annual Canadian Food Law and Policy Conference, hosted by the University of Ottawa, Faculty of Law. This year’s conference, “Taking Stock/Prenons La Mesure”, came just as recent developments in the Canadian IP landscape, such as the proposed amendments to the *Trade-marks Act*, have had great repercussions for food law and policy. Furthermore, the Government of Canada is tasked with making a Food Policy for Canada, which is bound to address IP concerns related to food. CIPP Director Pierre-Emmanuel Moyse moderated the panel *Made in Canada?: Food and Place*.



***“Professor Gold cited in Federal government names winners of \$950-million
‘supercluster’ funding”***

Globe and Mail, (February 8, 2017)

<https://www.theglobeandmail.com/report-on-business/ottawa-names-winners-of-950-million-supercluster-funding/article37990691/>

E Richard Gold

“McGill University law professor Richard Gold pointed out no country has successfully built up its innovation sector "without a government being proactive, so I'm glad to see they are." But he cautioned the government still had to deliver on other parts of its innovation strategy and cautioned that commercialization of IP developed within the clusters could become an issue, particularly given the involvement of foreign companies that typically shift IP developed in Canada to other jurisdictions. "If IP becomes a fighting issue between [supercluster participants] that means it's going to be hard to enter into an agreement" he said.”

***“Professor Gold and CIPP Student Researcher Rachel Meland present at the
Asper Centre Symposium on Public Interest Litigation”***

University of Toronto, (March 2, 2018)

<http://aspercentre.ca/event/public-interest-litigation-conference/>

E. Richard Gold

Professor Gold and Rachel Meland, student researcher at CIPP, presented an inside view of the CHEO Hospital gene patent litigation, as well as the strategy and barriers to public interest litigants in the area of patent law.

“François Le Moine participates in “Les arts et le territoire” conference”

MBAM, (April 11, 2018)

<http://www.cippmcgill.ca/news/2018/04/10/les-arts-et-le-territoire-au-mbam/>

François Le Moine

Dans le cadre de l'exposition « NAPOLÉON : Art et vie de cour au palais impérial », François Le Moine , étudiant au Centre des politiques en propriété intellectuelle (McGill), avocat et chargé de cours, droit des arts et du patrimoine culturel, Université de Montréal, a été invité à présenter une conférence intitulée « Art, pillages et droit ».

“CIPP at Le Grand Oral, the first Intellectual Property Policy Moot”

University of Ottawa, (April 16, 2018)

<http://www.cippmcgill.ca/news/2018/04/16/mcgill-law-at-le-grand-oral-the-first-intellectual-property-moot/>

Pierre-Emmanuel Moise



McGill won three of the eight prizes. Gregory Corosky and Maryna Polataiko finished third for their excellent and original presentation on music sampling. McGill a également été récompensée pour les mémoires déposés par ses étudiants, la quatrième place allant à l'équipe de François Le Moine et d'Anna Kirk sur la réforme du régime de copie privée et la troisième à Betty Zhang et Victoria Woo pour leur travail sur la création d'un nouveau registre des droits d'auteur inspiré – et inspirant – basé sur la technologie blockchain.

McGill's participation was made possible thanks to Sharon Webb and François Le Moine, who helped with the organization, as well as our Dean Robert Leckey, who allowed the students to spend the night in the comfort of a jail cell!

“Pierre-Emmanuel Moise de passage à l'Université de Bourgogne, Dijon”

Université de Bourgogne, (April 27, 2018)

<http://www.cippmcgill.ca/news/2018/04/26/pierre-emmanuel-moise-de-passage-a-luniversite-de-bourgogne-dijon/>

Pierre-Emmanuel Moise

À l'occasion de son passage à Dijon, le Professeur Pierre-Emmanuel Moise a proposé d'évoquer la question de l'obsolescence programmée sous l'angle du droit (droit de la consommation, environnement, propriété intellectuelle, responsabilité civile ou du fabricant, de la preuve, etc...).

Seminars & conferences

16 September 2017

POP Montreal: A Tribute to Sandy Pearlman

- Tina Piper (McGill University)
- David Lametti (Government of Canada)
- Ian Dahlman (Canadian Heritage)

Sandy Pearlman (1943–2016) was a legendary producer and music industry visionary. As an early proponent of online music distribution, he was thinking creatively about how artists could get paid for online music circulation long before the age of mass streaming and downloading. Pearlman also served as the Schulich Distinguished Chair of Music at McGill University and was a well-respected member of Montreal's academic music community. The panel paid tribute to Pearlman while revisiting his ground-breaking ideas and tracking their evolution against current industry trends.



20 October 2017

Patenting Computer Implemented Inventions (CII)

- Cristina Lopes Margarido (EU Patent Office)
- Falk Giemsa (EU Patent Office)
- Gonzalo Lavin (GGD), commentator
- Mitchell Liebovitch (GGD), commentator

Co-sponsors: Goudreau Gage Dubuc (GGD), EU Patent Office

The presentation concerned the examination practice of computer-implemented inventions (CII) in the field of business methods, gaming, training and teaching at the European Patent Office (EPO) which is essentially marked by two hurdles: the exclusion from patentability and the requirement for an inventive step.

When drafting patent applications in the field of business methods, gaming, training and teaching it is quite easy to overcome the first hurdle, while most patent applications in this area are refused for lack of inventive step. This presentation explored how these hurdles could be overcome. (Éléna Drouin)

18 November 2017

Innovation in Context 2: Scaling Up

- Richard Gold, Dan Breznitz, Olena Ivus, Kelley Packalen, David Lametti, et al

Co-sponsors: Genome Canada, Genome Quebec, CIGI, Price Waterhouse Coopers, BETA - The McGill Innovation Collective



Continuing the conversation we started last year, this second installment of our workshop series focused on how to scale up innovation. It looked at how individuals, companies, firms, and the ecosystem itself can turn the success of a single popular idea or product into a larger environment cultivating sustained innovation. But how does this happen? How do we harness the true diversity of our communities to scale up innovation? How do we build sufficient capacity for these ecosystems? In short, how do we unleash the true innovation potential of our society?

19-23 February 2018

CIPP Innovation Week: Putting Innovation in a Box

19 Feb: The End of Innovation as We Know It

- Richard Gold, McGill

20 Feb: From Big Data to Open Data to Community Actions and Impacts

- Gorka Espiau, Stéphan Guidoin, et al

21 Feb: Law and the Blockchain: A Crash Course

- Allison Christians, Max Jarvie, Marc Richardson Arnoud, Kendra Rossi

22 Feb: Putting Innovation in a Box: Tax and IP Policy, Society, and the State

- Pierre-Emmanuel Moyse, Allison Christians, Nicolas Binctin, Irma Mosquera, et al

23 Feb: Innovating at the International Level: CETA, BREXIT, NAFTA

- Armand de Mestral, Marc Bungenberg, Henri Culot, Graeme Dinwoodie, Alain Strowel, et al



Co-sponsors: Stikeman Chair in the Law of Taxation, CRIEM, CEIM, CRIDES, Consulate of Israel, CECOIGI, Raymond Chabot Grant Thornton, Norton Rose Fulbright, Université de Louvain, Université de Poitiers, Leiden University, Mann Simons

The CIPP and our partners proud to have hosted Innovation Week 2018. The week-long event's program was packed with engaging activities such as an intensive course and a number of conferences and roundtables with renowned international experts (25 speakers from seven different countries!). Ce fut à la fois un moment unique de diffusion du savoir ainsi qu'une occasion de nouer des liens entre chercheurs et praticiens.

21 March 2018

Numérique + Intelligence Artificielle: Une autre idée du bonheur

- Alexandra Bensamoun (Université de Rennes 1)
- Thierry Pénard (Université de Rennes 1)

Co-sponsors: CRDP, Chaire Wilson, Université de Montréal

L'intelligence artificielle, par les transformations qu'elle entraîne dans les entreprises et sur les marchés, a non seulement des impacts économiques, mais aussi sociaux, notamment en termes de bien-être des individus. Relue à l'aune de l'économie du bonheur, l'IA passerait alors de valeur économique à valeur sociale. D'un point de vue juridique, le droit n'a que peu de rapport avec le bonheur. Encore que, la morale n'est pas loin et, s'agissant de l'IA, l'éthique est présentée comme la meilleure voie possible.

CIPP/Lallemand seminars

15 September 2017

CIPP/Lallemand seminar:

Global Law of Monopolies, Human Rights, and Access to Medicines

- Calixto Salomão Filho (University of São Paulo Law School)
- Daniel Weinstock (McGill, discussant)



In the global arena, frequently the effectiveness of human rights is dependent on the adoption of structural measures to curb market power of monopolies or big enterprises, especially in developing countries. In the case of access to medicines, it can require the adoption of strategic litigation aiming at the compulsory licensing or the prevention of price abuses by patent holders. To illustrate, Professor Salomão Filho discussed a case of strategic litigation regarding breast cancer medicines.

in Brazil.

23 October 2017

CIPP/Lallemand seminar

Hactivism

- Alana Maurushat (University of New South Wales)

There are many hacking activities that may serve the public good, argued Professor Maurushat. For instance, some minorities in Iran are barred from attending university, and breaking Iranian cybersecurity laws can help provide education to a persecuted minority.

Such ethical hacking is often treated – legally and in the public opinion – in the same way as hacking done for criminal purposes. Professor Maurushat argues that current criminal law is not adequate to differentiate between the different types of online activities and that a public interest defense should be available to those who engage in ethical hacking. The presentation also highlighted the attempts to conduct quantitative research on ethical hacking. (François Le Moine)



06 November 2017

CIPP/Lallemand seminar

Brexit: Creating a New IP Landscape?

- Graeme Dinwoodie (University of Oxford)



Professor Dinwoodie used Intellectual Property as a case study to understand the intricacies of Brexit. After reviewing the different scenarios available for Brexit, the presentation highlighted that a complete break from the EU cannot take place with respect to Intellectual Property. For instance, the UK will remain in some EU dominated mechanisms such as Unified Patent Court system and the Cour de justice will still have jurisdiction over some questions emanating from patent litigation before the Patent Courts. Moreover, the UK wishes to sign bilateral trade treaties with a number of jurisdictions that already have agreements

with the EU that cover aspects of intellectual property. As a result, the Brexit will likely only result in a small number of actual changes to the law. The realities of international trade will make it very difficult to obtain the restoration of sovereignty envisioned by the proponents of Brexit. (François Le Moine)

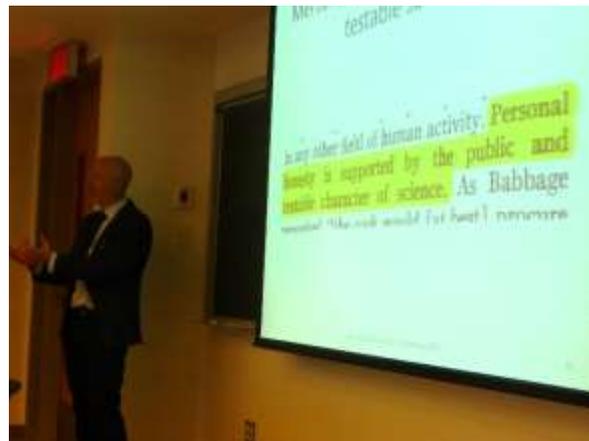
27 November 2017

CIPP/Lallemand seminar

Poisonous Science: The Dark Side of Academic Copyright in the Digital Age

- Roberto Caso (University of Trento)

“Is copyright the progress of science, or the progress of knowledge?” Professor Roberto Caso, of the University of Trento, began his discussion on academic copyright with this compelling question. Focusing heavily on scientific authorship, freedom and responsibility, Professor Caso’s presentation highlighted the role of universities in promoting the advancement of the scientific community, as well as the roadblocks which traditional systems of copyright imposed on them.



Professor Caso’s lecture was also a demonstration of the scientific community’s preference for oligopolies which, to him, caused many deleterious side effects. Among them, the rise of costs of scientific publications, risks in terms of preservation of data and publication, as well as the commercial control of science. His proposed solution? Openness in policy, both in regard to the right to access for the public (reduced economic and technological barriers), as well as the right to use (copy, modify) data. Professor Caso suggests the formalization of more open access mandates, more exceptions and limitations on fair use, and the right to republish studies (a system which he highlights is currently successful in European countries).

Our guest would end his presentation on a somewhat skeptical note. In his opinion, though open access is often lauded as a revolution, it is an unfinished one. Without “radical changes to conceptions” within the legal and scientific communities, it is impossible to finish. Questions posed to Professor Caso only highlighted this point, focussing on the necessary implementation bodies which would need to exist in order to enforce and strengthen open access policy. (Cédric Mulcair)

A partnership in evolution

Depuis déjà quatre ans, Lallemand Inc. offre un soutien indispensable au CIPP. Pour les trois premières années, leur appui nous a permis d'offrir une grande variété de séminaires publics à la faculté au bénéfice des étudiants, de nos membres, des praticien(ne)s, et de la communauté montréalaise. 2017-2018 marque une nouvelle direction excitante de notre partenariat. En supplément aux séminaires, 2017-2018 fut notre première année de développement de l'axe droit alimentaire CIPP-Lallemand. Cette collaboration nous permet de continuer à profiter de l'élan que nous a donné le lancement du livre sur le cidre et qui nous permet de nous rapprocher de l'industrie, d'Agriculture Canada, et de l'OPIC. Nous considérons mettre en place un programme-école qui permettra de former des employés du gouvernement sur les différentes facettes de la propriété intellectuelle qui touche à l'alimentaire.



2017-2018 also saw the selection of the first Lallemand Food Law Scholar and Liaison, Jessica Cytryn (pictured above with Sylvain Harper, Richard Degré and Pierre-Emmanuel Moyses, during a site visit at Lallemand in April 2018). In addition to this precious opportunity and accolade for Jessica, her leadership in Food Law brought an exciting new dimension to the CIPP.

Jessica Cytryn

Lallemand Food Law Scholar and Liaison



Jessica is a B.C.L./LL.B. Candidate at the Faculty of Law, holds an undergraduate degree in food history, and has more than ten years of work experience in the food industry. She is also the founder of the McGill Food Law Society and the McGill Law Wine Tasting Club, and is acting President of both associations. Her depth of knowledge regarding food issues, event-organization, and communications, as well as her connections to Montreal's food community made her the perfect fit to be our food law ambassador.

November 1, 2017

**CIPP/Lallemand seminar and wine tasting
Terroir in a Cup (or of Wine, Place and Quality)**

- Matteo Ferrari (University of Trento)

Our wine law talk on terroir and geographical indications began by a short wine tasting led by Hannah Dean, a first-year law student who is a WSET level 2 certified sommelière. After we tasted and learned about delicious Italian wines, Matteo Ferrari spoke about the role of terroir and geographical indications in wine law. He is an assistant professor of private law at the University of Trento, Italy, where he teaches the law of food and wine. He has been a Marie Curie Fellow here at McGill Law, where he taught Comparative Food Law, and has been widely published in different areas of food law, including food safety, geographical indications and labeling. (Jessica Cytryn)



29 March 2018

**CIPP/Lallemand conference and cider tasting
The Terroir of Innovation: A multi-disciplinary conference on cider and the development of Geographical Indications in Canada**

- Pierre-Emmanuel Moyses, Martin Cloutier, et al

Co-sponsors: UQAM, ESG, CIGI

This half-day multidisciplinary conference examined the regulation, economics, and culture surrounding geographical indications through the lenses of science, ethics, society, and law. Experts from a variety of disciplines used cider as a case study or bone of contention in the questions regarding terroir and geographical indications.





Canada is on a mission to increase the scope of protections for geographical indications. Once limited to wine and spirits, geographical indications now extend to a variety of agro-food products such as cider. As consumers are becoming increasingly sophisticated, crave more authentic products, and pay more attention to what they consume, stronger protections for added-value claims of food products are essential. Products must now speak to the socioeconomic context in which they were grown, marketed, and sold, and consumers demand better quality and hold producers and governments accountable to a greater extent than ever before. Canadian provinces have been quick to recognize terroir-related food innovations and have introduced novel legislation to protect them. For example, Québec has designed an original law that supports and regulates the development of new local food products such as ice cider and ice wine. Efforts such as Québec's are particularly timely, as no Canadian

products were included in the list of protected products under the Comprehensive Economic and Trade Agreement with Europe—the agreement only benefits European producers. (Jessica Cytryn)



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 Intellectual Property.

- The most recent issue is here: <http://www.cippmcgill.ca/news/2018/04/30/ip-news-april-2018/>

Current, Recent, and Forthcoming Publications

2018

Moyse, P.-E. and A. Christians, *Looking for Innovation? It's Probably Not in a Patent Box*, (2018) CIGI Papers Series (submitted)

Gold, Richard E. and Rachel Meland, *Litigating Patents In The Public Interest*, (2018) Supreme Court Law Review (submitted)

César, Priscilla M. D. G., *How to Use Complex Adaptive Systems for Innovation: The Case of Knowledge Regulation in Biomedical Research and Development*. In “Innovation and the Triple Helix”. The European IP Institutes Network (EIPIN) Book Series. Edward Elgar. 2018. (submitted)

Ali-Khan SE, Jean A, MacDonald E and Gold ER. Defining Success in Open Science [version 2]. *MNI Open Res* 2018, 2:2 (doi: [10.12688/mniopenres.12780.2](https://doi.org/10.12688/mniopenres.12780.2))

2017

Ali-Khan, Sarah and Gold, E. Richard, “Contracting to counter gene patents – a 21st Century solution to access and innovation” (May 22, 2017), *Harvard Law's Bill of Health*, <http://blogs.harvard.edu/billofhealth/2017/05/22/contracting-to-counter-gene-patents-a-21st-century-solution-to-access-and-innovation/>.

Ali-Khan, Sarah E. and Gold, E. Richard, “Gene patents still alive and kicking: their impact on provision of genetic testing for long QT syndrome in the Canadian public health-care system”, (2017) *Genetics in Medicine* doi:10.1038/gim.2017.43

Ali-Khan SE, Harris LW, Gold ER, Point of view: Motivating participation in open science by examining researcher incentives (2017) *eLife* 2017;6:e29319, DOI: [10.7554/eLife.29319](https://doi.org/10.7554/eLife.29319)

- Christians, Allison, *A Global Perspective on Citizenship-Based Taxation*, 38 Mich. J. Int'l L. 193 (2017).
- Christians, Allison and Stephen Shay, *Assessing BEPS: Origins, Standards, and Responses*, Int'l Fisc. Assoc. Cahier 102A (2017).
- Christians, Allison, *BEPS and the New International Tax Order*, 2016-2017 (6) B.Y.U. L. Rev 1603 (2017).
- Christians, Allison & Sergio Rocha, ed, *Tax Sovereignty in the BEPS Era*, Series on International Taxation Volume 60, (Wolters Kluwer 2017).
- Christians, Allison, *The Power to Tax*, in Allison Christians & Sergio Rocha, eds., *Tax Sovereignty in BEPS Times* (Routledge 2017).
- Christians Allison and Vokhid Urinov, *Canada Report*, in *Improving Tax Compliance in a Globalized World* (Linde Verlag 2017).
- Christians, Allison., *Tax Justice as Social License: The Fair Tax Mark*, in Richard Eccleston and Ainsley Elbra, eds., *Paying a Fair Share? Business, civil society and the 'new' politics of corporate tax justice* (Edward Elgar 2017)
- Christians, Allison, *Spillovers and Tax Sovereignty*, 85 Tax Notes Int'l 831 (27 Feb. 2017).
- Cloutier, L. Martin; Détolle, A. et al, incl. Moyse, Pierre-Emmanuel. « La transformation du cidre au Québec: Perspective écosystémique. » (Les Presses de l'Université du Québec, 2017).
- Gold, E. Richard, "Why Women Over 40 are Having More Babies" (March 16, 2017) <https://www.cigionline.org/articles/why-women-over-40-are-having-more-babies>.
- Gold, Richard, "NAFTA patent ruling a big victory for Canadian innovation" (April 6, 2017) *The Globe and Mail* <http://www.theglobeandmail.com/report-on-business/rob-commentary/nafta-patent-ruling-a-big-victory-for-canadian-innovation/article34617647/>
- Gold, E. Richard, "The Midas Conundrum" (April 25, 2017) in Centre for International Governance Innovation Series on Innovation and Productivity, <https://www.cigionline.org/articles/midas-conundrum>.
- Gold, E. Richard, Morin, Jean-Frédéric, Shadeded, Erica, "Does Intellectual Property Lead to Economic Growth? Insights from an Improved IP Dataset", (forthcoming), *Regulation & Governance*.
- Moyse, Pierre-Emmanuel and Francis Lord, eds. " *Competition & Innovation 5: Le Droit et la Machine* (Les Éditions Thémis 2017).
- Moyse, P.-E. « La droit du cidre de glace au Canada », dans M. Cloutier et A. Détolle, *La transformation du cidre au Québec*, PUF, Montréal (2017) pp. 275-302.
- Moyse, P.-E, « Droit de la concurrence et propriété intellectuelle : du marché des immatériels à une concurrence de systèmes », (2017) (à paraître)
- Moyse, P.-E. « Minuit à l'heure du droit d'auteur », (2017), Dir. A. Bensamoun, *La réforme du droit d'auteur dans la société de l'information*, (à paraître)
- Ali-Khan SE, Gold ER (2017). Contracting to counter gene patents – a 20th century solution to access and innovation. Harvard Law 'Bill of Health' blog site: <http://blogs.harvard.edu/billofhealth/2017/05/22/contracting-to-counter-gene-patents-a-21st-century-solution-to-access-and-innovation/>

Current and Continuing Grants

Série de conférences publiques (Cyber Center of the Hebrew University of Jerusalem)

Pierre-Emmanuel Moyse

2017-2018 Halbert Centre of Canadian Studies fellowship

\$ to be confirmed

Série de conférences publiques qui seront données en collaboration avec le Cyber Center of the Hebrew University of Jerusalem.

Le droit de l'obsolescence : un principe de responsabilité pour les objets intelligents

Pierre-Emmanuel Moyse, April 2018-March 2021

\$95,262 CDN

Social Sciences and Humanities Research Council, Insight Grant

L'étude, dirigée par le Professeur Moyse portera sur deux manifestations choisies du phénomène d'obsolescence: l'obsolescence des objets intelligents et celles des grands objets, utilisant le prisme du droit des biens.

Determining When Open Science Works: Measurement and Indicators

E. Richard Gold

Bill and Melinda Gates Foundation; 2017-2019

US\$50,000 plus US\$50,000 in-kind

McGill University Open Science Evaluation Project

E. Richard Gold

Department for Business, Energy & Industrial Strategy – UK, UK Government Grant 20,000 GBP

This project is funded by the three grants (Bill and Melinda gates Foundation; UK Department of Business, Energy and Industrial Strategy, and the Wellcome Trust), aiming to demonstrate through research and knowledge mobilization how OS improves research and innovation productivity in Canadian public research organizations and private sector firms, leading to economic, social, and environmental benefits in Canada. Our goal is to build a network of partners to advance OS in Canada and globally, and mobilize key knowledge resources to help implement OS from a policy perspective. We seek to cement Canada's leadership in OS, and build vibrant and sustainable local innovation ecosystems across Canada.

Healthy Brains for Healthy Lives

E.R. Gold's share as yet unknown

McGill University, 2016-2023

\$84 000 000 CDN

Canada First Research Excellence Fund

The central vision of the Healthy Brains for Healthy Lives initiative is to create a global centre for excellence, establish a hub for neuroinformatics and big data analysis, and accelerate translational discoveries that will improve brain health in Canada and around the world.

Genomics and personalized health Ge3LS Network

E.R. Gold, Co-applicant, 2016-2019

\$998 473 CDN

Genome Canada

In 2016, Genome Canada announced funding for a network to bring together GE3LS researchers from 17 projects. The Network will address four priority GE3LS themes: research ethics review; health economics and health technology assessment; knowledge transfer and implementation in health systems for omics technologies; and intellectual property and commercialization.

**Intellectual Property and Innovation
E.R. Gold, Principle Investigator, 2016-2017
Centre for International Governance Innovation**

\$23 530 CDN + \$125 000 in-kind

In 2016, Richard Gold was named a Senior Fellow at the Centre for International Governance Innovation (CIGI). Funding has been approved under the International Law Research Program for research and a workshop on Intellectual Property and Innovation.

Regulating Innovation: Law and the Creative District

**A. Christians, Principal Investigator; P.-E. Moyse, Co-Investigator; 2014, 3 years \$65 000 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.

Responsible Tax Planning

**Laurens van Apeldoorn (Leiden University), Allison Christians et al.
Lorentz Center for Scientific Workshops; 2017-2018;**

EUR \$25,000

Travel grant awarded for 2018 conference to be held in Leiden, Netherlands.

Comparative Study on Base Erosion and Profit Shifting

Allison Christians

International Fiscal Association, Canada Branch; 2015-2017;

\$21,000 CDN

Travel and research grant awarded. Professor Christians explains: “Nations across the world are currently engaged in a coordinated international effort, ostensibly to curb excessive tax avoidance by the world’s biggest multinational companies.” This grant project leads us to examine “the legal and institutional components of the coordination project, referred to as Base Erosion and Profit Shifting (BEPS)”.

Annual Tax Policy Colloquium

Allison Christians

Spiegel Sohmer; 2014-2024.

\$50,000 CDN

Travel and hosting grant awarded annual Tax Policy Colloquium organization. This year (2017-2018), the grant supported the *Spiegel Sohmer Tax Policy Colloquium 2017: 100 Years of Tax in Canada*.

International institute for critical studies in improvisation: A partnered research initiative

Tina Piper, grant co-PIs, Eric Lewis, Ajay Heble 2013-2020

Canadian Federal Government Partnership Grants

This proposal to establish the International Institute for Critical Studies in Improvisation, a new partnered research institute, builds on a SSHRC MCRI project (Project Director: Ajay Heble), of which Professor Piper is affiliated with. The Institute’s mandate is to create positive social change through the confluence of improvisational arts, innovative scholarship, and collaborative action.

Grants in Progress

Tax Governance for Inclusive Development

NIAS Theme Group; 2018-2020

Irma Mosquera, Allison Christians, Laurens van Apeldoorn;

Covers: travel and accommodation for participants in theme group to collaborate.

Outcome: Under review (EUR 75,000)

Tax Law Transplants & Culture

Lorentz Centre Conference Grant; 2018

Irma Mosquera, Allison Christians;

Covers: travel and accommodation for participants.

Outcome: Under review (EUR 25,000)

The Tannenbaum Open Science Institute (TOSI): Leading a Global Transformation in Biomedical Innovation

E. Richard Gold;

FRQSC; April 2018-May 2020

Outcome: Not funded (\$100,000 CDN)

Mis de l'avant par le Professeur Gold, ce projet regroupe des expertises en droit, en politique de l'innovation et en sciences sociales avec ceux travaillant dans le domaine de génétique, la biomédecine et la pathologie pour initier une transformation globale de la manière dont les partenaires publics et privés réalisent des projets de recherche et d'innovation. Il s'agit d'un projet audacieux qui vise à faire progresser le concept d'Open Science (OS).

Open Science: research participant perspectives on sample donation, shared benefits and their role in innovation

E. Richard Gold;

Canadian Blood Services/James Kreppner Award; April 2018 - March 2019;

Outcome: Not funded (\$49,957 CDN)

In this study Professor Gold and others use qualitative interview methods to explore the perspectives, priorities and concerns of patients and their families regarding OS. In particular, they examine the understandings of OS, views on long-term storage, use and sharing of the materials and data, preferred consent models and incentives for participation in OS research. They examine these questions within the ground-breaking context of the Montreal Neurological Institute and Hospital (the 'Neuro').

PACE-'Omics: Precise and Cost-Effective adoption and implementation of 'OMICS-based precision health

E.R. Gold, Co-Investigator and Co-Lead of Intellectual Property Theme, grant co-PIs, Christopher McCabe & Tania Bubela, 2018-2022

Genome Canada/Genome Alberta/Genome Quebec/Canadian Institutes for Health Research

Outcome: Not funded (\$ 6,489,976 CDN)

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.

Collaborators & sponsors

We sincerely thank our collaborators and sponsors for their engagement and support in 2017-2018. We value and invite such partnerships and welcome collaborations to help keep our network strong, our community diverse, and our ideas current, relevant and innovative.



BETA – The McGill Innovation Collective

<https://medium.com/innovation-at-mcgill>



Centre d'Études sur la Coopération Juridique Internationale (CECOGI), Université de Poitiers

<https://univ-droit.fr/structures-de-recherche/71-structure-laboratoire/1387-centre-d-etudes-sur-la-cooperation-juridique-internationale-universite-de-poitiers-cecoji-up-poitiers>



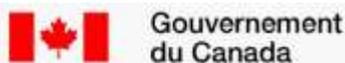
Centre d'entreprises et d'innovation de Montreal (CEIM) / Quartier de l'innovation (QI)

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



Centre for International Governance Innovation (CIGI)

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



Canadian Intellectual Property Office (CIPO)

<http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home>

CIPO / OPIC



Consulate General of Israel

<http://embassies.gov.il/montreal-fr/Pages/default.aspx>



Centre de recherche en droit public (CRDP)

www.rdcg.org | www.crdp.umontreal.ca
www.chairelrwilson.ca/en/ | <http://openum.ca>



Centre de recherche interdisciplinaire Droit, Entreprise et Société (CRIDES), Université de Louvain

<https://uclouvain.be/fr/instituts-recherche/juri/crides>



Centre for Interdisciplinary Research on Montreal (CIRM/CRIEM)

<http://www.mcgill.ca/centre-montreal/fr/accueil>



École des sciences de la gestion (ESG), UQAM

<https://esg.uqam.ca/en/>



European Patent Office

<https://www.epo.org/index.html>



Genome Canada / Genome Quebec

<https://www.genomecanada.ca/>



Goudreau Gage Dubuc

<http://www.genomequebec.com/en/home/>
<http://ggd.com/en/>



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<http://www.nortonrosefulbright.com/ca/en/>



Price Waterhouse Coopers

<https://www.pwc.com/ca/en.html>



Raymond Chabot Grant Thornton

<https://www.rcgt.com/en/>



Stikeman Chair in Tax Law

<https://www.mcgill.ca/tax-law/>



Trento University

<http://www.unitn.it/en>



Université Catholique de Louvain

<https://uclouvain.be/fr/index.html>



OpenUM / Chaire Wilson, Université de Montréal

<http://openum.ca;>
www.chairelrwilson.ca/en/ |

Graduate education & training

2017-2018 saw two DCL candidates complete their theses with great success! Francis Lord (DCL February 2018) and Lukas Vanhonnaeker (DCL March 2018) successfully defended their respective theses each with very favourable response from the judges. Our sincere congratulations to these two newly minted CIPP honorees!



Francis Lord (above, right) defended his thesis on February 28, 2018. Lukas Vanhonnaeker (below, left) defended his thesis on March 15, 2018.

Francis Lord, DCL (2018) (Dir: Prof. Pierre-Emmanuel Moysé)

Thesis: “The Legal Interpretation of 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.

Lukas Vanhonnaeker, DCL (2018) (Dir: Prof. Andrea Bjorklund)

Thesis: “International investment law, investor-state arbitration and international corporate law”

In recent years, investor-State tribunals have often permitted shareholders’ claims for reflective loss despite the well-established principle of no reflective loss applied consistently in domestic regimes and in other fields of international law. Investment tribunals have justified their decisions by relying on definitions of “investment” in investment agreements that often include “shares”, while the no-reflective-loss principle is generally justified on the basis of policy considerations pertaining to the preservation of the efficiency of the adjudicatory process and to the protection of other stakeholders, such as creditors. Although these policy considerations militating for the prohibition of shareholders’ claims for reflective loss also apply in investor-State arbitration, they are curable in that context and must be balanced with policy considerations specific to the field of international investment law that weigh in favor of such claims: the protection of foreign investors in order to promote trade and investment liberalization.

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

Thesis: “Complex Adaptive Intellectual Property and Innovation Systems: Bridging the Gap between Law and Science and Promoting Openness in Biomedical Research and Development”



Priscilla Maria Dias Guimarães César is a Brazilian lawyer and researcher, and a doctoral student at McGill University’s Faculty of Law. Her research focuses on the challenges facing developing nations in designing IP and innovation systems, specifically in the field of biomedical research. Through her research, she examines the potential of open science models to further this research and to lead to economic benefit for those countries. She applies complex adaptive systems theory to understand the decision-making processes of different agents that are part of IP and innovation systems with particular attention to the role of academic and research communities and the state in Brazil in shaping those systems to improve the dialogue between law and science. Ms. César argues that understanding these systems’ complex dynamics, multiple actors and

hierarchies is key to developing more effective IP laws and policies. Drawing on both theory and a case study analysis, her research aims to create a guiding framework of thinking to different agents interactions on these IP and innovation systems centered in access to knowledge and follow-on innovation. Her project is supervised by Professor Richard Gold.

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.

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.

Daniel Goldenbaum, DCL candidate (Dir: Prof. Pierre-Emmanuel Moyses)

Thesis topic: Les rapports dialectiques entre le droit d'auteur et l'encouragement de la connaissance.



Daniel Goldenbaum is a doctoral student at McGill University's Faculty of Law. He obtained his law degree from Paris Dauphine University and a Master of Laws (LL.M) from McGill University.

Dans un sens, l'existence d'une protection légale incite l'auteur à créer une œuvre, laquelle constitue une forme explicite de la connaissance. Dans l'autre sens, c'est au regard de l'objectif de diffusion de la connaissance que le degré de protection de ce droit et ses exceptions sont déterminés. Cette influence réciproque est le fruit de nombreux phénomènes que mon projet tente d'explorer".

Ivan Ozawa Ozai, DCL candidate (Dir: Prof. Allison Christians)

Thesis topic: A Normative Framework for International Tax Governance: Cooperative Justice and International Equity



Ivan O. Ozai is a doctoral candidate in Law at McGill University. His current research focuses on international taxation, political philosophy and international inequality. He previously served as a tax court judge in Brazil and was the head of the Advance Tax Rulings Directorate of the State of Sao Paulo Department of Treasury.

François Le Moine, LL.M. candidate (Dir: Prof. Pierre-Emmanuel Moyse)

Thesis topic: Art Law, title to be confirmed



François Le Moine est étudiant à la maîtrise au Centre des politiques en propriété intellectuelle, se spécialisant dans les questions de droit des arts et du patrimoine culturel. Il est avocat au cabinet Sarrazin+Plourde et a complété des diplômes en histoire (licence, Sorbonne), en philosophie politique (maîtrise, École des hautes études en sciences sociales) et en droit (B.C.L./LL.B., McGill). Il a également effectué des séjours d'étude aux universités de Keio, de Shantou et de Copenhague. François enseigne un cours de droit des arts à l'Université de Montréal, est avocat-encadreur à la Clinique internationale de défense des droits humains à l'UQAM et membre de la Commission permanente de l'art public de la Ville de Montréal.

Eda Uludere, LL.M. candidate (Dir: Prof. Pierre-Emmanuel Moyse)

Thesis topic: Personal Data Protection, title to be confirmed



Eda Uludere (LL.M. (Comparative Law) Candidate, McGill University / LL.B. (Hons), Koç University) is an LL.M. (Comparative Law-Thesis) candidate at McGill University Faculty of Law, researching in the field of personal data protection, particularly the relationship between private international law and private enforcement of personal data protection laws. She has completed her LL.B. with Honors at Koç University, Istanbul where she also obtained her Minor Degree in International Relations. Eda worked as a lawyer registered before Istanbul Bar Association before she started pursuing her LL.M. degree. During her studies, she has been involved in the work of the CIPP as a part-time Research Assistant.

Florian Weber, LL.M. candidate (Dir: Prof. Tina Piper)

Thesis topic: A Critical Approach to Net Neutrality – What the E.U. and Canada Can Learn From The Recent Developments in the U.S.



Florian Weber is a LL.M. candidate (General Law – Non-thesis) at McGill University who is currently researching in the field of Internet Law, specifically net neutrality. His thesis focuses on a more critical approach to net neutrality in Canada and the E.U. by examining the latest developments in the U.S. Florian holds the German 'First State Examination in Law'. During his studies, he specialized in the fields of European Competition Law and Corporate Law. In addition to his legal studies, he obtained a minor degree in economics at Mainz University, Germany. Prior to his LL.M., Florian worked as a research fellow in an international law firm in Frankfurt, Germany.

CIPP alumni updates

Jake Heyka (B.C.L./LL.B., 2017) worked primarily with Prof. Christians during my time at McGill continuing research we had previously done at the University of Wisconsin. I also worked with Prof. Moyse and Prof. Gold in the CIPP while at McGill on a range of projects. I joined the law firm Stibbe in their Luxembourg office as a junior associate in the tax group and have been there since May 2017.

Emma Loignon-Giroux (B.C.L./LL.B., 2016) had the privilege of attending McGill's Faculty of Law from 2013-2016, where she had the pleasure of working with Professor Moyse and being involved with the CIPP. After her time at McGill, she returned to Ottawa, where she grew up, and is currently clerking at the Federal Court of Appeal. She will be joining Torys LLP's Montreal office as an associate before returning to Ottawa once more to clerk for Justice Côté at the Supreme Court in 2019.

Alexandre Michaud (B.C.L./LL.B., 2015) worked some time at the National Bank before he passed the Quebec Bar. After articling at Robic, he made the big leap into the business world. He successfully launched his first venture, Onirade inc., a financial services company specifically catering to the cashflow needs of small businesses in Quebec. One of the defining experiences of his time at McGill was to co-found IPITPol, the faculty's Intellectual Property, Information Technology and Policy club, which lead him to collaborate with the CIPP on multiple occasions.

Angèle Périllat-Amédée (B.C.L./LL.B., 2015) worked for a climate change research consortium for a year, managing their intellectual property and general legal affairs. She is now a lawyer at a boutique IP and IT law firm in Montreal. / Angèle Périllat-Amédée (B.C.L./LL.B., 2015) a travaillé pendant un an au sein d'un consortium de recherche sur les changements climatiques, où elle s'occupait de la gestion de la propriété intellectuelle et des affaires juridiques. Elle est maintenant avocate au sein d'un petit cabinet montréalais spécialisé en PI et en TI.

Stacey Smydo (B.C.L./LL.B., 2016) was a research assistant with the CIPP during her third and fourth years at McGill Law where she fell in love with intellectual property law and policy. After leaving McGill, Stacey worked as an advisor to a Member of Parliament and she is currently clerking at the Federal Court of Appeal. In the fall, she will be starting her career in copyright and communications law at a firm in Ottawa. When she isn't having a debate about some legal issue or another, she is likely attending a show at the NAC, playing hockey, or out for a run.



Innovation in teaching & learning

Intensive International Patent and Innovation Strategy course February 2018

Asa Kling (pictured here with his class), former Director of the Israel Patent Office, offered a course on international innovation and patent strategy as part of the Faculty's Focus Week, an elective intensive course for upper-year students. He talked about different methods of measuring innovation, the relative value of different government incentives to encourage innovation, and the international treaties that regulate intellectual property. Kling also presented differences between patent prosecution in different countries, and the emerging bilateral and multilateral cooperation between national patent offices. (François Le Moine)



First Intellectual Property Policy Moot Competition March 2018

The first Intellectual Property Policy Moot was held in Ottawa on March 23rd, 2018. Sixteen teams representing 5 sister universities (UdM, UofT, OttawaU, Osgoode Hall and McGill) partook in this exciting new venture whose pilot project was launched by the CIPP in 2015 (sur une idée originale, as we say, de Pierre-Emmanuel Moysse) with the collaboration of Industry Canada (Jean-Arpad Français, McGill LL.M. 2002). The Intellectual Property Policy Moot was the final milestone of a 3-credit course co-taught by professors and policy experts from Innovation and Heritage Canada. Our own Ian Dahlman (McGill B.C.L./LL.B. 2014, Supreme Court Clerk, 2015) spearheaded the teaching policy component of the course.



After attending a 6-hour intensive policy course via videoconference and 10 hours of in-class discussion, the students from each affiliated institution formed teams of two or three. Under the supervision of their respective professors (de Beer, Gautrais, Katz, and Moysse), each group researched and prepared a 5,000-word Memorandum to Cabinet according to the official template provided by the government. This year, the Memorandum to Cabinet addressed a policy issue related to one of three proposed themes concerning the current reform of the

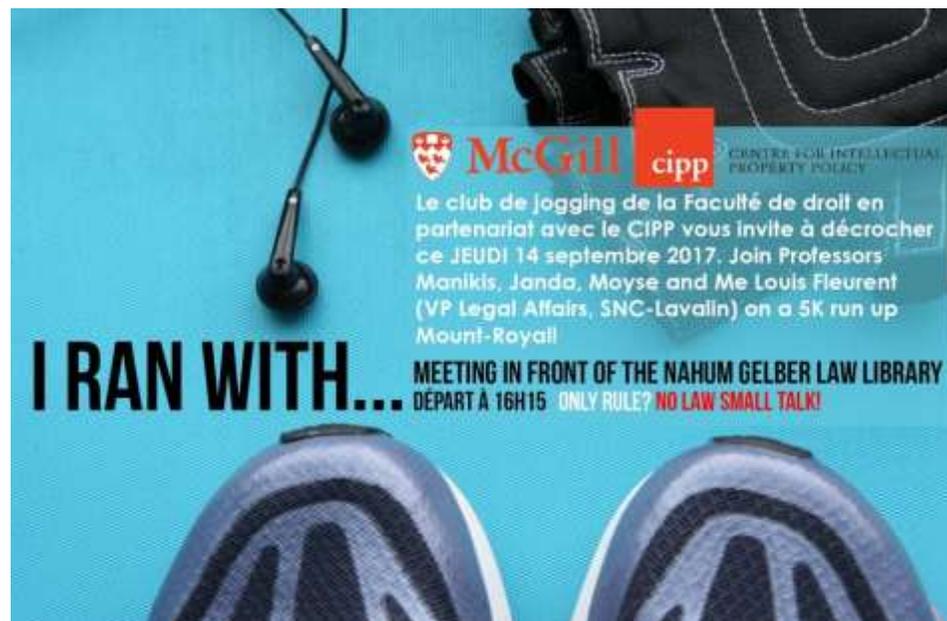
Copyright Act: Empowering Creative Entrepreneurs, Futureproofing Copyright, or Copyright Legitimacy.

The sixteen teams presented their policy briefs in front of four panels composed of senior policy experts and officials. (Pierre-Emmanuel Moysse)

CIPP 'Active Learning' Running Group (Thursdays, 2017-2018)

This activities was aimed at promoting active learning by engaging in IP related discussions during 5k runs, starting in from of the Nahum Gelber Library. The event was held most Thursdays during the academic year, and participants included:

- Sarah Ali-Khan, Research Associate
- William Brock, Lawyer
- Pierre-Alexandre Cardinal, DCL candidate
- Valentina Cean, BCL/LLB candidate
- Louis Fleurent, Lawyer
- Patrick Goudreau, Lawyer
- Richard Janda, Professor
- Claire Kusy, Lawyer
- François Le Moine, LL.M. candidate
- Marie Manikis, Professor
- Louise Otis, Judge (retired)





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Sarah Ali-Khan, Dr. sarah.ali-khan@mcgill.ca

The report covers the period May 1, 2017 to April 30, 2018.

Report compiled by Sharon Webb and Éléna Sophie Drouin.

Event descriptions written by CIPP student RAs and
collaborators, as indicated.

CIPP 2017-2018

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