

October 2022

*Curriculum vitae*

**DAVID VAVER**  
CM, FRSC

- Professor of Intellectual Property Law, Osgoode Hall Law School, York University, Toronto (July 2009- )
- Emeritus Reuters Professor of Intellectual Property & Information Technology law, University of Oxford
- Emeritus Director, Oxford Intellectual Property Research Centre, St. Peter's College, Oxford
- Emeritus Professorial Fellow, St. Peter's College, Oxford
- Associate Member, Chambers of Ian Purvis QC, 11 South Square, Gray's Inn, London (non-practising).

***Personal information***

Canadian & New Zealand citizen. Indefinite leave to remain in the UK.

***Degrees & professional memberships***

- 1998 M.A., Univ. of Oxford
- 1971 J.D. *cum laude*, Univ. of Chicago
- 1970 LL.B. (Hons.), Univ. of Auckland
- 1968 B.A. (French), Univ. of Auckland
- 2022- Academic member, International Trademark Association, NY
- 2022- Associate member, Royal Society of Medicine, London, UK
- 2021- Academic member, Copyright Society, NY
- 2000-8 Associate Member, Chartered Institute of Patent Agents, London
- 1986- Academic member, Intellectual Property Institute of Canada
- 1970- Admitted as barrister & solicitor of New Zealand Supreme (now High) Court. Non-practising since 1978.

***Previous positions***

- 1998-2007 • Reuters Professor of Intellectual Property & Information Technology law, University of Oxford; retired on January 1, 2008, to emeritus status.
- Director, Oxford Intellectual Property Research Centre (OIPRC), St. Peter's College, Oxford; retired on September 1, 2007 to emeritus status.
- Professorial fellow, St. Peter's College, Oxford; retired on January 1, 2008 to emeritus status.

- 1985-98 Professor of law, Osgoode Hall Law School, York University, Toronto. Tenured on appointment.
- 1978-85 Associate professor of law, Univ. of British Columbia. Tenure granted 1983.
- 1972-78 Lecturer, then senior lecturer in law, Univ. of Auckland. Tenured.
- 1968-70 Law clerk, then barrister & solicitor, Russell, McVeagh, McKenzie, Bartleet & Co., barristers & solicitors, Auckland.
- 1968 Tutor in law, Univ. of Auckland.

### ***Visiting positions***

- 2005 Inaugural Yong Shook Lin Visiting Professor in IP law, National Univ. of Singapore. January-March. Gave public lectures & taught and examined seminar on selected IP topics to class of 30 LLB and graduate students.
- 2000 New Zealand Law Foundation inaugural Distinguished Visiting Fellow. Visited, and delivered public lectures and seminars on intellectual property at, Otago, Canterbury, Victoria, Waikato and Auckland universities, and Otago and Canterbury district law societies. July-September.  
<[www.lawfoundation.org.nz/awards/dvf-otago.htm](http://www.lawfoundation.org.nz/awards/dvf-otago.htm)>
- 1990 Parsons visiting fellow in law, Univ. of Sydney. Two weeks.
- 1988 Visiting Professor and exchange scholar, faculty of law, Monash Univ. Jan.-July.
- 1982-3 Visiting Professor, Osgoode Hall Law School, York University, Toronto.
- 1971-2 Visiting Assistant Professor of Law, Univ. of British Columbia.

### ***Awards***

- 2018 Elected as Fellow of the Royal Society of Canada. Academy of Social Sciences, English Division.
- 2016 Appointed to the Order of Canada for leadership in intellectual property law as a scholar and mentor.
- 2012 Pattishall Medal for teaching Excellence of Trademark and Trade Identity. International Trade Mark Association: "Presented every four years to the University or graduate school academic nominated by his/her peers or students who best exemplifies the qualities of excellence and innovation in teaching subjects related to trademarks and trade identity." Presented at INTA Gala, 134th Annual General Meeting, National Portrait Gallery, Washington DC. May 5.  
<http://www.inta.org/Academics/Pages/Pattishall.aspx>

### ***Awards Created by Others in My Name***

2017- David Vaver Prize for Excellence in Intellectual Property Law. Instituted by IP Osgoode and awarded annually to the student who best exemplifies excellence in the subject at Osgoode Hall Law School.

2010- David Vaver Prize, Oxford International Intellectual Property Moot, held annually at the University of Oxford since 2002. Instituted by the Moot Committee and awarded annually to the student mooter who best exemplifies the Spirit of the Moot.

### ***Festschrift***

2010 C. Ng, L. Bently, & G. D'Agostino, eds., *The Common Law of Intellectual Property: Essays in Honour of Professor David Vaver* (Oxford & Portland, Ore.: Hart Publishing). Papers by academics judges, and lawyers from Canada, England, Scotland, United States, South Africa, Australia, and Israel. Foreword by Rt. Hon. Professor Sir Robin Jacob. **[CwA]**

### ***Publications***

(NB: **[CwA]** denotes Cited with Approval in one or more court or tribunal opinions)

#### **Books**

- *Intellectual Property Law: Copyright, Patents, Trade-marks*, 2<sup>nd</sup> ed. (Irwin Law, Toronto, 2011), 835 + xxviii pp. (replacing 1<sup>st</sup> edition, 1997, 347 + xx pp.). **[CwA]**
- *Competition policy & intellectual property* (Irwin Law, Toronto, 2009). Co-editor (with Profs. M.J. Trebilcock & M. Boyer), of commissioned papers at the request of the Canadian federal Commissioners of Patents and Competition, and the Departments of Canadian Heritage and of Industry. **[CwA]**
- *Intellectual Property Rights: Critical Concepts in Law* (Routledge, 2006). Sole editor of 5 volumes of key IP writing from a historical, conceptual, comparative and cross-disciplinary perspective (including Dickens, Macaulay, Abraham Lincoln as well as contemporary academic writing), with an opening overview chapter written by the editor. 2004 + xxv pp. (including index).
- *Intellectual Property in the New Millennium* (Cambridge U.P., October, 2004). Co-editor (with Prof. Lionel Bently, Cambridge) of papers in honour of William R. Cornish. Twenty

essays from leading IP academics, lawyers and judges in Europe, US, Australia and Israel, to commemorate Professor W.R. Cornish QC's retirement from the Herchel Smith chair in intellectual property law, Univ. of Cambridge. 307 + xiv pp (including index).

**[CwA]**

- *Principles of Copyright Law* (World Intellectual Property Organization, Geneva, 2002). With Profs. P. Sirinelli (Univ. of Paris I) & H. Loufti (Univ. of Cairo). A casebook on copyright commissioned by WIPO, incorporating sections on Commonwealth and United States caselaw with connecting text (written and selected by me), civil law (Sirinelli), and Arabic law (Loufti). My contribution, 159 pp.
- *Copyright Law* (Toronto: Irwin Law, 2000), 355 + xx pp. Treatise. **[CwA]**

### **Work in progress**

- *Intellectual Property Law: Copyright, Patents, Trade-marks*, 3rd ed. (Irwin Law, Toronto, ms expected 2023).
- Co-author (with Dr Giuseppina D'Agostino), *Copyright Law*, 2nd ed. (Irwin Law, ms expected 2023).
- *Indirect Infringement and User Rights*, entries in I Stamatoudi, J Jütte, P Yu, & P Torremans, *Encyclopaedia of Intellectual Property Law* (Elgar, to be published 2023).

### **Intellectual property: chapters in books**

- *The Intellectual Property Opinions of Mr Justice Rothstein* in L.M. Kelly & I. Entchev (eds.), *Judicious Restraint: The Life and Law of Justice Marshall E. Rothstein* (LexisNexis, 2016), 305ff.
- *Ownership of Medical Images in E-Science Collaborations: Overture or Central Plot?* (with Tina Piper) in W. Dutton & P.W. Jeffreys (eds.), *World Wide Science: Reshaping the Sciences and Humanities* (MIT Press, 2010).
- *To Serve and Protect: The Challenge for Intellectual Property Law* in L. Boy, J. Drexel, C. Godt, R. Hilty & B. Remiche, eds., *Technology and Competition - Technologie et Concurrence: Liber Amicorum Hanns Ullrich* (Eds. Larquier, Brussels, 2009).
- *Does intellectual property have personality?* in R. Zimmerman & N. Whitty (eds.), *Rights of personality in Scots law: a comparative perspective* (Univ. of Dundee Press, 2009), ch.8.
- *Brand culture: trade marks, marketing and consumption - responding legally to Professor Schroeder's paper*, in L. Bently, J. Davis & J. Ginsburg, (eds.), *Trade Marks and Brands: An Interdisciplinary Critique* (Cambridge UP, 2008), ch. 8.
- *Does the public understand intellectual property law? Do lawyers?* Chapter 1 in *Meredith Lectures 2006: Intellectual Property at the Edge: New Approaches to IP in a Transsystemic World* (Yvon Blais & Faculty of Law, McGill Univ., 2007);

o reprinted in K. Grau-Kuntz & D. Borges Barbosa, eds., *Ensaaios sobre o Direito Imaterial: Estudos Dedicados a Newton Silveira (Essays on Immaterial Right: Studies Dedicated to Newton Silveira)* (Editora Lumen Juris, Rio de Janeiro, 2009), 375.

- *Overdose de médicaments brevets: l'Europe dans un 'TRIPS' depuis dix ans* in B. Remiche & J. Kors (eds.), "L'Accord ADPIC: dix ans après" (Éds. Larcier, Brussels, 2007), 129 (third party French translation of article: *Popping Patented Pills: Europe and a Decade's Dose of TRIPs* (see below)).
- *General Introduction*, in D. Vaver (ed.), *Intellectual Property Rights: Critical Concepts in Law* (Routledge, 2006) + short introductions to each section (see above).
- *Le concept d'invention en droit des brevets: bilan et perspective*, in M. Vivant & J.-M. Bruguière (eds.), *Protéger les inventions de demain: Biotechnologies, logiciels et méthodes d'affaires* (Institut National de la Propriété Industrielle, la Documentation française, Paris 2003), 271 (a third party translation of an earlier version of *Defining and rewarding invention*: see following entry).
- *Defining and rewarding invention: a review and a modest proposal for patent law*, in P. Mirfield & R. Smith (eds.), *Essays for Colin Tapper* (Lexis/Nexis, 2003), 182. In modified article form, see below.
- *Copyright Developments in Europe: The Good, The Bad and the Harmonized* in N. Elkin-Coren & N.W. Netanel (eds.), *The Commodification of Information* (Kluwer Law Int'l, 2002), 223.
- *Canada's Intellectual Property Framework: A Comparative Overview*, in J. Putnam (ed.), *Intellectual Property and Innovation in the Knowledge-Based Economy* (2001), c. 1; available online at [www.economics.ubc.ca/files/2013/06/pdf\\_paper\\_nancy-gallini-intellectual-property-rights.pdf](http://www.economics.ubc.ca/files/2013/06/pdf_paper_nancy-gallini-intellectual-property-rights.pdf)
- *Issues of Current Concern in European Intellectual Property Law* published in English and in Japanese translation in Institute of Intellectual Property & St Catherine's College, *Issues of Current Concern in European and Japanese Intellectual Property Law* [English translation of Japanese] (Tokyo, 1999).
- *Rejuvenating Copyright, Digitally*, in *Symposium of Digital Technology and Copyright* (Min. of Public Works & Services Can. 1995, Ottawa), 1 (French version published in same volume as *Le Rajeunissement du droit d'auteur dans une perspective numérique*, p. 1).
- *Commentary*, in *Proceedings of the Colloquium on The Collective Administration of Copyright*, (1995, Copyright Board of Canada, Ottawa), 161.
- *Report on Moral Rights: Canada*, in Association Littéraire et Artistique Internationale, *Le droit moral de l'auteur/The moral right of the author*, Congress of Antwerp 19-24 September 1993 (ALAI, Paris, 1994), 207.

- *Intellectual Property: Copyright and New Technologies* (with Prof. V. Nabhan): in Canadian Comparative Law Association/Institute of Comparative Law, *Contemporary Law/Droit Contemporain: Canadian Reports to the 1990 International Congress of Comparative Law*, Montreal 1990 (Yvon Blais, Québec, 1992), 361.
- *What is a Trade Secret?* Chapter 1 in R. Hughes (ed.), *Trade Secrets* (Law Society of Upper Canada, Toronto, 1990). **[CwA]**
- *Canada*. In M.B. Nimmer & P.E. Geller (eds.), *International Copyright Law and Practice*, 2 vols. (Matthew Bender, N.Y., 1988, updated annually until 1998; now continued by Prof. Y. Gendreau, Univ. Montreal). **[CwA]** *New Zealand*. In H. Dawid (ed.), *Pinner's World Unfair Competition Law: An Encyclopedia* 4 vols., (Sijthoff & Noordhoff, Alphen aan de Rijn, 1978). Sole editor for New Zealand. Entries on the law dealing with, *inter alia*, trade marks, competition, and consumer protection.
- *What's In a Name? Rights in Respect of the Commercial Exploitation of Real and Fictional Characters* [1979] *Annual of Industrial Property Law* 211.

### **Intellectual property: periodical articles and notes**

- “*Inducing*” *Copyright Infringement in Canada: Is it a Thing?* — accepted for publication in — (2023) *Intellectual Property Journal* — ; modified version of Blog on IPILog Osgoode Oct 21 2022 - also posted on Osgoode Digital Commons
- *Mr Justice Laddie's Intellectual Property Law Judgments: Of Millefeuilles and a Fish called Elvis*. Accepted for publication in [2022] *Intellectual Property Q'ly* 119 (UK) — & (slightly modified version) in (2022) — IPJ — (forthcoming)
- *Reflections on Thesis Writing* (2022) 35 IPJ 1; extract published as “Twelve Tips on Writing a Thesis” on SSRN and Osgoode Digital Commons, [https://digitalcommons.osgoode.yorku.ca/conference\\_papers/12/](https://digitalcommons.osgoode.yorku.ca/conference_papers/12/). August 2022
- *Owning Copyright of Movies and Films in Canada: May I Presume?* (2022) 34 IPJ 236; pre-publication version on Osgoode Digital Commons; an expanded version of *Copyright Ownership of Movies: Who's on First?* <https://www.iposgoode.ca/2021/09/copyright-ownership-of-movies-and-films-in-canada-whos-on-first/> (Sep 23 2021)
- *User Rights: Fair Use and Beyond* 69:1 *Journal of the Copyright Soc'y of the USA* 301 (2022); also on Osgoode Digital Commons
- *User Rights in Canadian Copyright Law* (2022) 34 IPJ 127; earlier version on [https://digitalcommons.osgoode.yorku.ca/conference\\_papers/10/](https://digitalcommons.osgoode.yorku.ca/conference_papers/10/)
- *The Perplexities of Patent Prosecution History: Procedure over Principle?* (2021) 33 IPJ 225; earlier version on Osgoode Digital Commons

- *The Wonderful World of Patents: 'They Do Things Differently There'* on IPILog (Feb 5 2021); <https://www.iposgoode.ca/2021/02/the-wonderful-world-of-patents-they-do-things-differently-there/>; also on Osgoode Digital Commons
- *Good Faith in Canadian Trademark Applications*, 33 IPJ 1 (2020) [CwA], a much expanded version of same titled blog on IPILog <https://www.iposgoode.ca/2020/08/good-faith-in-canadian-trademark-applications/>
- *Towards a Distinctive Trademark Law for the 21<sup>st</sup> Century* (2018) 30 IPJ 383.
- *Patents and Precedent in the Canadian Federal Courts* (2018) 30 IPJ 341.
- *Copyright Defenses as User Rights* 60 Jo Copr Soc USA 661 (2013).
- *Best Mode Disclosure in Canadian Patents* (2013), 25 IPJ 303 [CwA].
- *User Rights* (2013), 25 IPJ 105.
- *Harmless Copying* (2013), 25 IPJ 19.
- *Venturing into Intellectual Property Jointly and Confidentially* (2013), 25 IPJ 11
- *The Intellectual Property Judgments of Mr Justice Louis Harms* (2013) 76 Jo Contemp Roman-Dutch Law (Tydskrif vir Hedendaagen Romeins-Hollandse Reg) 41 (commemorative issue marking Harms DP's' retirement from the SCA).  
o reprinted with slight modifications in (2013), 26 IPJ 47.
- *Intellectual Property: Is it Still a "Bargain"?* (2012), 24 IPJ 143.  
o modified for Europe as *Intellectual Property: Still a "Bargain"?* [2012] EIPR 579  
o modified for US as *Intellectual Property: "Bargain" or Not?* 89 U. Detroit Mercy L.Rev.381 (2012).
- *Sir Hugh Ian Lang Laddie (1946-2008)*, in L Goldman, ed., *Oxford Dictionary National Biography* (Oxford: Oxford University Press, 2012).  
o reprinted as *In Memoriam: Sir Hugh Laddie* [2012] EIPR 491
- *Snooping, Privacy and Precedent in Ontario* (2011), 23 IPJ 243.
- *Clerical Errors in the Patent Office* (2011), 23 IPJ 131.
- *Consent or No Consent: The Burden of Proof in Intellectual Property Infringement Suits* (2011), 23 IPJ 147 [CwA].
- *Sprucing Up Patent Law* (2011), 23 IPJ 63.
- *Recent Copyright Law Developments: More Reform?* (2010), 22 IPJ 1.
- *Being Old and Obvious: Apotex v Sanofi-Synthelabo in the Supreme Court* (2010), 2 Osgoode Hall Rev. L. Pol'y 3; online, [www.ohrlp.ca](http://www.ohrlp.ca).
- *Reforming Intellectual Property Law: An Obvious and Not-so-obvious Agenda* [2009] 1 IPQ 143;
  - abridged version (2009), 38 CIPA Jo (No 1) 25; available at [www.iposgoode.ca/events-archive/](http://www.iposgoode.ca/events-archive/); <http://www.ip-institute.org.uk/>

- *On the importance of intellectual property rights for e-science and the integrated health record*, 14 Health Informatics Jo 95 (2008) (with G. D'Agostino, C. Hinds, C. Meyer, T. Piper & M. Rahman).
- *Copyright and the Internet: From Owner Rights and User Duties to User Rights and Owner Duties?* 57:3 Case Western L.Rev. 731 (2007); webcast:www.law.case.edu/centers/lta/webcast.asp?dt=20061110&type=wmv&a=1.
- *Publishers & copyright: rights without duties?* (2006), 40(6) Bibliotheksdienst, 743 (Jo. German Library & Information Assn: Bundesvereinigung Deutscher Bibliotheks und Informationsverbände); online: [www.zlb.de/aktivitaeten/bd\\_neu/heftinhalte2006/Recht020606.pdf](http://www.zlb.de/aktivitaeten/bd_neu/heftinhalte2006/Recht020606.pdf).
- published in French (trans. Prof. Ejan Mackaay, Univ. Montreal) as *L'image publique des éditeurs et du droit d'auteur* in (2007), 19:1 Les Cahiers de Propriété Intellectuelle ("CPI") 303;
- *Advertising using an Individual's Image: a Comparative note* (2006) 122 Law Quarterly Review 362.
- *Popping Patented Pills: Europe and a Decade's Dose of TRIPs* [2006] EIPR 282 (with research assistant Shamnad Basheer);
  - o reprinted in N. Sundarshan (ed.), *Public Health and Law* (ICFAI Law Books, India, 2008);
  - o in French translation as *Overdose de médicaments brevets: l'Europe dans un 'TRIPS' depuis dix ans* (see above).
- *Recent Trends in European Trademark Law: Senses, Shapes and Sensation* (2005), 95 Trademark Reporter 895.
- *Unconventional and Well-Known Trade Marks* [2005] Singapore Jo. Legal Studies 1 [CwA].
  - o Reprinted in Dr A.V. Narsimha Rao, *Trademarks: Concepts and Contexts* (ICFAI University Press, Hyderabad, 2009), ch 1.
- *The Problems of Biotechnologies for Intellectual Property Law* (2004), CPI (Hors Série): Mélanges Victor Nabhan), 375;
  - o reprinted as "Los problemas de las biotecnologías para el derecho de la propiedad intelectual," in E. Leon Robayo, ed., *Propiedad Intelectual: Reflexiones* (Centro Editorial de la Universidad del Rosario, Bogotá, 2012).
- *Canada's Intellectual Property Framework: A Comparative Overview* (2003), 17 IPJ 125;



o available on the internet from 2005:

[http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/vwapj/01-EN%20Vaver.pdf/\\$file/01-EN%20Vaver.pdf](http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/vwapj/01-EN%20Vaver.pdf/$file/01-EN%20Vaver.pdf) [CwA]

- *Invention in Patent Law: A Review and A Modest Proposal* (2003), 11 International Journal of Law & Information Technology 286 (“IJLIT”);
  - o slightly modified version published in *Essays for Colin Tapper* (Lexis/Nexis, 2003), above.
- *Need Intellectual Property Be Everywhere?: Against Ubiquity and Uniformity* (2002), 25 Dalhousie L.J. 1 [CwA].
- *The Copyright Mixture in a Mixed Legal System: Fit for Human Consumption?* [2002] Juridical Review 101;
  - o (2001), 5:3 Electronic Jo. of Comparative Law <[www.ejcl.org/52/art52-3.html](http://www.ejcl.org/52/art52-3.html)>.
- *Creating a Fair Intellectual Property System for the 21<sup>st</sup> Century* (2001), 10 Otago LR 1;
  - o modified version published as *Recreating a Fair Intellectual Property System for the 21<sup>st</sup> Century* (2001), 15 IPJ 123;
  - o reprinted in Spanish (trans. M. Medina, M. Pérez, L Flóreza & L. Sánchez) as “Recreando un sistema de propiedad intelectual para el siglo XXI”, in E. Leon Robayo, ed., *Estudios de propiedad intelectual* (Centro Editorial de la Universidad del Rosario, Bogotá, 2011), ch 1.
- *Intellectual Property Law: The State of the Art* (2000), 116 LQR 621;
  - o republished in (2001), 32:1 VUWLR 1 (Special Issue on Intellectual Property);
  - o republished in Frankel & Smith (eds.) *Essays on Intellectual Property Law and Policy* (Victoria Univ. Law Review, 2001), 1; [cwww.nzlii.org/nz/journals/VUWLRRev/2001/2.html](http://cwww.nzlii.org/nz/journals/VUWLRRev/2001/2.html);
  - o published in Chinese (trans. Prof. Li Yufeng) in (2007:4) Wan Huida (Intellectual Property), vol. 17, no. 100, p. 88-96 (ISSN 1003-0476).
- *Moral Rights: The Irish Spin* (1999), 3:3 Irish IP Rev. 3 (partly based on *Moral Rights Yesterday, Today and Tomorrow*; see below).
- *Copyright in Europe: The Good, The Bad and the Harmonised* (1999), 10 Australian IP Jo. 185.

- *Moral Rights Yesterday, Today and Tomorrow* (1999), 7 IJLIT 270;  
[http://eprints.ouls.ox.ac.uk:81/inttec/hdb/Volume\\_07/Issue\\_03/abstracts/070270.sgm](http://eprints.ouls.ox.ac.uk:81/inttec/hdb/Volume_07/Issue_03/abstracts/070270.sgm)
- *Taking Stock* [1999] EIPR 339.
- *Copyright Law: Recent Canadian Developments* (1998), 16 Austl. Bus. L.R. 412.
- *The Copyright Amendments of 1997* (1997), 12 IPJ 53.
- *Copyright in Canada: The New Millennium* (1997), 12 IPJ 117;
  - French translation (by É. Guéry) as *La loi sur le droit d'auteur au Canada: le troisième millénaire* (1997), 10 CPI 91.
- *Copyright and the State in Canada and the United States* (1996), 10 IPJ 187.
- *Rejuvenating Copyright* (1996), 75 CBR 69.
  - Available at [http://www.cba.org/cba\\_barreview/](http://www.cba.org/cba_barreview/).
- *Record and Software Rentals: The Copyright Spin* (1995), 10 IPJ 109.
- *The Exclusive Licence in Copyright* (1995), 9 IPJ 163 **[CwA]**.
- *Copyright Inside the Law Library* (1995), 53 The Advocate 355.
- *Abridgments and Abstracts: Copyright Implications* [1995] EIPR 225.
- *Clipping Services and Copyright* (1994), 8 IPJ 379.
- *Limitations in Intellectual Property: "The Time is out of Joint"* (1994), 73 CBR 451.
  - Available at [http://www.cba.org/cba\\_barreview/](http://www.cba.org/cba_barreview/)
- *Tripping through TRIPs: Canada and Copyright* (1994), 22 Canadian Law Newsletter 53, Summer 1994 (ABA, Canadian Law/Section of International Law & Practice).
- *Translation and Copyright: A Canadian Focus* [1994] EIPR 159.
- *Copyright in Legal Documents* (1993), 31 OHLJ 661. **[CwA]**
- *Keeping Secrets, Legally Speaking* (1992), 13 Adv Q'ly 334. **[CwA]**
- *Can Intellectual Property be Taken to Satisfy a Judgment Debt?* (1991), 6 Banking & Finance Law Review 255.
- *Dramatic and Musical Reproductions and Performances: Copyright and Performers' Rights and their Implications for Educators* (1991), 6 IPJ 239.
- *Copyright Phase 2: The New Horizon* (1990), 6 IPJ 37;
  - translated into French as *Le droit d'auteur, phase 2: De nouveaux horizons* (1989), 2 CPI 83.
- *Intellectual Property Today: Of Myths and Paradoxes* (1990), 69 CBR 98.

- o reprinted with modifications as *Some Agnostic Observations on Intellectual Property* (1991), 6 IPJ 125;
- o reprinted in K.R.G. Nair & Ashok Kumar (eds.), *Intellectual Property Rights* (Allied Publishers Ltd, India, 1994), 238;
- o reprinted in P. Drahos (ed.), *Intellectual Property* (Ashgate, Dartmouth, 1999), 485 ff.
- *Canada Starts Reforming its Copyright Law* (1989), 10 Jo. Media Law & Practice 58.
- *Authors' Moral Rights and the Copyright Law Review Committee's Report: W(h)ither Such Rights Now?* (1988), 14 Monash ULRev 284.
- *Authors' Moral Rights - Reform Proposals in Canada: Charter or Barter of Rights for Creators?* (1987), 25 OHLJ 749.
- *Copyright in Foreign Works: Canada's International Obligations* (1987), 66 CBR 76.
- *The National Treatment Requirements of the Berne and Universal Copyright Conventions* (1986), 17 International Review of Industrial Property and Copyright Law 577 ("IIC") (Part I); 715 (Part II);
  - o German translation (by T. Dietz) as *Die Inländerbehandlung nach der Berner Übereinkunft und dem Welturheberrechtsabkommen* (1988), Gewerblicher Rechtsschutz und Urheberrecht Internationaler Teil [GRUR International] 191.
- *Infringing Copyright in a Competitor's Advertising: Damages "At Large" Can Be Large Damages* (1984), 1 IPJ 186.
- *Summary Expungement of Registered Trademarks on the Ground of Non-Use* (1983), 21 OHLJ 17. **[CwA]**
- *Snow v. The Eaton Centre: Wreaths on Sculpture Prove Accolade for Artists' Moral Rights* (1983), 8 CBLJ 81.
- *Authors' Moral Rights in Canada* (1983), 14 IIC 329.
- *What's Mine is Not Yours: Commercial Appropriation of Personality under the Privacy Acts of British Columbia, Manitoba and Saskatchewan* (1981), 15 UBCLR 241. 100pp.
- *Civil Liability for Taking or Using Trade Secrets in Canada* (1981), 5 CBLJ 253. **[CwA]**
- *Trade Secrets: A Commonwealth Perspective* [1979] EIPR 301.
- *The Protection of Character Merchandising - A Survey of Some Common Law Jurisdictions* (1978), 6 IIC 541.
- *Copyright in the Commercial World* [1974] New Zealand Recent Law ("NZRL") 20.

- *Copyright - Literary Work* (Note) [1974] New Zealand Law Jo. (“NZLJ”) 515.

### **Intellectual property: working & unpublished papers**

- *The Enforcement of Copyright and Related Rights under the TRIPs Agreement and The Dispute Settlement Mechanism of the World Trade Organization*, working paper No. 1, April 2000 (Oxford IP Research Centre).
- *Introduction to Issues of Current Concern in European Intellectual Property law*, WP 08/99, OIPRC E-Jo. IPR, [www.oiprc.ox.ac.uk/EJWP0899.html](http://www.oiprc.ox.ac.uk/EJWP0899.html)
- *The Future of Intellectual Property Law: Japanese and European Perspectives Compared*, WP 09/99, OIPRC E-Jo. IPR, [www.oiprc.ox.ac.uk/EJWP0999.html](http://www.oiprc.ox.ac.uk/EJWP0999.html)
- *Intellectual Property: Where’s the World Going?* OIPRC seminar paper No. S01/99, OIPRC E-Jo. IPR, [www.oiprc.ox.ac.uk/Seminar0199.html](http://www.oiprc.ox.ac.uk/Seminar0199.html)
- *Internationalizing Copyright Law: Implementing the WIPO Treaties*, OIPRC working paper No. 01/99 (Nov. 98), [www.oiprc.ox.ac.uk/EJWP0199.html](http://www.oiprc.ox.ac.uk/EJWP0199.html)

### **Commercial & contract law: periodical articles**

- *Unsettling Insurance Settlements: Of Unconscionability and Other Things* (1992), 50 *The Advocate* 749.
- *Unconscionability: Panacea, Analgesic or Loose Can(n)on?* (1988), 14 *CBLJ* 40.
- *Developments in Contract Law: The 1985-86 Term* (1987), 9 *SCLR* 181.
- *Developments in Contract Law: The 1984-85 Term* (1986), 8 *SCLR* 109.
- *Chief Justice Laskin and the Law of Contracts* (1985), 7 *SCLR* 131.
- *Contracts for the Sale of Goods in Canada* (1982), *Juristo* No. 762, p. 119 (translated into Japanese).
- *“Battle of the Forms”: A Comment on Professor Shanker’s Views* (1980), 4 *CBLJ* 277.
- *Contracts for the Sale of Land: Recent Developments* [1978] *NZRL* 78, 124, 163, 202, 235.
- *Sale of Land to Purchaser or his Nominee* [1974] *NZLJ* 531 (note).
- *Contracts - Validation of Illegal Contracts* [1974] *NZLJ* 149 (note).
- *Real Estate Agent - Agent for Whom?* [1974] *NZLJ* 57 (note).
- *Motor Vehicle Accident Insurance - A Question of Safety* [1974] *NZLJ* 58 (note).

- *Illegal Contracts - Validation* [1973] NZLJ 383 (note).
- *Real Estate Agent - Commission* [1973] NZLJ 287 (note).
- *Car Leasing - Those Hire Purchase Regulations Again!* [1973] NZLJ 156 (note).

#### **Law of evidence: periodical articles**

- *Law Reform: Professional Privilege in New Zealand* [1977] NZRL 336.
- “*Without Prejudice*” *Communications - Their Admissibility and Effect* (1974), 9 UBCLR 85. [CwA]
- *Medical Privilege in New Zealand* (1969), 1 Auck. ULRev 63. [CwA]

#### **Book reviews**

- Bridge, *Sale of Goods*: (1990), 5 Banking & Finance Law Review 387.
- Blakeney & McKeough, *Intellectual Property: Commentary and Materials*: (1988), 3 IPJ 347.
- Beale, *Remedies for Breach of Contracts*: (1981), 19 Uni. Western Ontario L. Rev. 394.
- Boyle & Percy, *Contracts: Cases and Commentaries*: (1979), 17 Uni. Alberta L. Rev. 567.
- Falconer, Aldous & Young, *Terrell on the Law of Patents (12th ed.)*: (1974), 5 N.Z. Univ. Law Rev. 410.

### **Selected Activities**

#### **Government and other policy advice**

- Member, UK IP advisory committee; appointed by the Minister of Trade & Industry. The committee (disbanded in 2005) advised the Minister of Science & Technology on future IP policy and planning. It comprised leading lawyers and patent attorneys, industrialists, inventors, and economists. I was one of the two legal academics. 2001-05.
- Advisor to the government of the Cayman Islands on IP law reform. 2003-5.
- Advisor to Department of Industry, Canada, on *Supporting culture & innovation: report on the provisions & operation of the Copyright Act* (Ottawa, October 2002). Advising on a quinquennial report on future copyright policy & planning, presented to the Canadian parliament, 2002. <http://strategis.ic.gc.ca/SSG/rp00863e.html>.
- Member, working group on IP, Royal Society. Participating in the formulation of policy and drafting of the Royal Society report *Keeping science open: the effects of intellectual property policy on the conduct of science* (April 2003), endorsed by the council of the Society and published (ISBN 0 85403 590 7); also available at [www.royalsoc.ac.uk/policy](http://www.royalsoc.ac.uk/policy). The working group was appointed by the council of the Royal Society and included leading scientists such as Sir Roger Elliott, Sir John Sulston and the late Professor Roger Needham), together with leading IP patent attorneys and lawyers. I was the sole legal academic. 2001-03.

- Consultant to Reuters plc. 1998-2004.

### **Research projects**

- Principal Investigator (with Dr Marina Jirotko, Oxford Computing Lab), *Copyright ownership of medical data in collaborative computing environments*. Major research grant (RES-341-25-0033) from Economic & Social Science Research Council under e-Society programme phase II. January 2005-January 2006.
- Participant in *Ethical, legal & and institutional dimensions of E-sciences*. Multidisciplinary ESRC-funded project led by Oxford Internet Institute. 2005-6.

### **Oxford Intellectual Property Research Centre**

#### **Selected events organized as OIPRC director:**

#### **Organized and held annually until end 2007:**

- Co-convenor, *Intellectual property in the new millennium*, weekly interdisciplinary research seminar series at St Peter's College, Univ. of Oxford. Distinguished guest speakers from Oxford and internationally: academic and practising lawyers, economists, judges, IP researchers, departmental officials Attended by Oxford graduate & research students & other members of the Oxford community, lawyers, etc. For complete list of speakers & topics, see [www.oiprc.ox.ac.uk/Seminar.html](http://www.oiprc.ox.ac.uk/Seminar.html) & [www.oiprc.ox.ac.uk/OldSeminar.html](http://www.oiprc.ox.ac.uk/OldSeminar.html). 1998- .
- Co-director, annual summer institute on international IP Law, alternating between Victoria Univ. (British Columbia, Canada) and St Peter's College, Univ. of Oxford. A collaboration between OIPRC, Victoria Univ., and the Univ. of Illinois. Sponsored by law firms Bird & Bird (UK) (2002-3) & Eric Potter Clarkson (2005, 2007), Smart & Biggar (Canada) & Brinks Hofer (US). Six week summer course attended by law students, lawyers, judges & policy makers from North America and abroad. Held alternately annually in Victoria and Oxford. Teaching by IP academics and lawyers from North America and the UK, including OIPRC members (myself included). Accredited by the American Bar Association. 2002 (Victoria), 2003 (Oxford), 2004 (Victoria), 2005 (Oxford), 2006 (Victoria), 2007 (Oxford). Maximum attendance (Oxford): 52.
- Mock trial on IP issues, held at Oxford town hall courtroom. Copyright, privacy, trade mark, and moral rights issues argued before a High Court or Court of Appeal judge by, inter alia, Christopher Floyd QC (now Floyd J), Henry Carr QC, Michael Silverleaf QC, with lawyer witnesses. 2002- . Typically attended by 60-100 students, lawyers, academics, researchers, and members of the public.
- Oxford International Inter-university IP Moot Competition, held at St Peter's (03), Oriel (05, 06) and Worcester (04, 07, 08) Colleges. Twenty law schools competing from England, Scotland, Northern Ireland, Eire, Canada, United States, Brazil, Singapore, Hong Kong, Sri Lanka, Australia, France and Latvia, before lawyer judges. Final moot judged by a panel comprising variously Lords Justices Mummery, Jacob, Pumfrey, and Justices Tugendhat and Floyd. [www.oiprc.ox.ac.uk/Moot06.html](http://www.oiprc.ox.ac.uk/Moot06.html).

- *International intellectual property law symposia*. Co-chair, Vancouver (2004); St Peter's College, Oxford (2005), [www.oiprc.ox.ac.uk/Symposia2005.pdf](http://www.oiprc.ox.ac.uk/Symposia2005.pdf). Conference on current IP issues. The Oxford 2005 conference had Lord Hoffmann as keynote speaker. In Oxford 2007, comparative mock trials on patent infringement were held before Rothstein J (Supreme Court of Canada), Holderman CJ (US federal district court, Northern District of Illinois) and Judge Fysh QC SC (Patents County Court, England & Wales) conducted by Canadian, US and English lawyers with witnesses (and in the US case, a 6-person jury).

#### **Held periodically:**

- *Intellectual property & competition law*. IP forum, held at Said business school, (scheduled March 24, 2006). Co-organized with Intellectual Property Institute. The keynote speaker was Dr Wolfram Forster, Controller of the European Patent Office, Munich, and the line-up of speakers included leading UK and international academic and practising lawyers and economists, and business representatives.
- *The commercial exploitation of academic science: a contradiction?* IP forum, held at Said business school, April 25 2003. Co-organized with Intellectual Property Institute. Over 120 registered attendees.

#### ***Recent Conferences and Lectures***

Over the last 50 years I have chaired or been a panellist, presenter or commentator at numerous conferences internationally on IP (and in the first 25 years, also commercial and contract law) involving academics, lawyers, professionals and the general public. The following are some such IP conferences over the last decade or so involving substantive participation:

#### **Keynote Speeches and Special Lectures**

##### **2022**

- *User Rights in Intellectual Property*. Presenting Faculty & Graduate Seminar, Faculty of Law, Queen's University, Belfast. Oct 5, 2022.
- *The Origins of Intellectual Property Law as an Academic Subject*. Panelist at Inaugural Cornish Intellectual Property Law Colloquium: a discussion of the legacy of the late Professor Bill Cornish. Public Lecture (& on Zoom), London School of Economics, UK. Sep 28 2022.
- *Supreme Court of Canada Rules on "Making Available"*. Conversation with Prof Ysolde Gendreau (U Montreal). Breaking News Series Webinar, Copyright Society, NY. August 3 2022 (Zoom).

- *Mr Justice Laddie's Intellectual Property Law Judgments: Of Millefeuilles and a Fish called Elvis*. 14th annual Sir Hugh Laddie Memorial Lecture, University College London, University of London. In person & on Zoom, June 22, 2022. Published in [2022] *Intellectual Property Quarterly* 119 and (2022) — IPJ – (forthcoming); Live speech available on YouTube.
- *Reflections on Doctoral Work*. UCL Institute of Brand & Innovation Law, Current Research in IP Law, PhD Conference. Keynote Speech. University College London, June 22, 2022.

## 2021

- *User Rights in Canadian Copyright Law*. Keynote speech to the Ontario Association of Librarians' Copyright Symposium. Dec 8 2021 (by Zoom). Revised version of paper published in (2022) IPJ; see above
- *User Rights: Fair Use and Beyond*. 51st annual Donald C. Brace Memorial Lecture delivered to the Copyright Society of the USA, Faculty of Law, Fordham University, New York, NY. First lecture delivered to the Society by non-American. Nov 8 2021 (by Zoom). published above in (2022) *Journal of the Copyright Society of USA*.

## 2017

- *Patents and Precedent in the Canadian Federal Courts*. Presented paper at the Sixth Patent Law Colloquium, University of Toronto. November 3 (later published).
- *The Evolution of Copyright User Rights*, Q & A discussion with Prof. P. Chapdelaine (online at <<https://ctl2.uwindsor.ca/vidlinks/FF05B3B16B91BBE2.html>>; also chairing panel at *Copyright User Rights & Human Rights. Copyright User Rights and Access to Justice Symposium*, University of Windsor, 18-19 May.
- *Towards a Distinctive Trademark Law for the 21<sup>st</sup> Century*. Presented keynote address to the conference on *Following the Signs: New Directions in Trademark Law*, Centre for Law, Technology & Society, University of Ottawa, 8 May (later published).

## 2014

- Presented opening paper on *User Rights in Intellectual Property*; and further paper on *IP Tribunals in Israel (closing session)*. International Conference on *The Measure of Intellectual Property: New Principles, Future Dilemmas*. Radzyner Law School, Interdisciplinary Center ( ). Herzliya, Israel, March 10-11.

## 2012

- *Intellectual Property: Still a 'Bargain'?* Annual IP Bar Association lecture, Gray's Inn. London, UK, July 2 (published).



- *Intellectual Property: Is it Still a 'Bargain'?* Annual Harold Fox QC memorial lecture, delivered at the Canadian inter-university mooting competition. Toronto, February 17 (published).
- *Copyright in Canada: Current Cases, Comparisons, Contrasts*. Seminar, British Literary & Artistic Copyright Association. London, UK, January 12.

## 2010

- *The Immorality of Intellectual Property Law*. Annual Cronkite lecture, Faculty of Law, University of Saskatchewan, Saskatoon, September 27.
- *To Serve and To Protect: The Challenge for Intellectual Property Law*. International Law Discussion Group, Chatham House, Pall Mall, London, April 23. [www.chathamhouse.org.uk/files/13936\\_il230409.pdf](http://www.chathamhouse.org.uk/files/13936_il230409.pdf).

## 2008

- *Reforming Intellectual Property Law: An Obvious and Not-so-obvious Agenda*. Annual Stephen Stewart Lecture, London November 26. (Published and on website.) **2007**
- *Chocolate, Copyright, Confusion: Intellectual Property and the Supreme Court of Canada*. Presenting annual James L. Lewtas Lecture at Osgoode Hall Law School of York University. Toronto, October 24 (published). Webcast at [mms://media.osgoode.yorku.ca/events/LewtasLecture-Oct242007.wmv](http://mms://media.osgoode.yorku.ca/events/LewtasLecture-Oct242007.wmv) **2006**
- Presented keynote paper *Copyright and the internet: from user duties and owner rights to owner duties and user rights?* in Panel 1 on "Drafting the WIPO Treaties: Policy & Implementation" at *The 1996 WIPO Copyright treaties: 10 years later*, organized by the Center for Law, Technology & the Arts & the Cox International Law Center, Case Western University. Cleveland, Ohio, November 10.
  - o Published in Special Symposium volume of the Case Western Law Review (2007), see above.
  - o Webcast: [www.law.case.edu/centers/lta/webcast.asp?dt=20061110&type=wmv&a=1](http://www.law.case.edu/centers/lta/webcast.asp?dt=20061110&type=wmv&a=1)
- McCarthy Tétrault visitor and lecturer in IP & IT law at the faculty of law, Queen's Univ.; awarded to "a practitioner, jurist or academic who has made a substantial contribution to the field of intellectual property or information technology law, and who will be a valuable and engaging participant in the Faculty." Delivered lecture on *Is more better? Confessions of an intellectual property minimalist*. Kingston, Ontario, November 6.
- *Does the public understand intellectual property law? Do lawyers?* Keynote speech delivered at the annual Meredith memorial lectures on *Intellectual Property at the Edge: New Approaches to Intellectual Property in a Transsystemic World* at the faculty of law, McGill Univ., Montreal, March 17. Published as the lead paper in *Meredith Lectures 2006* (Yvon Blais, Montreal, 2007). **2005**
- *La evolución mundial del sistema de propiedad intelectual (The world development of the intellectual property system)*. Public lecture (in English) organized by the centre for interdisciplinary industrial and economic studies, research secretariat, faculty of law,

Univ. of Buenos Aires & the Arcelor chair in technology and law, Catholic Univ. of Louvain. Buenos Aires, November 2.

- *Protection of well-known & unconventional marks*. Public lecture for the Singapore academy of law & the faculty of law, National Univ. of Singapore. Singapore, March 2. (Later published.)
- *Senses, shapes & sensation as trademarks in Europe*. Paper delivered at the first annual learned professors' trademark symposium of the International Trademark Association (INTA), *Pushing the Envelope in the Global Protection of Trademarks: Frontiers in North American, European & Asian Trademark Law*. San Francisco, January 7. (Later published.)

### 2003

- *Intellectual property law: some current trends*. Lecture to the faculty and students of the faculty of intellectual property; and (2) *Intellectual property education in a higher education institution*, public lecture, delivered at the *International intellectual property symposium* at the Osaka Institute of Technology to inaugurate its new BSc programme in IP; lectures chaired by the chancellor and president of the Institute. Osaka, December 12.
- *Why is biotechnology an issue for intellectual property law?* Keynote paper delivered at the international conference on *Intellectual property and biotechnology in the age of globalization: challenges, opportunities & risks*, organized by Univ. of British Columbia faculty of law & Osgoode Hall law school of York Univ. Vancouver, Canada, Sep. 19-20. (Later published.)
- *Intellectual property: American normalcy, European peculiarity, or is it vice versa?* Distinguished IP lecture delivered at the Center for law, technology and the arts, Case Law School. Also presented a faculty seminar on *Do moral rights make any sense?* Cleveland, Ohio, February 18-19. **2002**
- *Need intellectual property be everywhere?: against ubiquity & "one size fits all"*. The Horace E. Read memorial lecture for 2002, delivered at Dalhousie Univ., faculty of law. Halifax, N.S., October 30. (Later published.) **2001**
- *Canada's intellectual property framework: a comparative overview*. Opening paper examining the current state of IP laws in Canada, compared to the United States, in the conference on *Intellectual property & innovation in the knowledge-based economy* organized by the Canadian department of industry & the Centre for innovation law & policy, Univ. of Toronto. Toronto, May 23-4.
- Paper separately published in the IPJ (see above)
- available in 2005 on the Industry Canada website:  
[http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/vwapj/01-EN%20Vaver.pdf/\\$file/01-EN%20Vaver.pdf](http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/vwapj/01-EN%20Vaver.pdf/$file/01-EN%20Vaver.pdf).

### 2000

- *The copyright mixture in a mixed legal system: fit for human consumption?* Keynote paper (later published) in the session on IP at the conference on *Mixed legal systems: patterns of development* organized by the Univ. of Edinburgh & Tulane Univ.. Edinburgh, December 8-9.
- *The Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPs Agreement)* (keynote lecture) and *Dispute settlement procedures under the TRIPs Agreement and Infringement of intellectual property rights - some case studies*. Papers delivered at the national seminar on *The enforcement of intellectual property rights* organized by the World Intellectual Property Organization and the Omani ministry of commerce & industry. Muscat, October 22-24.
- *Creating a fair intellectual property system for the 21st century*. F.W. Guest memorial lecture (later published) delivered at the Univ. of Otago.
- Variations of this, my Oxford inaugural lecture, & a lecture on authors' moral rights, also delivered as public lectures & staff seminars at the universities of Otago, Canterbury, Waikato, Auckland, & Victoria Univ. of Wellington. Throughout July-August.
- *Intellectual property: the state of the art*. Inaugural professorial lecture (later published) delivered at faculty of law, Univ. of Oxford. Oxford, May 17.

#### **1999**

- *Moral Rights: The Irish Spin*. Annual lecture (later published) for the Copyright Association of Ireland. Dublin, December 6.
- *Issues of Current Concern in European Intellectual Property Law*. Keynote address at conference on *Issues of Current Concern in Japanese & European Intellectual Property Law* organized by the Institute of IP (Japan) & St Catherine's College, Oxford Univ. Tokyo, April 13.
- The same keynote address was presented at the companion conference on the same topic in Kobe, Japan, April 10, organized by the Kobe Institute & St Catherine's College.
- *The future of intellectual property law: Japanese & European perspectives compared*. Lecture to an invited academic and business audience at the third Oxford Univ. academy salon. Ark Hills club, Tokyo, April 13.

#### **1997**

- *The copyright amendments of 1997: an overview*. Keynote address (later published in journal and on CDROM) at the Insight/Globe & Mail conference, *The new Copyright Act: managing the impact*. Metropolitan Hotel, Toronto, June 24-25.
- *Copyright in the information age*. Principal speaker at full day session at the British Columbia Library Association, annual conference, *Vital connections: libraries & communities*. Surrey, B.C., May 8-10.

## **1996**

- *Overview of copyright*. Keynote address at the Canadian Association of Research Libraries conference on *Copyright: what you don't know may hurt you*. Delta Hotel, Ottawa, October 3-4.
- *Seeing through C-32*. Keynote paper (available in conference binder and CD-ROM) at Insight/Globe & Mail conference on *Copyright reform: the package, the policy & the politics*. May 30-31, Toronto.

## **Other Presentations**

### **2020**

- Co-chair, Panel on *Intellectual Property, Commercialization and Innovation – What Lies Ahead*, in *Bracing for Impact III: Zooming Out: Emerging Technologies*, IDC Herzliya, Israel. March 17.

### **2019**

- Chair, *Intellectual Property at a Crossroad*, in *AI Data Conference*, Osgoode Hall LS, April 9.

### **2018**

- Presenting paper on Privacy Protection at conference on *A Child's Right to be Forgotten: In Search of a Solution?* Osgoode Hall LS, November 12.

### **2017**

- Presenting closing talk at all day conference on *Intellectual Property: Fuel for the fire or shelf life of a banana?* Symposium held in honour of my being awarded the Order of Canada. Osgoode Hall Law School, November 17.

### **2014**

- *Injunctions*. Interactive presentation to Federal Court and Court of Appeal judges. Joint Federal Court of Appeal and Federal Court Education Seminar on Intellectual Property, Mont Tremblant, Que., October 1-3.

### **2013**

- *Is Canada's Patent Law Out of Step?* Patent Colloquium. Paper presented as panellist. University of Toronto, November 13. **2012**
- *User Rights*. Paper presented as panellist. *Copyright in 2012: New Judicial Developments*. Toronto Computer Lawyers Group. Toronto, October 25.
- *Introduction to Patents*. Paper presented to the Technology & Intellectual Property Group *Conference on Patents*, Faculty of Law, University of Toronto, February 13.

### **2011**

- *3500 Footnotes Later: Is It All Patently Obvious Now?* Paper presented at Seminar at the Centre for Intellectual Property Law Policy, McGill University, Montreal, November 16

• *Intellectual Property Remedies*. Paper presented to Federal Court of Canada judges. Federal Court Annual Education Seminar, Mount Tremblant, Que. September 14-16.

## 2009

• *The Intellectual Property Bargain: Consumer Perspectives in a Global Economy*, IP Osgoode, Osgoode Hall Law School. Opening comments as Conference Chair. Schulich Business School, York University, Toronto, September 18. **2007**

• Summer School, University of Tokyo School of Law. Presenting lectures on UK developments in copyright and patent law. Kazusa Academy, July 31- August 1.

• *30th Comparative Law & Politics Symposium: Developing International Intellectual Property Norms for the 21st Century*, organized by the Faculty of Law, University of Tokyo. Presenting paper on *Copyright in the 21st century: a British (and European) Perspective*. ANA Hotel, Tokyo, July 30.

• *World-wide Science: Promises, Threats and Realities: A Workshop*, Oxford Internet Institute. Chaired session on Economic, Cultural and Institutional Shaping of e-Research. University of Oxford, June 1.

• *Governing Genetic Databases Seminars*, Ethox Centre. Presenting paper on *Medical databases: fit for intellectual property rights?* University of Oxford, May 30. **2006**

• Invited speaker to the Royal Society of the Arts/*The Guardian* public debate on *Should public sector information be available to all for the cost of reproduction?* Chaired by Derek Wyatt MP. RSA House, London, July 17.

• Commentary paper *Images in Brand Culture: responding legally to Professor Schroeder's paper* (for edited volume, now published) at a workshop on *Signs, commodities & communication: interdisciplinary approaches to trademarks* organized by Centre for IP & information law, faculty of law, Univ. of Cambridge. Cambridge, July 3.

• Paper on *Does intellectual property have personality?* at conference on *Rights of personality in Scots law: a comparative perspective* organized by the law schools at the Universities of Strathclyde & Edinburgh & the AHRC Research Centre for studies in IP & technology law at the Univ. of Edinburgh. Glasgow, May 5-6. Paper published in edited compilation by Dundee Univ. press, 2008.

• Lead panellist in session on *The public image of publishers & copyright* at Sixth International Publishers' Association biennial copyright symposium, *Publishing & the public interest*. Montreal, April 25. Presenting paper on *Publishers & copyright: rights without duties?* [www.anel.qc.ca/ipa-symposium](http://www.anel.qc.ca/ipa-symposium).

• Blogged: <http://www.slaw.ca/2006/04/25/publishers-and-copyright/> and a fuller version later published in *Bibliotheksdienst* (2006) and in French translation in (2007) *Cahiers de Propriété Intellectuelle*.

• Paper on *Protecting privacy and personality in the Commonwealth: "good sense and social desirability" or judicial censorship?*, presented at conference on *Privacy and personality rights in comparative perspective*, organized by the Centre for IP & information law, faculty of law, Univ. of Cambridge. Cambridge, February 11.

## 2005

- Co-chair, *Ethical, Legal & Institutional Dynamics of E-Science: the Case of E-Diamond*. Joint ESRC OeSS & ImaGe project workshop held at Oxford Internet Institute. Oxford, December 2.
- Paper on *Popping patented pills: Europe & a decade's dose of TRIPs* at the interdisciplinary seminar on *The TRIPs Agreement 10 years on – European & Latin American perspectives* organized by Association Internationale de Droit Économique, the Arcelor chair of technology & law at the Catholic Univ. of Louvain-la-Neuve & the Centre for interdisciplinary studies on economic law at the Univ. of Buenos Aires. Buenos Aires, October 31-November 2. (Published in 2006 EIPR, see above; also published in edited volume in French and Spanish)
- Participated in workshop on *National intellectual property policy: between regional dominance & international governance* for invited European IP researchers, to discuss common goals and establish IP network, held at the European Univ. Institute. Florence, September 23-24.
- Lecture on *Ethical & commercial considerations in research* at a divisional seminar day on *Some ethical issues in intellectual property* organized by the Univ. of Oxford medical faculty. Oxford, July 22.
- Chaired (a) initial keynote speech by Lord Hoffmann and (b) concluding judicial panel (Mummery LJ, HHJ Fysh QC, Rothstein JA) at symposia on *International intellectual property law* organized by OIPRC & law schools of Univ. of Victoria & Univ. of Illinois. Oxford, June 24-25.
- Paper on *Legal Perspectives* in session on *Digital archiving & institutional repositories: technical, social, legal & institutional perspectives* at workshop on *Digital archiving of research at the University of Oxford* organized by the Oxford Internet Institute & Univ. of Oxford library services & computer services. June 10.

## 2004

- Lecture on *An overview of the law & current issues* in lecture series on *The Nature & Impact of Intellectual Property Law in a Modern Business Environment* at Tanaka business school, Imperial College. London, June 9, 2004.
- Paper on research activities of the OIPRC at the symposium on *The entrepreneurial university* at Center for IP studies, Chalmers Univ. of Technology. Göteborg, Sweden, June 1-4.
- Rapporteur for workshop I, *Biotechnology & Patents* at the international conference on *Patents - Innovation - Public Interest* organized by the Arcelor chair of law & technology, Catholic Univ. of Louvain; published in B. Remiche (ed.), "Brevet, innovation et interet general - Le brevet: pourquoi et pour faire quoi?:" actes du colloque de Louvain-la-Neuve organise par la Chaire Arcelor (Larcier, 2007), 531-537. Louvain, March 1113.

- Panellist & commentator at ESRC seminar series no. 1 on *Intellectual property rights, economic development & social welfare: what does history tell us?* organized by the Queen Mary Institute of Intellectual Property. London, January 23.
- Paper as panellist in the final session, *Which copyright policies will best support innovation?* at the conference on *Music & technology: policy frameworks for the future.* organized by the Royal Society of Arts. London, 15 January. **2003**
- Lecture on *Intellectual property & the new technologies: old law, new law* as part of the Rhodes Trust centenary celebrations. Said business school, Oxford, July 4.
- Panellist in morning session *Is commercial exploitation of academic research a contradiction? Should exploitation be encouraged nonetheless?* in the IP Forum *The commercial exploitation of academic science: a contradiction?* organized by the OIPRC & Intellectual Property Institute. Said business school, Oxford, April 25.
- Paper on *Is Harmonizing Intellectual Property Actually a Good Thing?* to l'Association littéraire et artistique internationale (ALAI) Toronto branch. Toronto. April 8.
- Paper on *Why Words Matter* as panellist in final session, *Overview Commentary on Balancing Public & Private Interests* in conference on *International Public Goods, the Public Domain, & the Transfer of Technology after TRIPs* organized by Duke Univ. school of law. Raleigh, N.C., April 4-6.

## **2002**

- Lectures on (1) Subject matter & conditions for protection of works, (2) Economic exploitation & exercise of rights, and (3) Moral rights, at sub-regional symposium on copyright protection for members of the judiciary of the countries of the Gulf co-operation council, organised by the World Intellectual Property Organisation & the ministry of justice of the United Arab Emirates. Abu Dhabi, May 13-15.
- Presentation on copyright law to IP law & economics discussion forum on *Key issues in intellectual property law*, Centre for economic performance, London School of Economics. London, April 24.

## **2001**

- Lectures on (1) Moral rights, (2) Exercise of rights and (3) Enforcement & remedies, to Arab regional conference on enforcement of IP rights for members of the judiciary, organised by the World Intellectual Property Organisation & the Jordanian ministries of justice and industry & trade. Amman, November 5-7.
- Lecture on *Copyright in the digital age* at the second St Catherine's College /Kobe Institute Intellectual Property seminar, Kobe, Japan, September 28-30. Re-presented at the Intellectual Property Institute conference, Tokyo, October 2.
- Comments on *Security, privacy & trust* conference on *E-government & democratic rights* organized by Balliol College. Oxford, March 15-17.
- Paper on *The internet & copyright* at seminar on *Films on the internet: copyright and contract problems* organized by the British Screen Advisory Council. London, January 15.

## 2000

- Paper on *Copyright & the internet* at the Great Britain-China Centre seminar on *Chinese and UK perspectives on freedom of expression*. Merton College, Oxford, November 24.
- Lecture on *Intellectual property & the internet* at a meeting of the Danish-UK Chamber of Commerce. London, November 22.
- Moderated & presented in session on *Supporting innovation by protecting intellectual property* at the European Business Summit on *Innovation & creativity*. Brussels, 9-11 June.
- Lecture on *Moral rights* at the Faculty of Law, Univ. of Edinburgh. Edinburgh, March 9.
- Co-convenor & presenter of paper on *Comparative U.S. & European intellectual property law* at the workshop on *Intellectual property law* organized by the OIPRC & Engelberg Center on Innovation Law & Policy, New York Univ. Law School, under the aegis of the NYU/Oxford Global Law Institute. New York, February 11-12. **1999**
- Papers on *The enforcement of copyright and related rights under the TRIPs agreement* and *The dispute settlement mechanism of the World Trade Organization* at the national seminar on *Copyright and related rights* organized by the World Intellectual Property Organization and the government of Lebanon. Beirut, September 6-8.
- Lecture on *Copyright developments in Europe* (later published) at the annual conference of the IP Association of Australia & New Zealand. Noosa, Queensland, Aug. 21-22.
- Lecture on *Moral rights yesterday, today and tomorrow* (later published) at a meeting of the British Literary & Artistic Copyright Society. London, July 8.
- Paper on *Recent copyright developments in Europe* (later published) at the international conference on *The commodification of information* at the faculty of law, Univ. of Haifa. Haifa, May 30-31.

## 1998

- Paper on *Venturing into intellectual property jointly and confidentially* (later made available on the Internet as a working paper) at the European IP Review conference. London, December 4.

## 1996

- Chaired all-day programme of the annual conference of the International Federation of Reproduction Rights Organizations on *Crown Copyright*. Toronto, October 23.

## 1989

- Instructor for the World Intellectual Property Organization, Geneva, for Asia and the Pacific regional workshop on intellectual property teaching, held at the Univ. of New South Wales. Presented papers on *The place of intellectual property in the law curriculum* and *Teaching copyright & neighbouring rights*, and participated in panels on *Teaching materials and the intellectual property curriculum; and instruction and assessment techniques*. Participants included delegates from China, South Korea, Malaysia, Indonesia, India, Phillipines, and Ceylon. Sydney, July.



## **Teaching & Administration**

### **York University**

#### **Osgoode Hall Law School, 2009-**

- Seminar on Intellectual Property and Health Care 2009;
- Seminar on Reforming Intellectual Property Law, Fall 2009, 2017, 2018
- Seminar on Reforming Patent & Trade-mark Law; Seminar on Reforming Copyright & Design Law, Fall 2010, 2012-13
- Seminar (with Hon. Roger Hughes) on Litigating Intellectual Property Cases, Fall 2019, 2021
- Directing IP Intensive programme, Fall 2011, 2014, 2016, 2021; co-directing or Acting Director IP Osgoode in other years
- Supervising PhD: Ung Shen Goh 2013-18 (passed); W. Aoun, 2018- (ongoing)
- Committee for PhD: P. Chapdelaine (passed), R. Tarantino (passed), A. Gaon (passed), J. Ogoroh (passed); 2010-19
- Committee member for LLM: A. Nikolic (passed)
- External examiner of PhD thesis (Manchester 2010); LLM thesis (Victoria, 2011); PhD thesis (Pondicherry, India)
- Assessing ms for publication, UBC Press (2011)

#### **Faculty of Science & Engineering**

Seminar (1.5 to 2 hourss) on Intellectual Property Law to BSc Students in Computer Science CSE3000. 2011-14, 2016-9.

### **University of Oxford Teaching**

- Lecturer in Copyright & Moral Rights for BA (Juris). Lectures shared with Dr M. Spence & later Mr D. Freedman. 1997-2004.
- Lecturer in IP Rights for BCL and MJur degrees. Classes and tutorials shared with Dr M. Spence (98- ), Prof. C.F.H. Tapper (98-00), Mr D. Freedman (00-02) and Dr J. Pila (03-07).
- Supervisor, internal examiner and assessor of candidates for DPhil, MLitt, MPhil, and MStud degrees in intellectual property subjects. Supervising research students working on theses. 1998-2010.
- Setting, checking and marking papers for BA (Juris) in Copyright & Moral Rights, and BCL and MJur in Intellectual Property Rights. Shared. 1999-2007.
- Examiner for BCL/MJur degrees, 2005-07.

#### **University of Oxford Committee membership**

- Conflict of interest committee. 2000-6.

- Information & communications technology committee; also working group on legal issues. 1998-2007 .
- IP advisory group (formerly Technology transfer advisory group). 1998- . Member, 1998-2002; chair, 2002-5, reappointed as chair, 2005-7.
- Management board, Oxford Internet Institute. 2001-5.
- Working group on ethics in research. 2002.
- Law faculty:
- Law board, 1998-2003; reappointed 2003-5;
- IT committee, 1998-02;
- General purposes committee, 2001-02;
- Library committee, 1999-2001.

#### **External examiner (while at Oxford)**

- External examiner for Intellectual & industrial property law (LLB), University College, London. 2002-03.
- External examiner of PhD theses from universities of Cambridge, Warwick, Manchester, Strathclyde, Leicester, New South Wales, Monash, Abertay Dundee, European Institute (Florence). 1998-07. **Previous teaching:**
- Faculty of law, Univ. of British Columbia. 1971-72. Introduced first IP course, which has continued there ever since
- Faculty of law, Univ. of Auckland. 1972-78. Introduced first IP course, which has continued there ever since.
- Faculty of law, Univ. of British Columbia. 1978-85.
- Osgoode Hall law school of York Univ., Toronto. 1983-4; 1985-1998, • Faculty of law, Monash Univ., Melbourne. 1988 (Feb.-Aug.).

Between 1971 and 1998, besides constant teaching and examining in LLB IP law in various iterations (sometimes as a single year-long or half-term subject, sometimes as separate half-term courses on copyright (60 hours), patents and designs (45 hours), trademarks and unfair competition (45 hours), I also supervised and externally examined for masters' & doctoral degrees (e.g., York Univ. (Canada), UNSW, UBC, Lethbridge, Auckland).

I also taught and examined the law of contracts constantly between 1971 and 1998 for the LLB and also supervised Masters degrees in that subject.

During 1971-78 and 1982-3, at various times I taught and examined courses for the LLB at Auckland and UBC in commercial law, agency & partnership, evidence, restitution (seminar with R.J. Sutton & M. Vennell), competition law, and real estate transactions. I also supervised and examined masters' theses in some of these subjects.

### **Teaching Short or Intensive Courses & seminars**

- Teaching & examining LLB course on Principles of Copyright, Radzyner School of Law, IDC, Herzliya, Israel. March 2014, April 2020 (by Zoom).
- Teaching & examining LLB & LLM course on Selected Topics in IP, National Univ. of Singapore. January-March, 2005.
- Teaching & examining intensive LLM course on IP, Univ. of Auckland. April 3-9, 2002.
- Teaching & examining diploma course on competition law & IP in the 43<sup>rd</sup> seminar on comparative law for the Centre d'études juridiques européennes d'Urbino at the faculty of jurisprudence, Univ. of Urbino. Attended by European graduate law students and lawyers. Urbino, Italy, August 20-25, 2001.

### **Editorial and other boards**

- Canadian Guyanese Congress. Board of Governors, 2021-.
- *Intellectual Property Journal* (Carswell, Toronto). Founding editor & Editor-in-Chief (1984-98, 2009-15), Editorial Board Member (2015- ),
- *Journal of Law & Information Science*. Editorial board. 2007-
- Member, advisory panel, *Governing Genetic Databases*, Wellcome Trust funded project, Ethox centre, Univ. of Oxford. 2005-8.
- Intellectual Property Institute, London. Member, council of experts, 1998-2011; board and council member, 2001-11.
- Member, international board of assessors, IP Research Institute of Australia, Univ. of Melbourne. 02-03.
- Oxford Internet Institute. Member, management committee, 2001-5.
- Creative Commons, UK. Member, legal advisory board, 2004-5. Helping draft standard UK creative commons licence for users of internet material.
- Editorial Board, International Journal of IP Management. 2006-
- EDIP (Electronic database of intellectual property) created by Oxford IP graduate students under the aegis of OIPRC. See link at [www.oiprc.ox.ac.uk](http://www.oiprc.ox.ac.uk). Adviser, 2003-08.
- IP&IT Law (Practical Law Co., London). Editorial board of practitioners' journal, 2003- .
- Cardozo IP & technology law series (Kluwer law international). Editorial board, 2001-9.
- Consultant editor, IP law titles, for *Essentials in Canadian Law* series, Irwin Law, Toronto. 2001-9.
- University of Oxford Commonwealth Law Journal. Faculty advisor to graduate student editorial board, 2001-08.
- *Murdoch University Electronic Journal of Law* (Western Australia). Editorial board, 1998-08.

### **Selected past miscellaneous activities**

- Judge (invited & accepted), Ontario Ethics Bowl, March 2022. High school competition

- Judge (with Justice R.T. Hughes et al.), *Canada's IP Writing Challenge*, awarding annual prizes to best submitted papers on intellectual property subject. 2010-2014.
- Judge (with Profs L. Bently (Cambridge) & S. Basheer (NUJS India) and US Federal Circuit Judge Rader), *Pondering Intellectual Property Competition*, awarding prizes to best submitted papers on specified intellectual property subject. 2012.
- British Literary & Artistic Copyright Association. Executive member, 1999-2001.
- *Intellectual Property Quarterly*. Editorial board, 1998-2000.
- Peer reviewing articles for *Law Quarterly Review*, Oxford, 1998- .
- Programme of Media & Communications Law & Policy, Socio-legal studies centre, Oxford Univ.. Board member, 1998-9.
- Consultant to Canadian department of industry on reform of Patented Medicines (Notice of Compliance) regulations of 1993. Advising on proposed reform of procedures for allowing generic drug makers to enter market for patented pharmaceutical products. Regulations promulgated accordingly in 1998. July 1997- March 8.
- Canadian house of commons standing committee on industry. Moderator of submissions to a session of the committee dealing with a review of the Patent Act in respect of patented and generic pharmaceutical drugs. Parliament Buildings, Ottawa, April 10, 1997.
- Adviser to the department of Canadian heritage on copyright law revision. Advising on domestic & international law implications & drafting of all amendments to the Copyright Act since 1989, including implementation of NAFTA, WTO/TRIPs, Berne Convention (1971), Rome Convention (1961). 1988-98.
- Canadian Bar Association/Patent & Trademark Institute of Canada. Member, joint sub-committee on copyright legislation. 1986-98.
- *Supreme Court Law Review*. Contributing editor, contract law developments, 1985-7.
- Lecturer on contract law & administration for candidates for professional engineer's diploma, Univ. of British Columbia. 1983-4.
- Lecturer on selected developments in contract law, to annual conference of judges of the Supreme Court of Ontario. Lecturing to the trial and appellate bench of the Ontario superior court on new trends in contract law. Orillia, 1983.
- British Columbia law reform commission's representative on Uniform law conference of Canada sub-committee drafting the uniform Sale of Goods Act 1982, adopted by the Uniform law conference of Canada. 1979-81.
- Lecturer for New Zealand law society on the law of vendor & purchaser. Preparing materials, delivering lectures and running workshops for lawyers in all district law societies on new developments. 1975.
- Assisting PEN International (New Zealand branch) in formulating policy & drafting regulations for establishing the New Zealand authors' fund (public lending right). 1973.

- Research director then director & council member, Legal Research Foundation, Inc., Auckland, New Zealand. 1972-78.
- *New Zealand Recent Law*. Assistant editor, 1973-78.
- Public Issues & Law Reform sub-committees of the Auckland District Law Society. Member, 1974-76
- Canadian Bar Association (British Columbia section). Member, sub-committee studying competition bill. 1971-72.

24 January 2022

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