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# CIPP ANNUAL REPORT 2018-2019

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CENTRE FOR INTELLECTUAL  
PROPERTY POLICY

CENTRE DES POLITIQUES EN  
PROPRIÉTÉ INTELLECTUELLE

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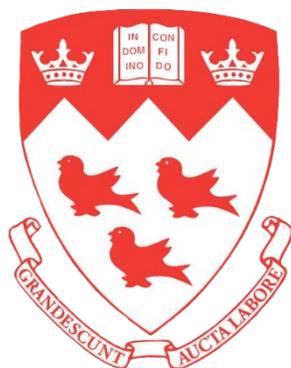
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# **CIPP ANNUAL REPORT**

## **2018-2019**

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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 initiative “IP Policy Moot”, created in collaboration with Canadian Heritage and Innovation Canada. The objective of the moot 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 moot 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 moot comprises of two components. Teams of 2 to 4 students prepare a Memorandum to Cabinet (written component) they present orally to a panel of policy analysts (oral component). For the 2018 edition, the “Grand Oral” took place in Ottawa. Each team has the opportunity to present and discuss how the *Copyright Act* should be reformed. The institutional partners have already agreed to organize the next Policy Moot in 2020.

Le Centre a identifié quatre objets d'étude pour l'année à venir : les politiques d'innovation, le droit de l'agroalimentaire et des appellations géographiques, l'obsolescence programmée ainsi que le droit des arts. Les deux premiers sujets sont la continuité des recherches effectuées au cours des années précédentes. Profitant de de l'élan donné par la Semaine de l'innovation et le colloque sur la protection du cidre de glace en 2018, le Centre a organisé une semaine d'activités et de conférences sur le droit de l'alimentaire au mois de février 2019 qui regroupait des experts canadiens et internationaux. Cet événement a été l'occasion pour la communauté étudiante de McGill de s'initier aux aspects politiques, économiques et sociaux du droit de l'agroalimentaire.

Divers projets ont également vu le jour dans le cadre des deux nouveaux cycles de recherches entamés en 2018 sur l'obsolescence programmée – grâce à l'obtention d'une bourse du Conseil de recherches en sciences humaines du Canada – ainsi que le droit des arts.

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 Moyse, May 2019

# 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 Moyse**

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

Pierre-Emmanuel Moyse 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](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](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](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](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



## **Ignacio Cofone**

Assistant Professor, Faculty of Law

Ignacio Cofone is an Assistant Professor of Law at McGill University. His research focuses on information privacy, technology law, and behavioral law & economics. His latest projects address how to conceptualize and model privacy harms, and how to design informational rules that prevent discrimination.

Before joining McGill, Cofone was a research fellow at the NYU Information Law Institute, a resident fellow at the Yale Law School Information Society Project, and a legal advisor for the City of Buenos Aires. He obtained his law degree from Austral University, an MA from the University of Bologna, a joint PhD from Erasmus University Rotterdam and Hamburg University, where he was an Erasmus Mundus Fellow, and an LLM and JSD from Yale Law School.

Full bio: <https://www.mcgill.ca/law/about/profs/cofone-ignacio>

### **Latest research**

- Information Privacy
- Artificial Intelligence (AI)
- Anti-discrimination



### **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://ca.linkedin.com/in/sarah-e-ali-khan-34186a9>

#### **Latest research**

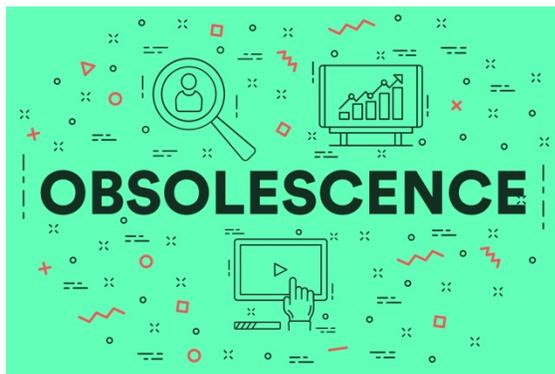
- Policy and ethical implications of IP rights
- Knowledge management in Personalized Medicine innovation

## **CIPP in action & in the news**

### **“Projet de recherche sur l’obsolescence programmée (2018-2021)” (6 juin 2018)**

<https://www.cippmcgill.ca/news/2018/06/06/projet-de-recherche-sur-l-obsolescence-programmee-2018-2021/>

#### **Pierre-Emmanuel Moise**



En 2018, le Centre a obtenu une Subvention Savoir du Conseil de recherches en sciences humaines pour son projet de recherche sur l’obsolescence programmée sous la direction du professeur P.-E. Moise. Le projet s’inscrit dans une réflexion globale sur le cycle rapide de remplacement des produits, la surconsommation, les effets de l’accumulation des déchets (plus particulièrement des déchets électroniques) et la responsabilité des concepteurs et des fabricants. L’obsolescence est prise désormais au sérieux et n’est plus considérée

comme un mythe ou un phénomène naturel. Son actualité nous le démontre. À la suite de ses aveux, la compagnie américaine Apple a fait l’objet d’enquêtes aux États-Unis, en Israël et en France concernant la manipulation logicielle ayant pour effet de diminuer l’efficacité de certains de ses téléphones intelligents, et ce concomitamment au lancement de nouveaux produits. La France quant à elle a adopté une loi faisant de l’obsolescence programmée un délit passible d’une condamnation pénale.

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## **“2018 Tax Policy Colloquium at McGill Law” (August 29, 2018)**

<http://taxpol.blogspot.com/2018/08/2018-tax-policy-colloquium-at-mcgill-law.html>

**Allison Christians**

On August 28, 2018, Prof. Christians was happy to announce the 2018 McGill Tax Policy Colloquium, which takes an interdisciplinary approach to tax policy analysis. The colloquium is made possible by a grant from Spiegel Sohmer. The distinguished speakers who contributed to this year’s colloquium include:

- Oct 22: Sam Singer, Assistant Professor, Faculty of Law, Thompson Rivers University. Prof. Singer's research focuses on tax dispute resolution, the policy rationales underlying tax measures, and the regulation of charities and charitable giving.
- Nov 12: Lindsay Tedds, Scientific Director of Fiscal and Economic Policy and Associate Professor, Department of Economics, University of Calgary. Dr. Tedds’ research focuses on tax policy and she has done extensive work with the Government of Canada in the areas of public economics and policy implementation.
- Nov 19: Laurens van Apeldoorn, Assistant Professor of Philosophy, Leiden University. Prof. Van Apeldoorn’s research examines the nature and prospects of the sovereign state, with a special focus on the normative aspects of international taxation rules in relation to the global justice.
- Nov 26: Frances Woolley, Full Professor, Department of Economics, Carleton University and President, Canadian Economics Association. Prof. Wooley’s expertise and research focus on economics of the family, gender and intra-house inequality, taxation and benefits for and of families, and feminist economics.
- Dec 3: Ruth Mason, Full Professor, School of Law, University of Virginia. Prof. Mason’s research focuses on international, comparative, and state taxation. Her work on tax non-discrimination laws’ effect on cross-border commerce has been cited extensively, including by the U.S. Supreme Court.



The poster for the 2018 Spiegel Sohmer Tax Policy Colloquium features a vertical design with a yellow-to-orange gradient background. The text 'SPIEGEL SOHMER TAX POLICY COLLOQUIUM' is at the top, followed by a large '2018'. Below this is a photograph of a red building with a yellow staircase. To the right of the poster is a list of speakers with their dates and affiliations.

Date	Speaker	Affiliation
NOV 22	Sam Singer	Law, Thompson Rivers University
NOV 12	Lindsay Tedds	Economics, Univ of Calgary
NOV 19	Laurens van Apeldoorn	Philosophy, Leiden University
NOV 26	Frances Woolley	Economics, Carleton University
DEC 3	Ruth Mason	Law, University of Virginia

Each talk will take place from 16h-17:35  
New Chancellor Day Hall Room 102  
McGill University Faculty of Law  
3644 Rue Peel • Montreal  
All are welcome to attend

Convened by Allison Christians  
STIKEMAN  
CHARTERED TAX LAW  
McGill University

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## **“Allison Christians to receive Principal’s Prize for Excellence in Teaching at Fall Convocation” (November 5, 2018)**

<https://www.mcgill.ca/law/channels/news/allison-christians-receive-principals-prize-excellence-teaching-fall-convocation-291382>

**Allison Christians**

The Faculty of Law was delighted to announce that Professor Allison Christians received the Principal’s Prize in Teaching Excellence during the Fall Convocation on November 26.



Established in 2000, the Principal's Prize recognizes excellence in teaching and its importance to the academic experience of students at McGill University. It is presented annually to one recipient in each of four categories: Faculty Lecturer, Assistant Professor, Associate Professor and Full Professor.

"Scores of students have shared how Professor Christians' energetic and thought-provoking teaching style, combined with her passion for contemporary issues of pressing importance, has left a deep impression on them," said Dean Robert Leckey. "That our small faculty is receiving one of these prizes for the fourth time testifies to our ongoing commitment to being at the forefront of legal education."

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***"The CIPP and Prof. Katz granted leave to intervene by the Supreme Court of Canada in Keatley Surveying v. Teranet Inc."*** (November 17, 2018)

<https://www.cippmcgill.ca/news/2018/11/17/the-cipp-and-prof-katz-granted-leave-to-intervene-by-the-supreme-court-of-canada-in-keatley-surveying-v-teranet-inc/>

**Pierre-Emmanuel Moyse**

On November 15, 2018, the CIPP was granted, along with Professor Ariel Katz, leave to intervene by the Supreme Court of Canada in *Keatley Surveying v. Teranet Inc.*

In this case, the respondent (Teranet Inc.) manages the Province of Ontario's electronic land registry system (the "ELRS"). Documents that were prepared by land surveyors such as drawings, maps, charts and plans (collectively "plans of survey") are registered in the ELRS. The public can obtain on-line copies of registered plans of survey through the respondent for a fee prescribed by statute, no part of which constitutes fees or royalties paid to the land surveyors who prepared them.

The applicant (Keatley Surveying) is the representative plaintiff in a certified class action brought on behalf of approximately 350 land surveyors whose plans of survey were scanned and copied into the respondent's digital database and made available online. The applicant claims that the respondent is in breach of copyright by reaping substantial profits at the expense of surveyors. The Ontario Superior Court of Justice dismissed the applicant's motion for summary judgment, granted the respondent's motion for summary judgment and dismissed the class action. The court found that as a result of the legislative regime requiring registration or deposit of the plans of survey in the land registry office, ownership in the property of the plans of survey, including copyright, is transferred to the province. They are then "published by or under the direction or control of Her Majesty" pursuant to s. 12 of the *Copyright Act*. The Ontario Court of Appeal dismissed the appeal, holding that provincial Crown copyright is by virtue of s. 12 of *Copyright Act*, not the provincial legislation".



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***“Le droit au respect de la vie privée : les défis digitaux, une perspective de droit comparé”*** (3 décembre 2018)

<https://www.cippmcgill.ca/news/2018/12/03/le-droit-au-respect-de-la-vie-privee-les-defis-digitaux-une-perspective-de-droit-compare/>

**Pierre-Emmanuel Moysé**

The report titled “Le droit au respect de la vie privée : les défis digitaux, une perspective de droit comparé”, authored by Prof. Pierre-Emmanuel Moysé and researched by the CIPP own Eda Uludere (LLM McGill), François Le Moine (LLM McGill) and Georgina Hartono (L2, BCL-LLB) was published in November 2018 by the European Parliament. The Report aimed to provide a comprehensive framework of the Canadian privacy regime, with an emphasis on the privacy law implications of the current-day challenges posed by digitalization. More specifically, it elaborated



on the right to privacy from the Canadian perspective, through analysis of the federal and provincial privacy laws which regulate both the private and public sector and summarizing the key jurisprudence which influenced the field in recent years. Finally, it conceptualized the right to privacy from the viewpoint of personality rights, tort law, constitutional law and privacy class actions. For researchers, policy-makers and practitioners, the Report served as a well-

rounded reference point on the Canadian right to privacy in its historical and theoretical contexts, as well as provides a future outlook to the field in the digital era.

Prof. Moysé also presented the Report at the European Parliament on November 2018; the Honorable Marie Deschamps was the discussant for the occasion. You may find the version in French (official translations in German, English, Italian, Spanish to come) [here](#).

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***“Congratulations Professor David Lametti!”*** (January 14, 2019)

<https://www.cippmcgill.ca/news/2019/01/14/congratulations-professor-david-lametti/>

C’est avec une fierté indicible que nous avons accueilli l’annonce de la nomination du co-fondateur et ancien directeur du Centre des politiques en propriété intellectuelle (CIPP), le professeur David Lametti, à la haute fonction de ministre de la Justice et procureur général du Canada. One would be hard pressed to find a finer person to hold this position. A world-renowned intellectual property expert, professor Lametti has always, in his scholarship and in his life, approached law through critical thinking and ethical commitment. At CIPP we know him as a talented colleague, a skilled thinker and advocate, a respected mentor and a loyal friend. As respected as he is liked, the Honorable David Lametti showed us once more how to make law and life exhilarating. This was an extraordinary day for David, for justice in Canada, and one that we, at the CIPP, celebrated with beaming pride and great enthusiasm!

Congratulations David!



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**“For Innovation, Open Science Means Open for Business”** (February 6, 2019)

<https://www.cigionline.org/articles/innovation-open-science-means-open-business>

**E. Richard Gold**

In his article, Prof. Gold wrote about “[h]ow Canadians manage and mismanage intellectual property (IP) lies at the heart of Canada’s innovation woes. As federal and provincial governments unroll their innovation strategies – after decades of neglect – they need to build on Canadian successes while putting aside tired and failed strategies. One groundbreaking deal announced [in January 2109] points to a way forward”.

He says: “[w]e have oft chronicled Canada’s dismal innovation performance. We generate world-class research but fail to translate it into wealth-generating IP. Instead, we let others acquire these assets at low cost. Dan Breznitz of the Munk School of Global Affairs and Public Policy and University of Toronto colleague Mark Fox put it bluntly: “Canadians operate in a world where the deck of cards is already dealt and our competitors have all the aces.”

In January 2019, Celgene – an American biotech company – invested the most ever for a Canadian-discovered early-stage drug. According to him, “[t]he US\$40-million down and potentially US\$1-billion deal only came about because of strategic funding by governments both for “open science” partnerships and for risk-taking, IP-generating research and commercialization centres. Open science partnerships openly share data and research results with the scientific community and do not seek patent rights over their results”.

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**“Neuf musées devant la Cour”** (8 février 2019)

<https://www.ledevoir.com/culture/arts-visuels/547445/arts-visuels-neuf-musees-devant-la-cour>

**François Le Moine**

« Il est plutôt rare que les musées canadiens parlent d’une seule voix. En cour de justice, jeudi le 8 février 2019, neuf d’entre eux, plus une bibliothèque, se sont présentés devant la Cour d’appel fédérale afin de ne pas perdre la capacité d’acquérir, par la voie du don, des œuvres d’artistes étrangers. Ils demandent à cette instance d’annuler une décision de la Cour fédérale — le jugement Manson, prononcé en juin 2018 — qui fragilise un système de déduction fiscale vieux de quarante ans ».



Ces musées étaient représentés par François Le Moine, membre du CIPP et avocat au cabinet Sarrazin+Plourde.

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## **“Food for Law: le droit de l’agroalimentaire au menu” (26 avril 2019)**

<https://publications.mcgill.ca/droit/2019/04/16/food-law/>

**Pierre-Emmanuel Moise**

« Du 18 au 22 février 2019 a eu lieu une semaine d’activités et de conférences sur le thème du droit de l’alimentaire. L’évènement, conçu par le Centre des politiques en propriété intellectuelle (CIPP) sous la direction du Professeur Moise, est le premier du genre à la Faculté. Sous la devise Food for Law, cette initiative avait pour vocation de permettre à la communauté étudiante de McGill de s’initier aux aspects politiques, économiques et sociaux du droit agroalimentaire, un droit interdisciplinaire émergent ».



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## **“The Privacy Revolution” (26 avril 2019)**

<https://publications.mcgill.ca/droit/2019/04/16/the-privacy-revolution/>

**Ignacio Cofone**



« On Friday, March 29, the Faculty’s Centre for Intellectual Property Policy (CIPP) and Professor Ignacio Cofone hosted an afternoon conference called Privacy Revolution. Bringing together leading experts from academia and legal practice, the conference was an exciting opportunity to explore privacy law’s groundbreaking developments. Specifically, the conference focused on two emerging and hotly debated issues that may soon change Canada’s privacy and liability landscape: the right to be forgotten and privacy class actions ».

# Seminars & conferences

17 September 2018

## **Massive Online Micro Justice: Towards Global ADR Mechanisms for Dispute with Internet Platforms?**

Jacques de Werra, University of Geneva  
Faculty of Law

Co-sponsors: Lallemand

The power of Internet platforms is enormous. Their power particularly includes the ability to control the availability of content on their platform, which can lead to various types of disputes with Internet users. Disputes about the availability of illegal content on Internet platforms can take multiple forms which can range from IP infringements (specifically copyright and trademark infringement) to the violation of other rights and interests (e.g. protection of privacy, personal data; protection against criminal activities, etc.). Traditional litigation before national courts is frequently not adequate for solving these disputes because of its usual drawbacks in terms of accessibility, costs and duration. This is why alternative dispute resolution mechanisms can offer a viable option for solving such Internet-related disputes and can help address the challenges of Massive Online Micro-Justice (MOMJ), i.e. an online justice system that aims at solving a massive amount of micro Internet-related disputes affecting citizens and companies alike that are presently submitted to online platforms and decided by them. On this basis, the presentation discussed the need to develop global policies governing online alternative dispute resolution mechanisms for disputes with Internet platforms.



31 October 2018

## **Apple, Microsoft, Netflix: Stories of Global Success Through Intellectual Property**

Pierre Nguyen, Norton Rose Fulbright

Co-sponsors: Lallemand



Pierre Nguyen is a partner and patent agent at Norton Rose Fulbright, and currently teaches in the Department of Biomedical Engineering of the Faculty of Medicine of McGill University. Mr. Nguyen has had successful mandates as chairman of the Montreal chapter of Informal Conferences of the Intellectual Property Institute of Canada (IPIC), chairman of the IPIC/McGill University Course Committee and Director of the Understanding Patents course. Mr. Nguyen has played a leading role in the creation of patent portfolios for world leaders in various industries, including computer-assisted surgery and medical devices, aeronautics, robotics, refrigeration, motion simulation, business methods, finance and general mechanics. Mr. Nguyen is a frequent lecturer on intellectual property.

30 November 2018

## Quel rôle pour le droit à l'ère des agents autonomes décentralisés?

Pierre-Luc Déziel, Faculté de droit de l'Université Laval

Co-sponsors: Lallemand

L'avènement de l'IA et des technologies blockchains ont permis l'émergence d'une nouvelle classe d'entités: les agents autonomes et décentralisés (AAD). L'objectif du séminaire était de présenter les AADs et d'expliquer pourquoi ils remettent en question les modes traditionnels de régulation du droit. Plus spécifiquement, il s'agissait de réfléchir aux fonctions du droit et aux moyens qu'il déploie afin de réguler ces nouveaux acteurs du cyberspace. Une attention particulière fut portée à la force symbolique du droit à l'ère des AADs.

Pierre-Luc Déziel est professeur en droit et technologies de l'information à la Faculté de droit de l'Université Laval. Ses recherches portent principalement sur l'impact des nouvelles technologies sur le droit à la vie privée.

A CIPP/LALLEMAND SEMINAR  
**QUEL RÔLE POUR LE DROIT À L'ÈRE DES AGENTS AUTONOMES DÉCENTRALISÉS?**  
L'avènement de l'IA et des technologies blockchains ont permis l'émergence d'une nouvelle classe d'entités: les agents autonomes et décentralisés (AAD).

AVEC PROF. PIERRE-LUC DÉZIEL, U LAVAL  
McGill Faculty of Law (3644 Peel St.)  
Friday, November 30, 2018  
NCDH Room 316, 1PM-2:30PM

McGill  
CENTRE FOR INTELLECTUAL PROPERTY POLICY

formation d'un dispensateur reconnu aux fins de la formation continue obligatoire pour une durée de 1,5 heures  
Open to all. General public, free. Lawyers seeking Qc Bar credit, 30 \$

6 December 2018

## CIPP/Lallemand Seminar: Towards Intelligent Regulation of Artificial Intelligence

Miriam Buiten, University of Mannheim

Co-sponsors: Lallemand

MCGILL FACULTY OF LAW (3644 PEEL ST.)  
A CIPP/LALLEMAND SEMINAR  
**TOWARDS INTELLIGENT REGULATION OF ARTIFICIAL INTELLIGENCE"**  
WITH DR. MIRIAM BUITEN  
UNIVERSITY OF MANNHEIM  
THURSDAY, DECEMBER 6, 2018  
NCDH ROOM 609  
1:00-2:30 PM

Formation d'un dispensateur reconnu aux fins de la formation continue obligatoire pour une durée de 1,5 heures. Open to all. General public, free. Lawyers seeking Qc Bar credit, 30\$

cipp

Artificial intelligence (AI) is becoming a part of our daily lives at a fast pace, offering myriad benefits for society. At the same time, there is concern about the unpredictability and uncontrollability of AI. In response, legislators and scholars call for more transparency and explainability of AI. This presentation considered what it would mean to require transparency of AI. It advocated looking beyond the opaque concept of AI, focusing on the concrete risks and biases of its underlying technology: machine-learning algorithms. The presentation discussed the biases that an algorithm may produce through its input data, its testing and its decision model. Any transparency requirement for algorithms should result in explanations of these biases that are both understandable for the prospective recipients, and technically feasible for producers. Before asking how much transparency the law should require from algorithms, the presenter argued that we should consider if the explanation that programmers can offer is useful in specific legal contexts.

Miriam Buiten is a Junior Professor of Law and Economics at the University of Mannheim. Her research focuses on technology law, EU consumer law and competition law and economics. Her current research projects address the liability of online platforms, regulatory requirements for artificial intelligence, and the law and economics of robo-advisors. Prior to joining the University of Mannheim, Miriam worked as a legal advisor for a Dutch law firm and as a trainee at the European Commission. She obtained a joint PhD from the Erasmus University Rotterdam and Hamburg University.

28 January 2019

## **Droit d'auteur c. Google : L'Europe contre-attaque**

Valérie-Laure Benabou, Université d'Aix Marseille

Co-sponsors : CRDP

À la recherche d'un nouvel équilibre visant une meilleure redistribution de la valeur entre les industries culturelles et les grandes plateformes d'intermédiation, l'Europe s'est lancée dans un véritable bras de fer avec des acteurs d'une puissance économique inégalée, essentiellement américains. Au-delà de l'analyse technique des dispositions phare de la proposition de directive en cours de discussion visant respectivement le régime de ces « grandes plateformes », le droit voisin des éditeurs de presse et le « text & data mining » (les articles 13, 11 et 3), la présentation abordait l'équation d'ensemble du paquet « numérique » que la Commission européenne a progressivement mis en œuvre et dont l'une des ambitions est d'instaurer les conditions propices à l'instauration d'un marché moins concentré et moins captif. Les hoquets du processus montrent que l'objectif s'avère difficile à atteindre.

Valérie-Laure Benabou est professeur agrégée de Droit à l'Université d'Aix Marseille où elle dirige un master de droit de la propriété intellectuelle et de technologies avancées. Elle enseigne le droit de la propriété intellectuelle, le droit de l'Union européenne et le droit du numérique. Associée dès 1998 à la réflexion menée par le Conseil d'État sur Internet et les réseaux numériques, elle a été membre de la commission paritaire de réflexion et de propositions sur le droit et les libertés à l'âge du numérique de l'Assemblée nationale dont le rapport « Numérique et Libertés, un nouvel âge démocratique » a été rendu public en avril 2015. Elle participe actuellement à la commission arbitrage en ligne du Club des juristes.

The poster features a dark grey background with yellow and blue geometric shapes at the top and bottom. In the top right corner, there are logos for CRDP (C, R, D, P in a grid) and CIPP (CIPP in a red box). The main text is in yellow and white. The title is in large yellow letters. Below the title, the speaker's name and affiliation are listed, followed by the date and time. At the bottom, there is a small white box with text in French and English regarding accreditation.

McGill Faculty of Law (3644 Peel St.)  
A CIPP/CRDP Seminar

**DROIT D'AUTEUR  
C. GOOGLE :  
L'EUROPE  
CONTRE-  
ATTAQUE**

With Valérie-Laure Benabou  
(Université d'Aix Marseille)  
Monday, January 28, 2019  
NCDH Room 316  
1:00 – 2:30 PM

\*Formation d'un dispensateur reconnu aux fins de la formation continue  
obligatoire pour une durée de 1.5 heures. Open to all. General public, free.  
Lawyers seeking Qc Bar credit, 30\$

27 March 2019

## Durability and Planned Obsolescence

Sophie Bernard, Polytechnique Montréal

Co-sponsors: Lallemand

En mars 2019, le CIPP invitait ses membres à un séminaire de recherche sur l'obsolescence avec une invitée de marque, la professeure Sophie Bernard (Polytechnique Montréal), spécialiste en économie de l'environnement et des ressources naturelles. Ce séminaire s'inscrivait dans le cadre d'un projet de recherche mené au Centre des politiques de propriété intellectuelle de McGill par le professeur Pierre-Emmanuel Moysé. Cette recherche est menée grâce à une subvention Savoir du Conseil de recherches en sciences humaines remportée en 2018.

THE CIPP PRESENTS  
**DURABILITY  
AND PLANNED  
OBSOLESCENCE**  
With Professor Sophie Bernard, Polytechnique Montréal

LALLEMAND

WEDNESDAY, MARCH 27, 2019, 1-2:30PM  
McGill Faculty of Law (3644 Peel St.)  
NCDH, Room 316  
\*Please note NO CLE will be available for this event!

cipp

Obsolescence is the premature breakdown of an object, the end of its life cycle, its condemnation to waste. Many recent events might explain the sudden interest for obsolescence. The admissions of Apple concerning the tempering with the operating system which caused a certain generation of iPhones to turn off unexpectedly and the plethora of law suits and condemnations that ensued is certainly one of them. The concern about the disposal and recycling of waste is another. Its attraction resides perhaps also in our own death. Since we come to realize that we have created the world to our image, our defiance to obsolescence has its roots in our natural propensity to seek immortality. Obsolescence, especially when it is programmed, is perceived as wrong and must be fought. France has recently amended its Code de la consommation (Consumer Code) to make it a crime. Section L. 213-4-1 of the Code reads as follows (our translation) : “Programmed obsolescence means all techniques used by a person responsible for the commercialization which aims to deliberately reduce the life of a product to increase its replacement rate. According to the same text programmed obsolescence is punishable by two years’ imprisonment and a fine of € 300,000. What is

interesting in the French definition is the almost subliminal reference, also it seems to rebut it, to the idea first develop by the Bernard London in his 1932 pamphlet “Ending the Depression Through Planned Obsolescence”. First witness of the magnitude of the economic crisis, London proposed to artificially boost the economy by reducing the life of consumable goods. The idea seems naïve and may amuse the reader, especially when London scolds owners and users, “People everywhere are today disobeying the law of obsolescence. They are using their old cars, their old tires, their old radios and their old clothing much longer than statisticians had expected on the basis of earlier experience” (P.-E. Moysé, *Obsolescence by Design*, forthcoming).

29 March 2019

## Privacy Revolution

Panel 1: Jennifer Stoddart, Michael Rosenstock, Andrea Slane, Pierre-Luc Déziel  
(moderated by Vincent Gautrais)

Panel 2: Éloïse Gratton, Evan Thomas, Catherine Piché, Thomas Kadri  
(moderated by Nicolas Vermeys)

Co-sponsors: CRDP, Chaire L.R. Wilson, Université de Montréal, Fraser Mann

Privacy Revolution was an afternoon conference open to the general public in which privacy leaders from legal practice, the industry, and academia addressed the latest developments of the field. The conference focused on two developments that promise to revolutionize the field in Canada during the next five years: the Right to be Forgotten and Privacy Class Actions.

The right to be forgotten is the pivotal element of how legal systems balance privacy, reputation, and speech. Embraced in the E.U. first by the European Court of Justice in *Google v. Spain* and then by the GDPR, while strongly rejected in the U.S., it is unclear where Canada will stand in the divide. Privacy class actions, rejected by the U.S. Supreme Court in 2018 in *Spokeo*, and under debate in 2019 the E.U. with *Schremsfiled* at the Austrian Supreme Court, will determine whether millions of citizens around the world can sue corporations for privacy breaches. With privacy class actions filed in Ontario against *Bank of Montreal* and potentially in British Columbia with a second *Douez*, where Canada will stand is also to be determined. These two issues have the potential of changing the corporate liability landscape for any company that interacts with technology and personal information.

Aimed at bringing together the leading experts (whose presentations will be published by the CIPP as part of an ongoing collection), this conference posed a unique opportunity as Canadian lawmakers and courts tackle complex agendas, such as a possible adoption of the right to be forgotten in Canada or the outlook as regards privacy class actions.



# CIPP/Lallemand food-law axis

## A partnership in evolution

Depuis 2011, Lallemand Inc. offre un soutien indispensable au CIPP. Cet appui a permis au Centre d'offrir une grande variété de séminaires publics qui réunissent chaque année des étudiants, des membres du centre, des praticien(ne)s et des intéressés de la communauté montréalaise. L'année 2017 a également marqué le début d'une nouvelle phase du partenariat CIPP-Lallemand avec le développement d'un axe consacré au droit alimentaire. Grâce à cette collaboration, le CIPP profite de l'élan que lui a procuré le lancement du



livre sur le cidre de glace pour mettre en œuvre des activités et des conférences qui permettent au Centre, à ses membres et à la communauté étudiante de se rapprocher de l'industrie de l'agroalimentaire, d'Agriculture Canada et de l'Office de la propriété intellectuelle du Canada.

The year 2018-2019 saw the selection of the CIPP's second Lallemand Research Assistant, Hannah Dean (pictured above with Sylvain Harper, Dean Robert Leckey and Pierre-Emmanuel Moyse during the Food for Law Week in February 2019). She follows in the footsteps of Jessica Cytryn who, with her leadership in Food Law, brought an exciting new dimension to the CIPP in 2017-2018.



### **Hannah Dean**

Lallemand Research Assistant 2018-2019

Hannah Dean is a B.C.L./LL.B. Candidate at McGill's Faculty of Law. She holds a B.A. in English and History, is a veteran of the service industry and a trained sommelière. Hannah is proud to hold a seal hunting licence (although she has yet to get the rifle licence to go to with it.) Until moving to Montreal in 2015, Hannah lived in her hometown of St. John's Newfoundland, where foraging, gardening, hunting, and fishing remain important foodways for many. This background provided a foundation for her interest in

food law. Hannah was pleased to serve as Lallemand Research Scholar during the 2018-2019 academic year. In this role, she organized Food for Law Week, a 5-day conference, accompanied by McGill's first course in food law. Hannah has also held positions as President of the McGill Food Law Society, Director of the Food and Agriculture Legal Clinic's Restaurant Workers' Rights Project and Co-President of the McGill Law Wine Tasting Club.

## Food For Law Week (18-22 February 2019)

In February 2019, the Centre for Intellectual Property Policy (CIPP) in collaboration with Lallemand and multiple other partners, planned a week of conferences, workshops and roundtables with a focus on food law and policy. Food law is an emerging field that challenges the silos of categorization traditionally imposed in the legal and agri-food sector and seeks to address issues in innovation, commerce, economics, health, human rights, labour and more. Accordingly, the events have drawn the interest of many, both in and outside of the McGill community and the legal profession.



18 February 2019

### **Food Revolutions and the Law of Food**

#### **Les enjeux locaux, nationaux et internationaux**

Don Buckingham, President and CEO of the Canadian Agri-Food Policy Institute

Geneviève Parent, Professeure titulaire à la Faculté de droit de l'Université Laval à Québec et titulaire de la Chaire de recherche en droit sur la diversité et la sécurité alimentaires



Food for Law Week began with two keynote speakers who set the stage for the week's discussions. Doctor Buckingham addressed the concerns of safety, health, nutrition, appropriateness and availability that lead evolutions and revolutions in food, and explored the legal framework that regulates these efforts in Canada. Sur le plan du droit international, Professeure Parent a fait une revue du concept de sécurité alimentaire durable et une analyse du rôle normatif et transformateur du droit international agroalimentaire. This panel was moderated by Pierre-Emmanuel Moyses.

19 February 2019

**Food Futures Roundtable: Reconciling Security and Sovereignty**

Olivier De Schutter, Former United Nations Special Rapporteur on the Right to Food

Katherine Lofts, Managing Director of Nomomente Institute

Smita Narula, Haub Distinguished Professor of International Law at Pace University's Elisabeth Haub School of Law

Sarah Berger Richardson, Schulich Teaching Fellow at the Schulich Faculty of Law

The Centre for Human Rights and Legal Pluralism (CHRLP) presented *Food Futures Roundtable: Reconciling Security and Sovereignty*. The titular topic was addressed by Olivier De Schutter in a pre-recorded video message. Speakers then intervened, presenting on specific subjects tied to food security and sovereignty, including climate change, labour concerns, protecting indigenous traditional knowledge and building sustainable food systems. Le panel était modéré par Nandini Ramanujam.



20 February 2019

**Contract Farming: Promoting Rural Development, Guaranteeing Fairness**

Martin Cloutier, Professeur titulaire au département de management et technologie de l'ESG UQAM;

Matteo Ferrari, Assistant Professor at University of Trento's Faculty of Law;

Paola Iamiceli, Professor at University of Trento's Faculty of Law;

Anna Veneziano ,Deputy Secretary-General of UNIDROIT, Professor of Comparative Law at University of Teramo.



In 2015, the *Legal Guide on Contract Farming* was published by the Food and Agriculture Organization (FAO), the International Institute for the Unification of Private Law (UNIDROIT) and the International Fund for Agricultural Development (IFAD). Se servant du guide comme point de départ, ce groupe d'experts canadiens et internationaux a discuté de la pratique de l'agriculture sous contrat et de ses implications pour le développement rural. Ce panel était modéré par Richard Gold.

21 February 2019

**Putting a Mirror Up to the Smoke: A Colloquium on Cannabis Law**

Jean-Raphael Champagne, Associate at Fasken specializing in commercial and regulatory law;  
Julie Gauvreau, Lawyer, patent agent, and trademark agent with Lavery's Intellectual Property Group;

Katherine Lofts, Managing Director of Nomomente Institute;

Allen Mendelsohn, Legal practitioner specializing in internet and privacy law.

La légalisation du cannabis au Canada en 2018 a donné lieu à d'innombrables opportunités, qui s'accompagnent nécessairement de ramifications juridiques. A panel of lawyers working on the frontlines of this rapidly evolving field presented their insights on protecting innovation, regulating advertisement, internet privacy concerns and the impact of legalization on reconciliation.



22 February 2019

**The Lallemand Experience: A Quebec Success Story**

Sylvain Harper, Director of Intellectual Property Services at Lallemand

Marie-Hélène Rochon, Partner and Patent agent at Norton Rose Fulbright, Montreal

Ian Trimble, Associate at Norton Rose Fulbright, Toronto

Martin Cloutier, Professeur titulaire au département de management et technologie, de l'ESG, Université du Québec à Montréal

Solange Henoud, Director of Global Regulatory Affairs, Lallemand

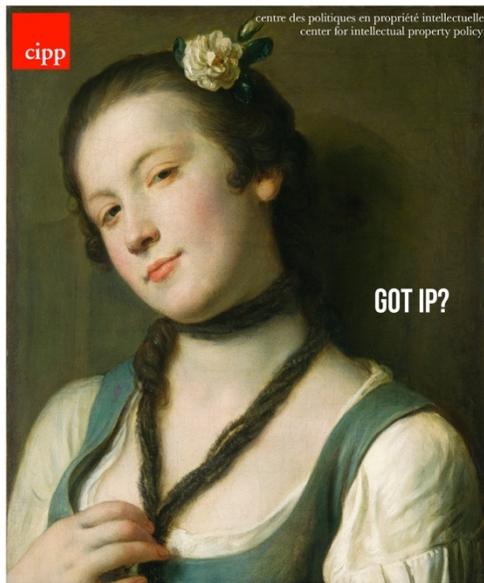
Hédia El Ourabi, Professeure au département de marketing et systems d'information, Université du Québec à Trois-Rivières



Lallemand Inc. is a privately owned company that researches, develops, produces and markets yeasts, bacteria and related products with the aim of reproducing, managing and optimizing natural fermentation processes in the agri-food industries. Founded in Montreal at the end of the 19<sup>th</sup> century, Lallemand now counts more than 2,900 employees working in 40 countries across 5 continents. The final event of Food for Law Week offered an exclusive insight into Lallemand's experience of successfully expanding into the global food market. A panel of

experts, economists, and lawyers addressed topics including the challenges of international development, the uses and limits of intellectual property tools, technology transfer, the use of health claims, and the effects of regulatory frameworks on expanding markets for products such as supplements and probiotics.

# Publications



**SUBSCRIBE** ip news this month, curated by Jeff Roberts,  
TO THE NEWSLETTER a 5-minute guide to all things intellectual property,  
WWW.CIPPMCGILL.CA culled from news reports from around the world.

## 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 (April 2019):

<https://www.cippmcgill.ca/news/2019/05/03/ip-news-april-2019/>

## Current, Recent, and Forthcoming Publications

### 2019

Christians, Allison & Laurens van Apeldoorn. “Taxing Income Where Value Is Created” (2019) 22 Fla Tax Rev 1, online: <<https://ssrn.com/abstract=3132538>>.

Cofone, Ignacio & Adriana Robertson. “Nothing to Hide, but Something to Lose” (2019, forthcoming) University of Toronto Law Journal.

### 2018

Ali-Khan SE, Jean A and Gold ER. “Identifying the challenges in implementing open science” [version 1; peer review: 2 approved]. *MNI Open Res* 2018, 2:5 (<https://doi.org/10.12688/mniopenres.12805.1>)

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))

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*, (Edward Elgar, 2018). (submitted)

Christians, Allison. “Limiting Foreign Tax Credits: Not So Easy” (2018) 92 Tax Notes Int’l 173.

Christians, Allison. “Taxing According to Value Creation” (2018) 90 Tax Notes International 1379, online: <<https://ssrn.com/abstract=3230370>>.

Christians, Allison & Laurens van Apeldoorn. “The OECD Inclusive Framework” (2018) 72:4 Bulletin for Int’l Tax 226.

Christians, Allison, Wolfgang Schoen & Stephen Shay. “International Tax Policy in a Disruptive Environment” (2018) 72:4 Bulletin for Int’l Tax 191.

Christians, Allison, “Buying In: Citizenship and Residence by Investment” (2018) 62 S.L.U. L. J. 51.

Christians, Allison, “Tax Justice as Social License: the Fair Tax Mark” in Eccleston & Elgra, eds, *Business, Civil Society And The New Politics Of Corporate Tax Justice: Paying A Fair Share?* (Edward Elgar, 2018).

- Christians Allison and Vokhid Urinov. “Canada Report” in Chris Evan et al, eds., *Improving Tax Compliance in a Globalized World* (IBFD, 2018).
- Christians, Allison, Olivier Jarda & Stephanie Hewson. “The Constitutional Framework of Environmental Taxation in Canada” in Rodolfo Boix, ed., *Aspectos Constitucionales De La Tributación Ambiental/ Constitutional Aspects of Environmental Taxation 219-260* (Universidad Nacional de Córdoba, 2018),
- Christians, Allison. “Distinguishing Tax Avoidance and Evasion” in Nigar Hashimzade and Yuliya Epifantseva, eds, *The Routledge Companion To Tax Avoidance Research* (Routledge, 2018).
- Christians, Allison. “Experts Debate: What Is Better for Low-Income Countries, Tax Competition, or Tax Cooperation?” in Alepin et al, eds., *Winning The Tax Wars* (Kluwer, 2018).
- Cofone, Ignacio. “Servers and Waiters: What Matters in the Law of A.I.” (2018) 21 *Stanford Technology Law Review* 1.
- Cofone, Ignacio. “Privacy” in A. Marciano & G.B. Ramello, eds, *Encyclopedia of Law and Economics* (Springer, 2018).
- Cofone, Ignacio & Stephan Michel. “Credible Commitment or Paternalism? The Case of Unamendability” in Richard Albert & Bertil Emrah Oder, eds, *An Unamendable Constitution? Unamendability in Constitutional Democracies* (Springer, 2018).
- Cofone, Ignacio & Adriana Robertson. “Consumer Privacy in a Behavioral World” (2018) 69 *Hastings Law Journal* 1471.
- Cofone, Ignacio & Adriana Robertson. "Privacy Harms" (2018) 69 *Hastings Law Journal* 1039.
- Gold, Richard E. & Rachel Meland. “Litigating Patents In The Public Interest” (2018) *Supreme Court Law Review* (submitted)
- Gold, Richard E. et al. “An Open Toolkit for Tracking Open Science Partnership Implementation and Impact” (2018) *Gates Open Research*, online: <<https://gatesopenresearch.org/documents/2-54>>.
- Moyse, Pierre-Emmanuel. *Le droit au respect de la vie privée : les défis digitaux, une perspective de droit comparé – Canada* (Octobre 2018), Service de recherche du Parlement Européen, en ligne : <<https://ssrn.com/abstract=3308607>>.
- Moyse, P.-E. « Minuit à l’heure du droit d’auteur » dans Alexandra Bensamoun, dir, *La réforme du droit d’auteur dans la société de l’information*, Paris, Mare & Martin, Collection des Presses Universitaires de Sceaux, 2018.
- Moyse, P.-E, « Droit de la concurrence et propriété intellectuelle : du marché des immatériels à une concurrence de systèmes », Presses universitaires de Rennes, 2018 (à paraître)
- Moyse, P.-E et Claudette van Zyl. *Les marques collectives* (2018) (à paraître).
- Moyse, P.-E. « De la marque de commerce au terme valorisant : vers une réglementation de qualité », Montréal, Yvon Blais, 2018 (à paraître).
- Piper, Tina, “Inventing Canada's First Technology Transfer Office” (2018) *Intellectual Property Journal*.

# Grants

## Current and Continuing Grants

### *Série de conférences publiques (Smart Objects of Smart Societies : Science and Law Alliances)*

**Pierre-Emmanuel Moyse**  
Halbert Centre of Canadian Studies fellowship, 2018 **\$ 3000 USD**

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

**Pierre-Emmanuel Moyse,**  
Social Sciences and Humanities Research Council, Insight Grant, 2018-2021 **\$92,912 CDN**

### *Visiting Professor*

**Pierre-Emmanuel Moyse**  
Digital IP International Consortium, 2018 **\$ 3000 EUR**

### *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 **20,000 GBP**

### *Healthy Brains for Healthy Lives*

**E. Richard Gold**  
Canada First Research Excellence Fund, 2016-2023 **\$84 000 000 CDN**

### *Genomics and personalized health Ge3LS Network*

**E.R. Gold, Co-applicant**  
Genome Canada, 2016-2019 **\$998 473 CDN**

### *Efficiency Case for an Exploitation Adjustment to Fair Market Value, Law and Society Annual Conference (Toronto, Ontario)*

**Allison Christians**  
Social Sciences and Humanities Research Council, Institutional Grant, 2019 **\$1,500 CDN**

### *Aligning Taxation and Sustainable Development Goals project for research and policy analysis to align global standards for allocation of multinationals' taxable profits with the UN 2030 sustainable development goals*

**Allison Christians**  
Ford Foundation, 2018-2020 **\$140,000 USD**

### *How Countries Learn to Tax*

**Allison Christians**  
Lorentz International center for scientific workshops (Leiden University), 2018 **\$40,000 EUR**

### *Annual Tax Policy Colloquium*

**Allison Christians**  
Spiegel Sohmer, 2014-2024 **\$50,000 CDN**

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

**Tina Piper, grant co-PIs, Eric Lewis, Ajay Heble**  
Canadian Federal Government Partnership Grants, 2013-2020

## Grants in Progress

### *Aligning Tax and the SDGs*

**Allison Christians**

SSHRC Partnership Development Grant, 2018-2021

Outcome: Submitted (\$200,000 CDN)

### *Tax Governance for Inclusive Development*

**Irma Mosquera, Allison Christians, Laurens van Apeldoorn**

NIAS Theme Group, 2018-2020

Outcome: Under review (EUR 75,000)

### **Tax Law Transplants & Culture**

**Allison Christians, Irma Mosquera**

Lorentz Centre Conference Grant, 2019

Outcome: Under review (EUR 25,000)

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

**E. Richard Gold**

FRQSC, 2018-2020

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

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

**E. Richard Gold**

Canadian Blood Services/James Kreppner Award, 2018 - 2019

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

### *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**

Genome Canada/Genome Alberta/Genome Quebec/Canadian Institutes for Health Research, 2018-2022

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

### *Machine Learning and Predictive Analytics to develop the Mobility Profile for Individuals with Acquired Brain Injury: Tailoring mobility retraining to optimise outcomes*

**Sara Ahmed (PI), Richard Gold and other (co-investigator)**

Healthy Brains for Healthy Lives (2019-2021)

Outcome: Submitted (\$200,000 CDN)

### *Towards a Regulatory Model for A.I. Decision-making*

**Ignacio Cofone**

FRQSC, 2018 - 2021

Outcome : Submitted (\$44,534 CDN)

### *Achieving Fair Algorithmic Decisions: the Poisoned Proxy Problem*

**Ignacio Cofone**

SSHRC, 2018 - 2020

Outcome : Submitted (\$68,102 CDN)

# Collaborators & sponsors

We sincerely thank our collaborators and sponsors for their engagement and support in 2018-2019. 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.



The Canadian Agri-Food Policy Institute

<https://capi-icpa.ca>



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 Montréal (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/>



Centre de recherche en droit public (CRDP)

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



Chaire L. R. Wilson (Université de Montréal)

<https://www.chairelrwilson.ca>



École des sciences de la gestion (ESG), UQAM

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



École de gestion de l'Université du Québec à Trois-Rivières

[https://oraprdnt.uqtr.quebec.ca/pls/public/gscw030?owa\\_no\\_site=2571](https://oraprdnt.uqtr.quebec.ca/pls/public/gscw030?owa_no_site=2571)



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# Graduate education & training

The CIPP provides graduate education and post-doctoral training at McGill. These students and fellows assume leadership roles in conducting research, applying for grants and supervising student learning. Students are encouraged to present their research at CIPP organised workshops, publish book chapters in CIPP-edited books and to present CIPP research at national and international conferences. **Congratulations to Eda Uludere and Florian Weber for each submitting their LL.M. thesis!**

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

***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 conducting research in the field of personal data protection, particularly the relationship between private international law and private enforcement of personal data protection laws. She 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 the 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 conducting research in the field of Internet Law, specifically net neutrality. His thesis offers 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.

**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. She examines the potential of open science models to further biomedical research and provide economic benefits 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 given to the role of academic and research communities and the state in Brazil in shaping these 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 for different agents interactions on these IP and innovation systems centered on 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 between intellectual property, 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 focuses on the socio-legal and economic impacts of tax treaties on developing countries from a normative perspective. He provides a critical comparative study of the OECD and the UN approaches to model tax conventions and standards with a view to understanding shifting attitudes 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 Daniel examine dans le cadre de son projet.

**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.

**Jose Carlo Clemente Ataata, LL.M. candidate** (Dir: Prof. Allison Christians)  
***Non-Thesis Topic: The Reasons Why People are in Favor of the Flat Tax System and Determine Whether these Reasons are Valid or Make Sense for Canada to Implement***



Jose Carlo C. Ataata is an LL.M. (Non-Thesis) candidate in Law at McGill University. His academic interests lie in international trade, dispute resolution and tax policy. He has completed his LL.B. at Sussex University, United Kingdom. During his studies, he worked as a research associate for Dr. Qingxiu Bu in international business law and regulations. Before his LL.M. studies, Mr. Ataata has worked in an immigration law firm in Vancouver, British Columbia.

**Wuraola Salami, LL.M. candidate** (Dir: Prof. Ignacio Cofone)  
***Thesis topic: "Determining legal liability for Autonomous Vehicles"***



Wuraola is an LL.M (General Law, Non-Thesis) candidate at McGill University. She obtained her law degree from Obafemi Awolowo University, Nigeria, and is a member of the Nigerian Bar Association. Her interests include internet and privacy law, electronic commerce, artificial intelligence and the impact of technology on society. Wuraola's research focuses on the determination of legal liability for artificial intelligence systems particularly autonomous vehicles (self-driving cars). She examines the inherent legal problems in determining legal liability for self-driving cars by evaluating existing scholarship or the lack of it and proffering solutions and recommendations for the enactment of legislations on the nascent area. Prior to her LL.M., Wuraola worked as a legal practitioner at various law firms and companies in Nigeria. Her research is supervised by Professor Ignacio Cofone.

**Oluwabusayo Aderoju, LL.M. candidate** (Dir: Prof. Richard Gold)

***Thesis topic: Digital Economy: The Allocation of Taxing Rights and Business Profits within Low-Income Countries.***



‘Busayo is an LL.M. (General Law, Non-Thesis) candidate at McGill University. She holds a Bachelor of Laws degree (LL.B.) from University of Lagos, Nigeria, and is a member of the Nigerian Bar Association. She is interested in International Taxation and Policy Issues, as well as, Corporate and Business Law. ‘Busayo’s research examines the income allocation standards for business profits made by multinational enterprises in today’s digital world. She is engaged in a critical analysis of the current tax architecture by the OECD with a view to understanding how the rules can be well suited for emerging economies in light of their peculiar needs. During her studies, she has been a member of the Tax Moot Team working on the IBFD: GTTC Universities Project III.

**Petar Stoyanov, LL.M. Candidate** (Dir: Prof. Pierre-Emmanuel Moyses)

***Thesis topic: Using Cryptocurrencies for Online Purchases: An Analysis from the Perspective of Quebec Consumers***



Petar Stoyanov is an LL.M. Candidate at the McGill Faculty of Law. He is a recipient of the Governor General’s Academic Medal for graduating from Vanier College with the highest overall average. While completing his LL.B. at Université de Sherbrooke, Petar featured on the "Palmarès du Doyen" for three consecutive years. Currently, his research focuses on consumer protection issues in the context of online cryptocurrency transactions. Upon graduation, Petar will complete the Québec Bar School and join the Montréal office of DLA Piper as an articling student.

# Sponsored Research Assistants

**Stacey Smydo (sponsored by Fraser Mann, 2015-2016)** (B.C.L./LL.B., 2016) was a research assistant with the CIPP during her third and fourth years at McGill Faculty of 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 clerked at the Federal Court of Appeal. She now works as a Communications and IP lawyer at Fasken in Ottawa.

**Sydney Warshaw (sponsored by Fraser Mann, 2016-2017)** was a research assistant with the CIPP in her last two years at the Faculty of Law. Throughout her time at McGill, she volunteered at the Legal Information Clinic and was a member of the McGill Food Law Society. She is a co-founder, coordinator and cook at the Wandering Chew. She now is a Student-at-law at Robinson Sheppard Shapiro and welcomed in September 2018 a beautiful baby girl named Ara. Congratulations to the family!

**François Le Moine (sponsored by Fraser Mann, 2017-2018)** is a LL.M. candidate at the CIPP, specializing in arts and cultural heritage law issues. He is a lawyer at Sarrazin+Plourde and has completed degrees in history (licence, Sorbonne), political philosophy (maîtrise, École des hautes études en sciences sociales) and law (B.C.L./LL.B., McGill). François teaches a legal foundations course at the Université de Montréal, is a senior lawyer at the Clinique internationale de défense des droits humains at UQAM and a member of the Commission permanente de l'art public de la Ville de Montréal.

**Eda Uludere (sponsored by Fraser Mann, 2018-2019)** is an LL.M. (Comparative Law- Thesis) candidate at McGill University Faculty of Law, conducting research 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. She submitted her LL.M thesis this year and now works as Data Privacy Manager for the PSL Group.

**Jessica Cytryn (sponsored by Lallemand, 2017-2018)** 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. 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 the CIPP's food law ambassador in 2017-2018. She now works as a Student-at-law for McCarthy Tétrault.

**Hannah Dean (sponsored by Lallemand, 2018-2019)** is a B.C.L./LL.B. candidate at McGill's Faculty of Law and worked as CIPP's Lallemand Research Assistant in the 2018-2019 academic year. Hannah is particularly interested in the law as it pertains to food and to culture. She has served as President of the McGill Food Law Society, Senior Vice President of the McGill Art Law Association, Director of the Food and Agriculture Legal Clinic's Restaurant Workers' Rights Project, and Co-Chair of the Law Student Association's Arts Committee. Prior to pursuing law, Hannah received a B.A. in English and History, and worked for many years as a server, manager, and sommelière in the restaurant industry.

## LAWG 554 Law Focus Week Workshop February 2019

Food for Law Week featured a “focus week” course on the topic of food law. This 12-hour course marked the first time that food law was taught at McGill’s Faculty of Law and was open only to registered McGill law students. The course responded to the need for future jurists to gain perspective on the issues addressed by food law as well as the widespread passion for this topic amongst students at the Faculty. The multi-faceted nature of food law was reflected in this course through the diversity of topics addressed, and via a multi-instructor approach as we welcomed several of our Food for Law Week presenters into the additional role of “focus week” instructors.

Les sujets des travaux dirigés effectués par les étudiantes dans le cadre de ce cours montrent la richesse de ce nouveau domaine du droit :

- *La ruralité en quête d’un narratif : Les promesses perdues des appellations collectives sous le CARTV*, Alix Génier
- *Applying the Risk Analysis Framework to Unpasteurized Milk*, Audrey Berteau
- *La réforme législative de la marque collective en Europe*, Laurence Babin
- *La propriété intellectuelle comme limite à l’autonomie semencière des agriculteurs*, Caroline Rouleau
- *The Struggle for Food Sovereignty: Developments & Limitations*, Annafaye Dunbar
- *Déconstruire le mythe des indications géographiques au Canada*, Jules Andreau
- *“Skinny Teas” and “Teatoxes”*, Nicole St-Pierre
- *Overshadowed by the Cannabis smoke: Health Canada’s failure to regulate flavoured, purified alcohols*, Alexis Faust-Trahan
- *The Shortcomings of UNDRIP and the Potential of the Food Sovereignty Movement: How Adopting the UN Declaration on the Rights of Peasants Can Further Reconciliation with Indigenous Peoples in Canada*, Jingya Liu
- *Indigenous Food Sovereignty in Canada*, Kira Poirier
- *La protection d’indications géographiques au Canada à la lumière de l’accord économique et commercial global (AECG)*, Laura Geyer
- *Étudiants et politiques d’approvisionnement alimentaire: Souverains ou serfs sur leur campus?*, Renaude Morin
- *The McLawsuit: Litigation on the basis of Consumer Protection Laws and holding Big Food accountable for Misleading Advertising*, Kimvy Ngo
- *Re-Conceptualizing GM Food Labelling in Canada: A Fiduciary Duty?*, Anisha Samat
- *How Do You Solve a Problem Like Food Sovereignty? How Impact Investing in Sustainable Agriculture Helps Promote Food Sovereignty*, Caroline Schurman-Grenier
- *Community Freezers as an Act of Indigenous Food Sovereignty*, Sophie Kassel

## CIPP ‘Active Learning’ Running Group (Thursdays, 2018-2019)

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

- Nicole Thompson, BCL/LLB candidate
- Angèle Poupard, BCL/LLB candidate
- Cora Madden, BCL/LLB candidate
- Alexis Leray, BCL/LLB candidate
- Gemma Dingwall, BCL/LLB candidate
- Peter Gibaut, BCL/LLB candidate
- Karen Yao, BCL/LLB candidate
- Martina Kneifel, BCL/LLB candidate
- Lui Doan, BCL/LLB candidate
- Dylan Edmonds, BCL/LLB candidate
- Nathanael Reilly, BCL/LLB candidate
- Irène Salvatore, Exchange Student,  
Università degli Studi di Torino
- Pierre-Alexandre Cardinal, DCL candidate
- François Le Moine, LL.M. candidate
- William Brock, Lawyer
- Louis Fleurent, Lawyer
- Patrick Goudreau, Lawyer
- Claire Kusy, Lawyer
- Arthur J. Madden III, Lawyer
- Marie Manikis, Professor
- Cristina Totoda, Professor
- Richard Janda, Professor
- Louise Otis, Judge (retired)





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**Allison Christians, Prof. [allison.christians@mcgill.ca](mailto:allison.christians@mcgill.ca)**

**Tina Piper, Prof. [tina.piper@mcgill.ca](mailto:tina.piper@mcgill.ca)**

**Ignacio Cofone, Prof. [ignacio.cofone@mcgill.ca](mailto:ignacio.cofone@mcgill.ca)**

**Sarah Ali-Khan, Dr. [sarah.ali-khan@mcgill.ca](mailto:sarah.ali-khan@mcgill.ca)**

**The report covers the period May 1, 2018 to April 30, 2019.**

Report compiled by Sharon Webb and Valentina Cean.

Event descriptions written by collaborators.

# **CIPP 2018-2019**

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