Intellectual Property: Fuel for the Fire of Genius or Shelf Life of a Banana?

An event in honour of Prof. David Vaver’s appointment to the Order of Canada highlighting four main themes from his extensive IP scholarship: overlap and redundancy in the IP system, legislation and reform, users’ rights and the importance of history.

AGENDA & PARTICIPANT BIOGRAPHIES

20 November 2017
Osgoode Hall Law School
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<td>8:30 – 9:00</td>
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| 9:00 – 9:15| WELCOMING REMARKS                                 | **Symposium Chair:** Giuseppina D’Agostino  
Founder & Director, IP Osgoode; Associate Professor, Osgoode Hall Law School |
| 9:15 – 10:30| TOO MUCH OF THE SAME: OVERLAP & REDUNDANCY IN THE IP SYSTEM | **Session Chair:** Giuseppina D’Agostino  
Founder & Director, IP Osgoode; Associate Professor, Osgoode Hall Law School  
PANELLISTS: The Hon. Roger T. Hughes, QC  
Federal Court of Canada (2001 – 2016)  
Graeme Dinwoodie  
Professor of Intellectual Property and Information Technology Law, University of Oxford  
Jeremy de Beer  
Professor, Faculty of Law, University of Ottawa |
| 10:30 – 10:45| BREAK                                             |                                                                              |
| 10:45 – 12:00| TOWARDS A COHERENT MORAL CENTRE: LEGISLATION & REFORM | **Session Chair:** Carys Craig  
Associate Dean (Research & Institutional Relations), Associate Professor, Osgoode Hall Law School  
PANELLISTS: Bita Amani  
Associate Professor, Faculty of Law, Queen’s University  
Graham Reynolds  
Assistant Professor, Peter A. Allard School of Law, The University of British Columbia |
| 12:00 – 1:15| LUNCHEON KEYNOTE                                  |                                                                              |
INTRODUCTION OF KEYNOTE SPEAKER

By:
The Honourable Roger T. Hughes QC
Federal Court of Canada (2001 – 2016)

KEYNOTE SPEAKER

The Honourable Mr. Marshall Rothstein CC, QC
Supreme Court of Canada (2006 – 2015)

1:15 – 2:30

USERS’ RIGHTS

SESSION CHAIR:
Saptarishi Bandopadhyay
Assistant Professor, Osgoode Hall Law School

PANELLISTS:
Shamnad Basheer
Visiting Professor of Law, National Law School, Bangalore
Honorary Research Chair Professor of IP Law, Nirma University

Daniel Bereskin, QC
Founding Partner, Bereskin & Parr LLP

Wendy Gordon
William Fairfield Warren Distinguished Professor, School of Law, Boston University

2:30 – 2:45

BREAK

2:45 – 4:00

THE IMPORTANCE OF HISTORY

SESSION CHAIR:
Ikechi Mgbeoji
Professor, Osgoode Hall Law School

PANELLISTS:
Tina Piper
Associate Professor, Faculty of Law, McGill University

Casey Chisick
Partner, Cassels Brock & Blackwell LLP

4:00 – 4:15

CLOSING REMARKS

David Vaver
Professor of Intellectual Property Law, Osgoode Hall Law School

4:15 – 6:00

COCKTAIL RECEPTION
JCR, Room 1017, Osgoode Hall Law School
Honouree

David Vaver
Professor of Intellectual Property, Osgoode Hall Law School

David Vaver is a member of IP Osgoode and Emeritus Professor of Intellectual Property & Information Technology Law in the University of Oxford, Emeritus Fellow of St Peter’s College, Oxford, and former Director of the Oxford Intellectual Property Research Centre. He was previously a faculty member at Osgoode (1985-98), UBC (1978-85), and the University of Auckland (1972-78). He rejoined Osgoode in 2009.


In 2016, he was appointed Member of the Order of Canada for his “leadership in intellectual property law as a scholar and mentor.”

Symposium Chair

Giuseppina D'Agostino
Founder & Director, IP Osgoode, Associate Professor, Osgoode Hall Law School

Giuseppina D'Agostino joined the Osgoode Hall Law School faculty in 2006 and brings creativity and passion to her role as Founder and Director of IP Osgoode, the Intellectual Property Law and Technology Program at Osgoode. She is the Founder and Editor-in-Chief of the IPilogue, the first IP law blog of its kind, and Founder and Director of Osgoode’s IP Intensive and the Innovation Clinic, which provides experiential learning opportunities to Osgoode Hall law students in pro bono service of inventors, entrepreneurs and start-ups. She is widely published and her research interests in the intellectual property law field are wide-ranging and she is highly sought after as a public speaker and consultant. She is a cited authority at the Supreme Court of Canada and is regularly called on by foreign and Canadian federal and provincial governments for advice. Previously, she was recruited into the Canadian Government by the Recruitment of Policy Leaders program as a Senior Policy Analyst and worked as an Associate in a large Toronto firm. She is currently co-authoring the Second Edition of Copyright Law, with David Vaver (Irwin Law, forthcoming 2018). She has a Masters and Doctorate (University of Oxford) where Prof Vaver was her supervisor, an LLB (Osgoode Hall Law School) and is a LSUC 2001 call.
Keynote Speaker

The Honourable Mr. Marshall Rothstein
Justice of the Supreme Court of Canada (2006 – 2015)

Born on December 25, 1940 in Winnipeg, Manitoba, Marshall Rothstein attended the University of Manitoba, where he earned a B. Com. in 1962 and an LL.B. in 1966. After being called to the Manitoba Bar in 1966, he started his career at Thorvaldson, Eggertson, Saunders and Mauro before moving to Aikins, MacAulay & Thorvaldson in 1969, where he was a partner from 1972 to 1992 and a member and periodic Chairman of the Management Committee/Executive Board from 1981 to 1992. He was appointed Queen’s Counsel in 1979. He served as an adjudicator under the Manitoba Human Rights Act from 1978 to 1983 and as a member of the Canadian Human Rights Tribunal from 1986 to 1992.

He also held many other offices: Secretary (Administrator), Civil Legal Aid Committee, Law Society of Manitoba, 1968-70; Chairman, Commission on Compulsory Retirement (Manitoba), 1981-82; Chairman, Ministerial Task Force on International Air Policy (Canada), 1990-91; Member and Chairman, Manitoba Transportation Industry Development Advisory Committee, 1985-87 and 1987-90 respectively; Member, Airports Task Force, 1985-86; Member, Airports Transfer Advisory Board, 1988-92; and Member, External Advisory Committee, University of Manitoba Transport Institute, 1989-92.

Justice Rothstein was appointed to the Trial Division of the Federal Court of Canada on June 24, 1992; while a judge of the Trial Division, he also served as a member ex officio of the Appeal Division, a judge of the Court Martial Appeal Court of Canada and a judicial member of the Competition Tribunal. He was elevated to the Federal Court of Appeal on January 21, 1999, and, finally, to the Supreme Court of Canada on March 1, 2006. He retired on August 31, 2015.

Keynote Introduction

The Honourable Roger T. Hughes, QC
Federal Court of Canada (2001 – 2016)

Born September 16, 1941, in Montreal, Quebec. Educated at Queen’s University (B.Sc. 1963) and University of Toronto (LL.B. 1966). Called to the Bar of Ontario (1968) and Alberta (1976). Past-President, Patent and Trademark Institute of Canada; Past Director, Advocates’ Society; Author and speaker, Court practice and procedure, patent, trade mark and copyright law, and media and entertainment law. Appointed Judge of the Federal Court, and ex officio, member of the Federal Court of Appeal, June 1, 2005. Appointed as a Judge of the Court Martial Appeal Court of Canada on June 23, 2006.
Distinguished Participants

**Bita Amani**
**Associate Professor, Faculty of Law, Queen’s University**

Bita Amani is Associate Professor of Law at Queen’s University, Adjunct Professor in Osgoode Hall Law School’s Graduate Professional Development Program in Intellectual Property, and book editor for the Intellectual Property Journal. Dr. Amani is author of State Agency and the Patenting of Life in International Law: Merchants and Missionaries in a Global Society, (Aldershott: Ashgate Publishing Company, 2009), and (with Dr. Carys Craig) Trade-marks and Unfair Competition Law: Cases and Commentary, 2nd ed. (Toronto: Carswell, 2014). She has served as policy consultant for the government, legislative drafter, and annotations editor for the e-Laws Project.

**Saptarishi Bandopadhyay**
**Assistant Professor, Osgoode Hall Law School**

Saptarishi Bandopadhyay’s research and teaching interests are in the areas of intellectual property (particularly, copyright), disaster management, environmental law and politics, as well as issues related to risk, technology and society. He has published in these areas in encyclopedias, edited volumes as well as legal and interdisciplinary journals such as, the University of British Columbia Law Review, the Fordham Environmental Law Review, Global Jurist, the Indian Journal of International Law, and the Journal of Intellectual Property Rights. Professor Bandopadhyay’s work often integrates historical, socio-scientific and humanities research into legal analyses.

**Shamnad Basheer**
**Visiting Professor of Law, National Law School, Bangalore**
**Honorary Research Chair Professor of IP Law, Nirma University**

Shamnad Basheer founded SpicyIP in 2005. He is currently the Honorary Research Chair of IP Law at Nirma University and a visiting professor of law at the National Law School (NLS), Bangalore. He is also the Founder of IDIA, a project to train underprivileged students for admissions to the leading law schools. He served for two years as an expert on the IP global advisory council (GAC) of the World Economic Forum (WEF). In 2015, he received the Infosys Prize in Humanities in 2015 for his work on legal education and on democratising the discourse around intellectual property law and policy.
Daniel R. Bereskin, QC  
**Founding Partner, Bereskin & Parr LLP**

Dan Bereskin is a founding partner of Bereskin & Parr LLP. Dan has served as legal counsel to the International Trademark Association (INTA), and as a member of the INTA Board of Directors. Dan is a recipient of the INTA President’s Award for his long-standing service to INTA. He was named “Trademarks Lawyer of the Year” world-wide for eight consecutive years by Who’s Who Legal, received a Lifetime Achievement award by Worldleaders International IP Awards in 2007, and is the recipient of a Lexpert Zenith Award in 2012. Dan was elected to the IP Hall of Fame in 2014. Dan is the intellectual property judge of The Private Court, which provides mediation and arbitration services, and he is a mediator and arbitrator with ADR Chambers. He has also served as an Advisor to the American Law Institute on Transnational IP Dispute Jurisdiction, Choice of Law, and Judgment issues. He is the author of more than fifty papers and articles on various intellectual property law subjects.

Casey Chisick  
**Partner, Co-Chair Intellectual Property and Sports & Entertainment practices, Cassels Brock**

Casey Chisick is certified by the Law Society of Upper Canada as a Certified Specialist in Intellectual Property (Copyright). Having worked as a law professor, a jazz promoter and a musician – and even as artistic director of an internationally-renowned folk dance company – Casey offers his clients a rare combination of recognized expertise in copyright and other intellectual property matters and first-hand experience in the business of entertainment. His diverse practice spans a number of related areas, including intellectual property, entertainment law, communications, advertising and marketing, and fashion and apparel, with particular expertise in the collective administration of copyright.

Carys J. Craig  
**Associate Dean (Research & Institutional Relations), Associate Professor, Osgoode Hall Law School**

Carys Craig is also the Academic Director of the Osgoode Professional Development LLM Program in Intellectual Property Law, Editor-in-Chief of the Osgoode Hall Law School SSRN Legal Studies Research Paper Series, and a founding member of IP Osgoode (Osgoode’s Intellectual Property Law & Technology Program). She researches and publishes widely on intellectual property law and policy, with an emphasis on authorship theory, users’ rights and the public interest. She is the author of Copyright, Communication & Culture: Towards a Relational Theory of Copyright Law (2011), and the co-editor of Trademarks & Unfair Competition Law: Cases & Commentary, 2nd ed. (Toronto: Carswell, 2014), and Copyright: Cases & Commentary on the Canadian and International Law, 2nd ed. (Toronto: Carswell, 2013). Her award-winning work has been cited with approval by the Supreme Court of Canada.
Jeremy de Beer  
Professor, Faculty of Law, University of Ottawa

Jeremy de Beer is a tenured Full Professor of law at the University of Ottawa’s Centre for Law, Technology and Society, where he creates and shapes ideas about technology innovation, intellectual property, and global trade and development. As an interdisciplinary scholar, he has published five books and over fifty peer-reviewed chapters and articles across the disciplines of law, business, political science, international relations and public policy. Also a practicing lawyer and expert consultant, he has argued numerous cases before the Supreme Court of Canada, advised businesses and law firms both large and small, and consulted for agencies from national governments and the United Nations.

Graeme Dinwoodie  
Professor of Intellectual Property and Information Technology Law, University of Oxford

Graeme Dinwoodie is the Professor of Intellectual Property and Information Technology Law at the University of Oxford. He is also Director of the Oxford Intellectual Property Research Centre, and a Professorial Fellow of St. Peter's College. He has held a number of visiting or honorary positions at leading universities, including most recently as the Yong Shook Lin Visiting Professor of Intellectual Property Law at the National University of Singapore, a Global Professor of Law at New York University School of Law, an Honorary Professor of Law at the University of Strasbourg, and the George P. Smith II Distinguished Visiting Chair at Indiana University Maurer School of Law.

Wendy J. Gordon  
William Fairfield Warren Distinguished Professor, School of Law, Boston University

Wendy J. Gordon has taught at Boston University since 1993, having taught at Rutgers, Georgetown, University of Michigan and other schools before arriving here. Her scholarship utilizes economics as well as ethics and analytic philosophy to understand copyright, trademark, and related forms of intellectual property. She is probably best known for her analyses of copyright’s “fair use” doctrine and of John Locke’s theory of property. Professor Gordon has co-authored two books on the economics of copyright, published numerous law journal articles, and written book chapters on copyright issues, free speech, computer copyright, and the fair use doctrine.
Ikechi Mgbeoji
Professor, Osgoode Hall Law School

Following five years of practice in civil litigation specializing in Commercial Litigation and Intellectual Property Law, Ikechi Mgbeoji enrolled in the graduate program of Dalhousie University where he graduated, summa cum laude, with an LLM in 1999. Throughout his academic career, he has won numerous academic awards, scholarships and fellowships including the Killam Scholarship and the Carl Duisberg Gesellschaft Award. His teaching and research interests are in Patent Law, Trademarks, Copyrights, Trade Secrets, International Law on the Use of Force, International Environmental Law, Biotechnology and Law, Comparative Intellectual Property Law, Indigenous Peoples, and Anthropology.

Tina Piper
Associate Professor, Faculty of Law, McGill University

Tina Piper teaches and researches in the areas of intellectual property law and legal history. She has just published a book entitled Putting Intellectual Property in its Place: Creative Labour and the Everyday (Oxford University Press), with Laura Murray and Kirsty Robertson. She was an IPLAI Resident Faculty Fellow from 2013 to 2015. She is a member of the Centre for Intellectual Property Policy (CIPP). 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.

Graham J. Reynolds
Assistant Professor, Peter A. Allard School of Law, The University of British Columbia

Graham J. Reynolds teaches and researches in the areas of copyright law, intellectual property law, property law, intellectual property and human rights, and technology and access to justice. Among other research affiliations, Graham is currently a Research Fellow of the Oxford Intellectual Property Research Centre at the University of Oxford. He previously served as the judicial law clerk to the Honourable Chief Justice Finch of the British Columbia Court of Appeal. Graham’s primary area of research focuses on the relationship between intellectual property and human rights.
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