

## *CURRICULUM VITAE*

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### **Daniel J. Gervais**

#### **PART I – EMPLOYMENT & HONORS**

##### **A) VANDERBILT UNIVERSITY**

- Milton R. Underwood Chair in Law (2015-present)
- Director, Vanderbilt Intellectual Property Program (2008-present)
- Faculty Director/co-Director, LL.M. Program (2010-present)
- Full Professor, Law School (2008-2014)
- Full Professor (courtesy appointment), College of Arts & Science
- Faculty Advisor, *Vanderbilt Journal of Technology and Entertainment Law* (2009-present)
  - **Ranked #1 in the United States in Arts, Entertainment and Sports Law (2019)**
- Member, Vanderbilt University Copyright Task Force (2014-2015)
- Process Chair, Faculty Grievances (Promotion and tenure) (2011-2015)
- Faculty Senator (2011-2014)
- Faculty University Marshal (2015-2018)
- Head of House, East House, Ingram Commons (2015-2017)
- Served on several Law School committees (recruitment, curriculum, promotion and tenure, various ad hoc committees)

##### **B) OTHER CURRENT POSITIONS AND AFFILIATIONS**

1. Associate Reporter, *Restatement of the Law, Copyright* (American Law Institute) (2014- )
2. Professor of Information Law, in particular trade and investment related aspects of the information society, University of Amsterdam (part-time, research-based appointment, 2017-present)
3. Professor II, Department of Private Law, University of Oslo (part time, research-based appointment, 2019-2021)
4. Member, Executive Committee, International Association for the Advancement of Teaching and Research in Intellectual Property ([ATRIP](#)) (2011- )
5. Research Affiliate, [New Zealand Centre of International Economic Law](#)
6. Founding member, International Society for the Development of Intellectual Property ([ADALPI](#))
7. Member, Editorial Board, [WIPO-WTO Colloquiums for Intellectual Property Teachers](#)
8. Twitter: @danielgervaisIP
9. Languages: English, French, Spanish, Dutch (basic), German (basic); Chinese/Mandarin (basic); Russian (basic)

### **C) UNIVERSITY OF OTTAWA, COMMON LAW SECTION<sup>1</sup>**

1. Acting Dean (Feb-Jul 2006 and Sep-2007-July 2008--16 months in total).
2. Associate-Dean, Research (2003-2006)
3. Associate-Dean, Academic (2006-2007)
4. Served on all faculty committees (promotion & tenure, curriculum, recruitment, etc.)
5. University Research Chair (2006-2008)
6. Oslers Professor of Intellectual Property (2005-2008)
7. Full Professor (2005-2008)
8. Associate Professor (2001-2005)

### **D) PREVIOUS EMPLOYMENT & POSITIONS<sup>2</sup>**

- **President**, International Association for the Advancement of Teaching and Research in Intellectual Property ([ATRIP](#)) (2017-2019)
- **Editor-in-Chief**, *Journal of World Intellectual Property*, Wiley/Blackwell (2008-2017)
- Chair, American Bar Association (ABA) Committee on International Copyright Laws & Treaties (2012-2014)
- International Editor, *Journal of Intellectual Property Law & Practice* (Oxford Univ. Press) (2005-2008)
- Panelist, UDRP, WIPO Arbitration and Mediation Center
- Partner, BCF<sup>3</sup> (Montreal) (2000-2001)
- **Vice-President, International & Rightsholder Relations**, Copyright Clearance Centre, Inc., Massachusetts, USA, 1997-2000
  - Approx. \$200 million/yr IP management organization
- Consultant, Organization for Economic Cooperation and Development (OECD), Paris, 1997
- **Assistant Secretary General**, International Confederation of Societies of Authors and Composers (CISAC), Paris, 1995-1996
- **Head of Section**, World Intellectual Property Organization (WIPO), Geneva, 1992-1995
- Consultant & Legal Officer, General Agreement on Tariffs and Trade (GATT/WTO), Geneva, 1990-1991
- Lawyer, Clark, Woods, (Montreal)

### **E) VISITING PROFESSORSHIPS & CHAIRS**

- Distinguished Fulbright Chair, Carleton University, 2021-2022 (passed peer review)
- Distinguished Fulbright Chair, Trento (Italy) 2019-2020 (passed peer review but the position remained unfilled due to the COVID-19 pandemic)
- Yong Shook Lin Professor of Intellectual Property, National University of Singapore, February 2015
- Gide Loyrette Nouel Visiting Chair, *Institut d'études politiques de Paris* (Sciences Po Law), Feb.-Apr. 2012
- Visiting Professor, *Université de Strasbourg* (Centre for International Intellectual Property Studies (CEIPI), France), Nov.-Dec. 2009, March 2012, May 2014, and January 2016
- Visiting Lecturer, Washington College of Law, American University, June 2011

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<sup>1</sup> At the time, the Faculty had approximately 1,300 students enrolled across all programs (LLB/JD, LLM and PhD). The Faculty of Law also offers a smaller program in civil law, which has its own dean.

<sup>2</sup> Management level positions are highlighted.

<sup>3</sup> Law firm specializing in business law, innovation and start-ups. See bcf.ca.

- Visiting Professor, *Université de Liège* (Belgium), March 2010 and 2011
- Visiting Professor, *Université de Montpellier*, France (Feb. 2007 and Apr. 2008)
- Visiting Professor, University of Haifa (2005)
- 2004 Trilateral Distinguished Scholar-in-Residence, Michigan State University, Detroit College of Law (April-May 2004)
- Visiting Scholar, Stanford Law School, Feb-Apr. 2004
- Visiting Professor, DEA (graduate) program, Faculty of Law, University of Nantes, France (May 2003)
- Visiting Professor, Faculty of Law, Graduate Program in Intellectual Property (DESS), Centre universitaire d'enseignement et de recherche en propriété intellectuelle (CUERPI), *Université Pierre Mendès-France* (Grenoble II), France (2002)
- Visiting Professor, Faculty of Law, University of Puerto Rico (June-July 2002--instruction in Spanish and English)
- Lecturer, Institute for Information Law, Faculty of Law, University of Amsterdam, Postdoctoral Summer Program in International Copyright Law (every year since 2000; last in July 2019)

#### **F) HONORS & MEMBERSHIPS**

- Member, American Law Institute (2015-)
- Member, Academy of Europe (2012-)
- Selected (by student vote) as Commencement speaker, Vanderbilt Law School, May 2014
- FedEx Research Professorship, Vanderbilt University Law School (2011-2012)
- Ontario Research Excellence Award (ex PREA), 2005<sup>4</sup>
- Charles B. Seton Award, Copyright Society of the U.S.A., 2003 (see under Articles below)
- Member, Law Society of Ontario
- Member, Quebec Bar. Finished first out of 700+ candidates and received all available awards, including:
  - Paris Bar Prize
  - Quebec Bar Award
  - Quebec Young Bar Award
- Two Academic Excellence Awards, Faculty of Law, University of Montreal

#### **G) EDUCATION**

- PhD (Law & Political Science), University of Nantes (France)
  - *magna cum laude*
- Diploma (International Law), Graduate Institute of Advanced International Studies, Geneva (Switzerland)
  - *summa cum laude*
- LL.M., University of Montreal
- LL.B. (McGill University/University of Montreal)
- Computer science studies, University of Montreal
- Diploma of Collegiate Studies (DEC) (Science and Humanities, Jean-de-Brébeuf College, Montréal)

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<sup>4</sup> Of the 64 research awards in that round, only one given to a law professor.

## **PART II- RESEARCH**

### **A) Publications<sup>5</sup>**

#### **i) Summary**

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|---|------|
| Books authored.....   | 14+1 |
| Books edited .....  | 10+1 |
| Book chapters .....   | 65+3 |
| Articles .....  | 85   |
| Conference proceedings .....  | 5    |
| Book reviews .....  | 2    |
| General publications.....   | 39   |
| Technical Reports, Law Reform, and Commissioned Research Work ..... | 10   |

#### **ii) Highlights**

1. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, 5<sup>th</sup> edn (Sweet & Maxwell, 2021)
  - **Previous editions cited by the Supreme Court of the United States in *Golan v. Holder* (2011) and *Wiley v. Kirtsaeng* (2013)**
  - **Previous editions cited in several Advocate Generals' Opinions, Court of Justice of the European Union**
2. RESTRUCTURING COPYRIGHT: A PATH TOWARDS INTERNATIONAL COPYRIGHT REFORM, REVISED AND UPDATED EDITION (Edward Elgar, 2019). 359 p.
3. COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS, 3rd edn (Kluwer Law International, 2016) 500 p.
4. [The Machine as Author](#), 105 IOWA L. REV. 2053-2106 (2020)
5. [Golan v. Holder, A Look at the Constraints Imposed by the Berne Convention](#), 64 VAND. L. REV. EN BANC 147-163(2011)
  - **Cited by the Supreme Court of the United States in *Golan v Holder* (2011)**
6. [Reinventing Lisbon: The Case for a Protocol to the Lisbon Agreement](#) , 11:1 CHICAGO J. INT'L L.67-126 (2010)
  - **Used in preparation of a new international treaty (Geneva Act of the Lisbon Agreement) in 2015**
7. [Trends and Developments in Artificial Intelligence - Challenges to the Intellectual Property Rights Framework](#), report to the European Commission, Nov. 25, 2020 (with coauthors Bernt Hugenholtz and João Quintais)

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<sup>5</sup> Where possible, titles are hyperlinked. See also <http://bit.ly/tsGP0y>. The number following the “+” sign indicates the number of forthcoming titles in each category accepted for publication. Blogposts *not* included.

- **The main conclusions of this study were adopted by the European Commission in *the IP Action Plan* submitted to European Parliament and the Council on the same day the study was published, 25 November 2020.**
8. [Feist Goes Global: A Comparative Analysis of the Notion of Originality in Copyright Law](#), 49:4 J. COPYRIGHT. SOC.Y OF THE USA 949-981(2002)\*
- **Winner, Charles Best Seton Award, Best Article of 2002-03, Copyright Society of the USA**
  - **Cited by the Chief Justice of Canada in *CCH Canadian Inc. v. Law Society of Upper Canada*, [2004] 1 S.C.R. 339 (Can.)**

### iii) Detailed description

#### **Books (authored)**

9. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, 5<sup>th</sup> edn (Sweet & Maxwell, 2021)
10. RESTRUCTURING COPYRIGHT: A PATH TOWARDS INTERNATIONAL COPYRIGHT REFORM, REVISED AND UPDATED EDITION (Edward Elgar, 2019). 359 p.
11. THE LAW OF HUMAN PROGRESS (Amsterdam: deLex, 2019), 27 p.<sup>6</sup>
12. RESTRUCTURING COPYRIGHT: A PATH TOWARDS INTERNATIONAL COPYRIGHT REFORM (Edward Elgar, 2017). 359 p.
13. INTERNATIONAL INTELLECTUAL PROPERTY: AN ADVANCED INTRODUCTION (E Elgar, Jan. 2016) – with Prof. Susy Frankel. 144 p.
14. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, 4<sup>th</sup> edn (Sweet & Maxwell, 2012)
15. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, Asian edition (Sweet & Maxwell Asia, 2012)
16. INTELLECTUAL PROPERTY: THE LAW IN CANADA, 2<sup>d</sup> ed. (Carswell, 2011) --with Prof. Elizabeth Judge. 1223 p.
17. L'ACCORD SUR LES ADPIC: PROPRIÉTÉ INTELLECTUELLE À L'OMC (Larcier, 2010). 733 p.
18. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, 3<sup>rd</sup> edn. (Sweet & Maxwell, December 2008). 785 p.
19. LE DROIT DE LA PROPRIÉTÉ INTELLECTUELLE, (Yvon Blais, 2006). 702 pages--with Professors Elizabeth Judge and Mistrale Goudreau
20. INTELLECTUAL PROPERTY: THE LAW IN CANADA (Carswell, 2005), with Prof. Elizabeth Judge
21. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS, 2<sup>ND</sup> ed. (Sweet & Maxwell, June 2003). 590 p.
22. THE TRIPS AGREEMENT: DRAFTING HISTORY AND ANALYSIS. (Sweet & Maxwell, 1998). 444 p.
23. LA NOTION D'ŒUVRE DANS LA CONVENTION DE BERNE ET EN DROIT COMPARÉ. (Librairie Droz, 1998). 276 p.

#### **Books (edited)**

1. THE FUTURE OF INTELLECTUAL PROPERTY (Edward Elgar, 2-) Approx. 420 p.

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<sup>6</sup> Revised text of inaugural Chair lecture, Faculty of Law, University of Amsterdam.

2. FAIRNESS, MORALITY AND *ORDRE PUBLIC* IN INTELLECTUAL PROPERTY (Edward Elgar, 2020) 384 p.
3. INTELLECTUAL PROPERTY AND THE REGULATION OF THE INTERNET (Victoria University Press, 2017), with Susy Frankel
4. THE INTERNET AND THE EMERGING IMPORTANCE OF NEW FORMS OF INTELLECTUAL PROPERTY, (Kluwer Law, 2016), with Susy Frankel. 360 p.
5. COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS, 3rd edn (Kluwer Law International, 2016) 500 p.
6. INTERNATIONAL INTELLECTUAL PROPERTY: A HANDBOOK OF CONTEMPORARY RESEARCH (E Elgar, 2015). 482 p.
7. INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT 2<sup>nd</sup> edn (Oxford Univ. Press, 2014). 364 p.
8. THE EVOLUTION AND EQUILIBRIUM OF COPYRIGHT IN THE DIGITAL AGE (Cambridge Univ. Press, 2014)—with Prof. Susy Frankel. 325 p.
9. COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS, 2<sup>nd</sup> edn (Kluwer Law International, 2010) 495 p.
10. INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT (Oxford Univ. Press, 2007). 564 p.
11. COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS (Kluwer Law International, 2006), 464 p.

### **Book chapters**

1. *Cultural Sustainability*, in INTELLECTUAL PROPERTY AND SUSTAINABILITY (O.-A. Rognstad, ed.) (forthcoming)
2. *TRIPS Meets Big Data*, in BIG DATA AND GLOBAL TRADE LAW (M. Burri, ed). (Cambridge Univ. Press, forthcoming)
3. *Trademarks and the TRIPS Agreement*, in CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (J.C. Ginsburg and I. Calboli, eds) (Cambridge Univ. Press, 2020), pp. 27-45
4. *How Intellectual Property and Human Rights Can Live Together: An Updated Perspective*, INTELLECTUAL PROPERTY AND HUMAN RIGHTS 4<sup>TH</sup> EDN (P. Torremans, ed), (Wolters Kluwer, 2020) 3-28
5. *The WIPO-WTO Relationship*, in THE FIRST 50 YEARS OF WIPO (S. Ricketson, ed.) (Edward Elgar, 2020), 227-242
6. *ISDS & IP: Lessons from Lilly v. Canada*, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND INVESTMENT LAW (Ch. Geiger, ed) (Edward Elgar, 2020), 250-266
7. *General Report/rapport général/Informe general*, in COPYRIGHT : TO BE OR NOT TO BE (J. Blomqvist, ed.), (ExTuto, 2019), 151-208
8. *Towards A New Berne Convention*, in PLURALISM OR UNIVERSALISM IN INTERNATIONAL COPYRIGHT LAW (T. E. Synodinou, ed) (Wolters Kluwer, 2019), 339-352

9. *The Economics of Copyright Collectives*, in I RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (P. Menell and B. Depoorter, eds) (E Elgar, 2019), ch. 18, pp. 489-507
10. *Lilly v Canada: Lessons for International Intellectual Property and Policy*, in INTELLECTUAL PROPERTY AND INTERNATIONAL DISPUTE RESOLUTION (Ch. Heath and A. Kamperman Sanders, eds) (Wolters Kluwer, 2019) 169-186
11. *Does the WTO Appellate Body 'Make' IP Law?* in INTELLECTUAL PROPERTY AND THE JUDICIARY (Ch. Geiger, C.A. Nard and X. Seuba, eds) (Edward Elgar, 2018), 494-516
12. *A Look at the Geneva Act of the Lisbon Agreement*, in GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE, DEVELOPMENT AND CULTURE (I. Calboli and Loy Wee Loon, eds), (Cambridge Univ. Press, 2017) 122-144
13. *L'historique de l'Accord sur les ADPIC*, in LE DROIT DE LA PROPRIÉTÉ INTELLECTUELLE LIÉ AU COMMERCE : L' ACCORD SUR LES ADPIC, BILAN ET PERSPECTIVES (Ch. Geiger, ed.) (Lexis Nexis, 2017) 1-30
14. *The Geneva Act of the Lisbon Agreement: Controversial Negotiation; Controversial Result*, in W. van Caenegem and J. Cleary (eds.), THE IMPORTANCE OF PLACE: GEOGRAPHICAL INDICATIONS AS A TOOL FOR LOCAL AND REGIONAL DEVELOPMENT, *Ius Gentium: Comparative Perspectives on Law and Justice* 58, DOI 10.1007/978-3-319-53073-4\_2 pp. 15-46 (with Matthew Slider) DOI 10.1007/978-3-319-53073-4\_2
15. *International Intellectual Property Rules and Parallel Importing*, in RESEARCH HANDBOOK ON EXHAUSTION AND PARALLEL IMPORTS (I. Calboli and E. Lee, eds) (Edward Elgar, -2016) (with Susy Frankel), 85-105
16. *TRIPS, Trademarks, and Trademark Transactions*, in THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS (J. de Werra and I. Calboli, eds) (Edward Elgar, 2016), 5-28
17. *Collective Management in China*, in COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS, 3rd edn (D. Gervais, ed., Kluwer Law International, 2016), 425-446—with Fuxiao Jiang
18. *Collective Management of Copyright and Related Rights: Theory and Practice in the Digital Age*, in *id.*, 3-30
19. [Extended Collective Licensing : A Significant Contribution to International Copyright Law and Policy](#), in LIBER AMICORUM JAN ROSÉN (Stockholm: Eddy, 2016), 311-321
20. *La recherche des équilibres*, in JURISTE SANS FRONTIÈRES : MÉLANGES EJAN MACKAAY (S. Rousseau, ed.), Montréal, Thémis, 2015, 407-440
21. *How Intellectual Property and Human Rights Can Live Together: An Updated Perspective*, INTELLECTUAL PROPERTY AND HUMAN RIGHTS 3<sup>RD</sup> EDN (P. Torremans, ed), (Wolters Kluwer, 2015) 3-26
22. [Human Rights and the Philosophical Foundations of Intellectual Property](#), in RESEARCH HANDBOOK ON HUMAN RIGHTS AND INTELLECTUAL PROPERTY (Ch. Geiger, ed) (E. Elgar 2015), pp. 89-97
23. *The TRIPS Agreement*, in ENCYCLOPEDIA OF LAW & ECONOMICS (A Marciano, ed.) (Springer, 2014) DOI:10.1007/978-1-4614-7883-6\_563-1
24. [TRIPS and Development](#), in THE SAGE HANDBOOK OF INTELLECTUAL PROPERTY (D. Halbert and M. David, eds), pp. 95-112

25. *The Limits of Patents*, in INTERNATIONAL INTELLECTUAL PROPERTY: A HANDBOOK OF CONTEMPORARY RESEARCH (D. Gervais, ed) (E. Elgar, 2015) (with Elizabeth Judge), pp. 246-271
26. *The Three-Step Test*, in *id.* (with Christophe Geiger and Martin Senftleben), pp. 167-189
27. *TRIPS Articles 10; 63-71*, in CONCISE INTERNATIONAL AND EUROPEAN IP LAW, 3D ED. (Th. Cottier and P. Véron, eds). (Kluwer Law International, 2015), pp. 41-44 and 179-198
28. [\*IP Calibration\*](#), in INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT, 2d ed. (D. Gervais, ed) (Oxford Univ. Press, 2014) 86-114
29. *Originalités*, in MÉLANGES EN L'HONNEUR DU PROFESSEUR ANDRÉ LUCAS, 389-400 (Lexis-Nexis, 2014)
30. [\*Patentability Criteria as TRIPS Flexibilities: The Examples of China and India\*](#), in GLOBAL PERSPECTIVES ON PATENT LAW (M. Bagley and R. Okediji, eds) 541-570 (Oxford Univ. Press, 2014)
31. [\*A Cognac after Spanish Champagne? Geographical Indications as Certification Marks\*](#), in INTELLECTUAL PROPERTY AT THE EDGE (J. C. Ginsburg and R. Dreyfuss, eds) (Cambridge Univ. Press, 2014) 130-155
32. *Current Issues in International Intellectual Property Norm-Making*, in (J. Drexler, H. Grosse Ruse-Khan and S. Nadde-Phlix, eds). MPI Study series (Springer, 2013) 3-16
33. [\*The Internet Taxi: Collective Management of Copyright and the Making Available Right, After the Pentology\*](#), in THE COPYRIGHT PENTOLGY: HOW THE SUPREME COURT OF CANADA SHOOK THE FOUNDATIONS OF CANADIAN COPYRIGHT LAW (M. Geist, ed.) 373-401 (2013)
34. [\*The TRIPS Agreement and Climate Change\*](#), in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND CLIMATE CHANGE (J. Sarnoff, ed.) (E Elgar, 2016) 54-73
35. *Physionomie et problématiques modernes du monopole octroyé par le droit des brevets*, JURISCLASSEUR QUÉBEC: PROPRIÉTÉ INTELLECTUELLE (S. Rousseau, ed., 2012), pp. 21-1 – 21.18 (with Elizabeth Judge)
36. *Copyright, Culture and the Cloud*, in TRANSNATIONAL CULTURE IN THE INTERNET AGE (SEAN PAGER & ADAM CANDEUB, eds.) (E. Elgar, 2012) 31-54
37. *Physionomie et problématiques modernes du monopole octroyé par le droit des brevets*, in JURISCLASSEUR QUÉBEC : PROPRIÉTÉ INTELLECTUELLE (2012), pp. 21-1 -21.18 (with Prof. Elizabeth Judge)
38. *Criminal Enforcement in the US and Canada*, in CRIMINAL ENFORCEMENT OF INTELLECTUAL PROPERTY (C. GEIGER, ED) (E. Elgar, 2012), 269-285
39. [\*Traditional Innovation and the Ongoing Debate on the Protection of Geographical Indications\*](#), INTELLECTUAL PROPERTY AND INDIGENOUS INNOVATION (P. Drahos and S. Frankel, eds) (Australia National University Press, 2012)
40. *Individual and Collective Management of Rights Online*, in COPYRIGHT IN A BORDERLESS ONLINE ENVIRONMENT (J. Axhamn, ed.). Norstedts Juridik, 2012. 89-100
41. [\*Country Clubs, Empiricism, Blogs and Innovation: The Future of International Intellectual Property Norm-Making in the Wake of ACTA\*](#), TRADE GOVERNANCE IN THE DIGITAL AGE (M. Burri and Th. Cottier, eds). Cambridge University Press, 2012, pp. 323-343
42. *The TRIPS Agreement*, in MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (R. Wolfrum, ed.) (Oxford University Press, 2008-), online edition, [www.mpepil.com]



43. *TRIPS Articles 10; 63-71*, in *CONCISE INTERNATIONAL AND EUROPEAN IP LAW*, 2D ED. (Th. Cottier and P. Véron, eds). Kluwer Law International, 2011, pp. 38-42 and 168-186
44. *The International Legal Framework of Border Measures in the Fight against Counterfeiting and Piracy*, in *ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS THROUGH BORDER MEASURES*, 2d ed. (O. Vrins and M. Schneider eds.), Oxford Univ. Press, 2012, 51-76
45. [\*User-Generated Content and Music File-Sharing: A Look at Some of the More Interesting Aspects of Bill C-32\*](#), in *FROM "RADICAL EXTREMISM" TO "BALANCED COPYRIGHT": CANADIAN COPYRIGHT AND THE DIGITAL AGENDA* (M. Geist, ed., Irwin Law, 2010)
46. [\*Collective management of Copyright: Theory and Practice in the Digital Age\*](#), in *COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS*, 2<sup>nd</sup> edn (D. Gervais, ed., Kluwer Law International, 2010) 1-28;
47. *Of Silos and Constellations: Comparing Notions of Originality in Copyright Law*, in *INTELLECTUAL PROPERTY PROTECTION OF FACT-BASED WORKS* (R. F. Brauneis, ed, Edward Elgar, 2010) 74-106—with Professor Elizabeth Judge
  - Also published as an article (see below)
48. *Policy Calibration and Innovation Displacement*, in *DEVELOPING COUNTRIES IN THE WTO LEGAL SYSTEM* (J. Trachtman, and Ch. Thomas, eds.) (Oxford Univ. Pr., 2009) 363-394
49. *TRIPS 3.0*, in *THE DEVELOPMENT AGENDA: GLOBAL INTELLECTUAL PROPERTY AND DEVELOPING COUNTRIES* (N. W. Netanel, ed) 51-75. (Oxford Univ. Pr., 2009)
50. [\*A Uniquely Canadian Institution: The Copyright Board of Canada\*](#), in *A NEW INTELLECTUAL PROPERTY PARADIGM: THE CANADIAN EXPERIENCE* (Y. Gendreau ed). (Edward Elgar, 2009)
51. *Rights Management Information*, *ALAI 2007: THE AUTHOR'S PLACE IN XXI CENTURY COPYRIGHT* (ALAI, 2008) 519-551 (three languages)
52. *TRIPS Article 10; Articles 63-71*, in *CONCISE INTERNATIONAL AND EUROPEAN IP LAW* (Th. Cottier and P. Véron, eds). (Kluwer Law International, 2008), 39-42 et 153-170
53. [\*Intellectual Property and Human Rights: Learning to Live Together\*](#), in *INTELLECTUAL PROPERTY AND HUMAN RIGHTS* (P. Torremans, ed). (Wolters Kluwer, 2008) 3-24
54. *A Canadian Copyright Narrative*, in *COPYRIGHT LAW: A HANDBOOK OF CONTEMPORARY RESEARCH*. (P. Torremans, ed.) (Edward Elgar, 2007) 49-82
55. *The Changing Landscape of International Intellectual Property*, in *INTELLECTUAL PROPERTY AND FREE TRADE AGREEMENTS*. (Ch. Heath and A. Kamperman Sanders, eds) (Oxford: Hart Publishing, 2007), 49-86
56. *TRIPS and Development*, in *INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT* (D. Gervais, ed, 3-60
  - See under *Books (edited)* above
57. *A TRIPS Implementation Toolbox*, in *idem*, 527-545
58. *Traditional Knowledge and Intellectual Property; A TRIPS Compatible Approach*, in *IPR PROTECTION AND TRIPS COMPLIANCE*. (Veena, ed.) (Amicus/ICFAI University Press, 2007), 146-178
  - Republication of article listed under No. 52 below
59. *Em busca de uma Norma Internacional para os Direito de Autor: O 'Teste dos Três Passos Reversos'*, in *PROPIEDAD INTELECTUAL* (E. Beas Rodrigues Jr and F. Polido, eds), (Rio de Janeiro,

Elsevier, 2007), 201-232 (republication of article listed under No 50 in list below)

60. *The TRIPS Agreement and the Changing Landscape of International Intellectual Property*, in INTELLECTUAL PROPERTY AND TRIPS COMPLIANCE IN CHINA. (P. Torremans et al., eds). (Edward Elgar, 2007), 65-84
61. *The TRIPS Agreement and the Doha Round: History and Impact on Development*, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH. (P. Yu, ed), (Praeger, 2006), vol. 3, 23-72
62. *The Changing Role of Copyright Collectives*, in COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS. (D. Gervais, ed.) (Kluwer Law International, 2006), 3-36
63. *The Role of International Treaties in the Interpretation of Canadian Intellectual Property Statutes*, in THE GLOBALIZED RULE OF LAW: RELATIONSHIPS BETWEEN INTERNATIONAL AND DOMESTIC LAW. (O. Fitzgerald, ed), (Toronto: Irwin Law, 2006), 549-572
64. *Le rôle des traits internationaux dans l'interprétation des lois canadiennes sur la propriété intellectuelle*, in RÈGLE DE DROIT ET MONDIALISATION: RAPPORTS ENTRE LE DROIT INTERNATIONAL ET LE DROIT INTERNE (O. Fitzgerald, ed) (Yvon Blais, 2006), 679-712
  - French version of previous item in list
65. *The TRIPS Enforcement Provisions*, in, CONCISE COMMENTARY OF EUROPEAN INTELLECTUAL PROPERTY LAW (Th. Dreier, Ch. Gielen, and R. Hacon, eds.) (Kluwer Law International, 2006)
66. *The TRIPS Agreement*, in BORDER MEASURES IN THE EUROPEAN UNION (OLIVIER VRINS AND MARIUS SCHNEIDER, EDS.), (Oxford University Press, 2006), 37-62
67. [\*Use of Copyright Content on the Internet: Considerations on Excludability and Collective Licensing\*](#), in IN THE PUBLIC INTEREST: THE FUTURE OF COPYRIGHT LAW IN CANADA (M. Geist, ed). (Toronto: Irwin Law, Oct. 2005)
68. [\*Copyright and eCommerce\*](#), in INTELLECTUAL PROPERTY IN THE GLOBAL MARKETPLACE: 2001 UPDATE. (N. Wilkof et al. eds.), (New York: John Wiley & Sons, 2002). 18 p.

#### **Articles<sup>7</sup>**

1. [\*The Machine as Author\*](#), 105 IOWA L. REV. 2053-2106 (2020)
2. [\*The Interfaces between "Big Data" and Intellectual Property\*](#), 10(1) J. INTELL. PROP., INF. TECH. & ELEC. COMM. L. (2019)
3. [\*Intellectual Property: A Beacon for Reform of Investor-State Dispute Settlement\*](#), 40 MICH. J. INT'L L. 289 (2019)
4. [\*Improper Appropriation\*](#), 23 LEWIS & CLARK L. REV. 599-620 (2019)
5. [\*The Patent Option\*](#), 20 N.C. J.L. & TECH. 357-403 (2019)
6. *Related Rights in United States Law*, 65 J. COPYRIGHT SOC'Y U.S.A. 371-393 (2018)
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11. [\*Irreconcilable Differences? The Geneva Act of the Lisbon Agreement and the Common Law\*](#), 53:2 HOUSTON L. REV. 339-371 (2015)
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14. [\*Improving Access to Medicines in Low-Income Countries: A Review of Mechanisms\*](#), 18:1-2 J. WORLD INT. PROP. 1–28 (2015) (with Cindy Bors, Andrew Christie and Ellen Wright Clayton)
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22. [\*The Derivative Right, or Why Copyright Protects Foxes Better than Hedgehogs\*](#), 15:4 VAND. J. ENT. & TECH. L. 785-855 (2013)
23. [\*Is Profiting from the Online Use of Another's Property Unjust? The Use of Brand Names as Paid Search Keywords\*](#), 53:2 IDEA 131-171 (2013) (with Martin L. Holmes, Paul W. Kruse, Glenn Perdue & Caprice Roberts)
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  35. [\*The Regulation of Inchoate Technologies\*](#), 47 HOUSTON L. REV. 665-705 (2010);
  36. [\*The 1909 Copyright Act in Historical Context\*](#), 26:2 SANTA CLARA HIGH TECH L.J.185-214 (2010)
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62. [\*Collective Management of Copyright and Neighboring Rights in Canada: An International Perspective\*](#), 1 CAN. J. OF LAW & TECH. 21-50 (2002)

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66. *The TRIPS Agreement: Interpretation and Implementation*, 3 EUR. INT. PROP. REV., 156-162 (1999)
67. *Intellectual Property in the MAI: Lessons to Be Learned*, 2 J. WORLD INT. PROP. 257-274 (1999) (with Vera Nicholas)
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1. *La machine en tant qu'auteur*, 72 PROPRIÉTÉS INTELLECTUELLES 7-12 (2019)
2. *La rémunération des auteurs et artistes à l'ère du streaming*, in MÉLANGES GHISLAIN ROUSSEL, 27 :3 CAHIERS PROP. INT. 1085-1108 (2015)
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4. *Analyse quantitative et qualitative du problème des œuvres orphelines: un point de vue états-unien*, 24 :2 CAHIERS PROP. INT. 347-366 (2012) (with David R. Hansen)
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8. *Propiedad intelectual y derechos humanos: aprendiendo a vivir juntos*, 3:5 REVISTA IBEROAMERICANA DE DERECHO DE AUTOR (2009)
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9. Robertson c. Thomson Corp. : *Un commentaire sur le droit des pigistes à la lumière de l'intervention de la Cour suprême du Canada*, 3 :2 REVUE DE DROIT & TECHNOLOGIE DE L'UNIVERSITÉ D'OTTAWA/UNIVERSITY OF OTTAWA LAW & TECHNOLOGY JOURNAL, 601-614 (2006)
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16. *La responsabilité des États à l'égard des actes des organes judiciaires*, 6 R.Q.D.I. 71-82 (1989-1990)

### **Conference Proceedings<sup>9</sup>**

1. Panel on Challenges for Collective Licensing Organizations, symposium: Collective Management of Copyright: Solution or Sacrifice? Columbia Law School, 34:1 COLUM. J. LAW & ARTS 657-664 (2010).
2. *Moral rights on the Internet*, in MORAL RIGHTS IN THE 21ST CENTURY: THE CHANGING ROLE OF THE MORAL RIGHTS IN AN ERA OF INFORMATION OVERLOAD F. Brison, S. Dusollier, M.-C. Janssens & H. Vanhees., eds. (ALAI Congress 2014) (Larcier, 2015).
3. *Arbitration Concerning Intellectual Property Rights*, 7:2 J. WORLD INT. PROP. 245-247 (2004)
4. *Le droit d'auteur au Canada: fragmentation ou gestion fragmentaire*, in INSTITUTIONS ADMINISTRATIVES DU DROIT D'AUTEUR (Y. Gendreau, ed., Cowansville : Éditions Yvon Blais, 2002), 459-477
5. *L'exercice des droits d'auteur dans le nuage*, in COPYRIGHT AND RELATED RIGHTS IN THE CLOUD ENVIRONMENT, Proceedings of the ALAI Congress, Kyoto, 2012, 776-784

### **Other Publications**

1. *Préface*, STRATÉGIES INTERNATIONALES ET PROPRIÉTÉ INTELLECTUELLE (A. Quiquerez, ed). (Brussels: Larcier, 2019), pp. 9-13
2. [Editorial, Is There a “Middle Way” in International Intellectual Property?](#) 47:2 IIC – INT’L REV. INTELL. PROP. & COMP. L. 135–137 (2016)
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6. *Copyright Law in China*, in IP PROTECTION IN CHINA (D. Suchy, ed) (ABA, 2015), 151-245 (with Xianjin Tian, Fuxiao Jiang, Katherine C. Spelman, Mark H. Wittow and Trevor M. Gates)
7. *Quel avenir pour le droit moral?*, LE DROIT MORAL AU 21<sup>E</sup> SIÈCLE, (F. Brisson, S. Dussollier, M.-C. Janssens & H. Vanhees, eds) (Brussels, ALAI/Larcier, 2015), pp. 291-295
8. *Liabilities of Foreign Companies under the Digital Millennium Copyright Act*, 6:3 LANDSLIDE (2014) (with William Jacob Farrar)

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<sup>9</sup> Articles based on presentations at symposia are included under Articles.

9. *Derivative Works, User-Generated Content, and (Messy) Copyright Rules*, 16:1 [THE COPYRIGHT & NEW MEDIA LAW NEWSLETTER](#) 7-9 (2012)
10. *The International Legal Framework for the Civil Enforcement of Copyright & Criminal Enforcement of Copyright in the United States*, IP ENFORCEMENT AND LITIGATION 2012, PLI, 2012, 361-399
11. [How Canada can Be an Innovation Leader](#), THE GLOBE AND MAIL, November 30, 2011
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15. *Collective Management of Copyright and Related Rights in North America*, in ASIAN COPYRIGHT SEMINAR, (Tokyo, Feb. 25, 2009) 17-72
16. *La Parodie et le moyen de défense fondé sur l'« intérêt du public »*, in DROIT D'AUTEUR ET LIBERTÉ D'EXPRESSION/COPYRIGHT AND FREEDOM OF EXPRESSION, 2006 BARCELONE, (ALAI, 2008)
17. *Litigation, not politics, drives change in IP*, 25:28, THE LAWYERS WEEKLY (November 25, 2005) 2 pages
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19. *The Realignment of Copyright in Canada*. Twelfth National Conference on Communications Law, Toronto, April 7, 2005 (51 pages)
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22. *The Evolving Role(s) of Copyright Collectives, in DIGITAL RIGHT MANAGEMENT - THE END OF COLLECTING SOCIETIES?"* (Christoph Beat Graber, ed.) (Lucerne, 2005)
23. *A Viable Rights Clearance Scheme*, 6:2 COPYRIGHT & NEW MEDIA LAW NEWSLETTER 3 (2002)
24. "Copyright and the Use Paradigm," in COPYMART: THE PRODUCT AND ITS PROSPECTS: PROCEEDINGS OF THE BERLIN SYMPOSIUM. (Z. Kitagawa, ed.), (Kyoto: IIAS, 2003), 109-116
25. "Traditional Knowledge: A Challenge to the International Intellectual Property System," in, 7 INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY. (New York: Juris, 2002). ch 76-1
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35. « L'état des lieux: La gestion collective dans le monde, en Europe et en France ». (Paris: SACEM, 1996). (11 pages)
36. « Gestion des droits », in ACTES DU COLLOQUE LES AUTOROUTES DE L'INFORMATION : ENJEUX ET DÉFIS », HUITIÈMES ENTRETIENS DU CENTRE JACQUES CARTIER RHÔNE-ALPES. (Lyons: Université de Lyon-2, 1996)
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38. "Identificación de las obras utilizadas en sistemas digitales", in NUM NOVO MUNDO DO DIREITO DE AUTOR. (Lisbon: COSMOS/Arco-Iris, 1994). (17 pages)
39. "El principio del trato nacional en los acuerdos internacionales de propiedad intelectual", same book—(15 pages)

### **Book Reviews**

- *T. Scassa and M. Deturbide. Electronic Commerce Law in Canada* (Toronto: CCH, 2004), reviewed at 42 CAN. BUS. L. J. 292-310 (2005)
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### **Publicly Available Technical Reports, Law Reform, and Commissioned Research Work**

1. [Trends and Developments in Artificial Intelligence - Challenges to the Intellectual Property Rights Framework](#), report to the European Commission, Nov. 25, 2020 (with coauthors Bernt Hugenholtz and João Quintais)
2. [Second Expert Report of Daniel J. Gervais](#), *Eli Lilly and Company v. The Government of Canada*, Dec. 7, 2015
3. [Expert report of Daniel J. Gervais](#), *Eli Lilly and Company v. The Government of Canada*, Jan 27, 2015
4. *Fair Dealing, the Three Step Test and Exceptions in the Canadian Copyright Act*, Report commissioned by Industry Canada, November 2007
5. *Copyright, Money and the Internet*, Univ. of Ottawa, 2004
6. [Application of an Extended Licensing Regime in Canada: Principles and Issues Related to Implementation](#). Department of Canadian Heritage, July 2003

7. [Collective Management of Copyright and Neighboring Rights in Canada: An International Perspective](#). Department of Canadian Heritage, August 2001
8. *Intellectual Property Practices in the Field of Biotechnology*. Report published by the Trade Directorate, Organization for Economic Co-operation and Development (OECD), Paris 1999. Document No. TD/TC/WP(98)15/FINAL.(23 pages)
9. THE LAW AND PRACTICE OF DIGITAL ENCRYPTION. (Amsterdam: University of Amsterdam, 1998). (64 pages)
10. *ECMS: The Policy Issues*, in IMPRIMATUR CONSENSUS FORUM. 21/22 NOVEMBER 1996. (London: Imprimatur, 1996).

## **B) Presentations & Lectures**

### **ACADEMIC EVENTS**

- Workshop, Copyright Data Improvement in the EU – Towards Better Visibility of European Content and Broader Licensing Opportunities in the Light of New Technologies (Univ. of Amsterdam, KU Leuven, May 6, 2021)
- National seminar, Tecnológico de Monterrey (Mexico), May 5, 2021 (Is the Creativity and Singularity Near?)
- Invited speaker, FIDE (International Federation of European Law), January 13, 2021 (AI & Copyright)
- Invited speaker, Jurix 2020: Artificial Intelligence and Patent Data, Workshop co-organized by the Center for AI and Patent Analysis, Carnegie Mellon University, December 9, 2020
- Invited panelist, [25 Years Of The TRIPS Agreement](#), World Trade Organization (Geneva—via Zoom), November 24, 2020
- *Machina Sapiens: The Conflation of Natural and Artificial Creativity and Innovation*, The Sir Hugh Laddie Annual Lecture, London (via Zoom-approx. 600 participants), November 10, 2020
- Speaker, invitation-only workshop, Trends and Developments in Artificial Intelligence - Challenges to the IPR Framework, Zoom, September 10, 2020
- Invited panelist, European Policy For Intellectual Property (EPIP), Zoom, September 9, 2020
- Workshop on collective management, CEIPI - University of Strasbourg, November 2019
- Invited speaker, AI & IP, Washington & Lee, Lexington, VA, September 9, 2019
- Invited speaker, European Copyright Society. Annual Conference, Oslo, May 24, 2019
- Speaker, Conference TILTING Perspectives 2019, University of Tilburg, May 18, 2019
- Invited speaker, “Big Data and IP”, Bocconi University, Milan, March 22, 2019
- Invited speaker, Big Data and Global Trade Law Conference, University of Lucerne (Switzerland), November 16-17, 2018
- Inaugural lecture, “The Law of Human Progress,” University of Amsterdam, October 18, 2018
- Invited speaker, Business Law Forum, Lewis & Clark Law School, Portland, OR, September 28, 2018
- Invited speaker, Workshop on IP and Sustainability, University of Oslo, June 15, 2018
- Invited speaker, “A New Copyright Convention: Isn’t Time 50 Years after Stockholm?,” Norwegian Copyright Society, Oslo, Norway, June 14, 2018
- Speaker, “Towards Inclusive and Sustainable Protection of Traditional Cultural Expressions, Institute for Information Law (IvIR),” Amsterdam, June 8, 2018
- Invited speaker, Pluralism or Universalism in International Copyright Law, University of Cyprus, May 31-June 2, 2018
- Invited speaker, The *Terroir* of Innovation: A Multi-Disciplinary Conference on Cider and the

- Development of Geographical Indications in Canada, McGill University, Montreal, March 29, 2018
- Invited speaker, Intellectual Property As Investment Asset: A Different Court Making Different Law, Maastricht University, The Netherlands, March 16, 2018
- Speaker, Blockchain and Copyright Symposium, Institute for Information Law (IvIR), Amsterdam, July 5, 2017
- Invited speaker, IPKM Closing Ceremony, Maastricht University, June 16, 2017
- Keynote, International trademark Law; the Penumbra Zones, Vrije Universiteit (Free University) Amsterdam, June 15, 2017
- Keynote, Data Mining, Industrial Internet & IPRs, Hanken School of Economics, Helsinki, June 6, 2017
- Commentator, 4<sup>th</sup> Annual Vanderbilt IP Scholars, April 28, 2017
- Moderator, Harmonizing European Intermediary Liability in Copyright: An Academic Symposium, University of Amsterdam, January 14, 2017
- Keynote speaker, Center for Intentional Intellectual Property Studies, Strasbourg, France, January 10, 2017
- Speaker, 7th Emerging Markets Finance Conference, 2016, Panel On Intellectual Property, Copyright and Patent Finance, Mumbai, India, December 14, 2016
- Speaker, Institute for Information Law, University of Amsterdam, December 9, 2016
- Speaker, Hong Kong Intellectual Property Department Annual IP Update, Hong Kong, November 30, 2016
- Speaker, 16<sup>th</sup> IP Seminar of the Institute of European Studies of Macau (IEEM), November 28-29, 2016
- Speaker, Patent War and International Investment Agreements, University of Oslo, Oslo (Norway), November 4, 2016
- Speaker, AIDEL International Conference 2016. Theme: “As You Law It. Negotiating Shakespeare,” Verona, November 9-11, 2016
- Speaker, Intellectual Property and Human Rights, UC Irvine, October 28, 2016
- Speaker, International Law Society, Vanderbilt Law School, “Lilly v Canada: A View from the Trenches,” October 4, 2016
- Vanderbilt Patent Scholars Retreat, Atlanta, February 11-12, 2016
- Distinguished Visiting Speaker, University of Manitoba, November 5, 2015
- Speaker, “Campbell @ 21” event, University of Washington (Seattle), April 18, 2015
- Co-chair, “Intellectual Property and Regulation of the Internet: The Nexus with Human and Economic Development,” New Zealand Centre of International Economic Law, Wellington, February 19, 2015
- Moderator, “Beyond Regulation: The US Government as Funder, Creator, and User of Intellectual Property,” Annual Symposium of the Vanderbilt Journal of Technology and Entertainment Law, January 23, 2015
- Lecturer, “Patentability criteria as TRIPS Flexibilities,” University of London in Paris/Queen Mary, December 4, 2014
- Lecturer, “Collective management”, University of Nottingham, December 1, 2014
- Co-Chair and moderator, “Intellectual Property on the Internet: Is there Life Outside of the Big Three?,” Victoria University of Wellington, November 17-18, 2014
- Moderator, Is Copyright Working for Music Creators event, Vanderbilt Law School, October 24, 2014.
- Panelist, Kernochan Center for Law, Media, and the Arts 2014 Symposium, Columbia Law School, New York, October 10, 2014
- Moderator, panel on the future of moral rights, ALAI Annual Congress, Brussels, September 19-20, 2014
- Chair, Breakfast Panel, Annual ATRIP Conference, Montpellier (France), July 8, 2014
- Panelist, “Rights in the mix” session, Information Influx International Conference, University of

- Amsterdam, July 2-3, 2014
- Speaker, Intellectual Property and the Performing Arts, event organized by Indiana University, Maurer School of Law (Bloomington), Indiana University Jacobs School of Music, and the Indiana Arts Commission, Indianapolis, , “Performers rights in comparative perspective” May 16, 2014
- Speaker, Rethinking International Intellectual Property, CEIPI, Strasbourg (France), “The Role of WIPO” May 12, 2014
- Speaker, “Trademarks and Tobacco Packaging”, Florida International University, Miami, FL, March 18, 2014
- Lecturer, Concordia University, John Molson School of Business, Montreal, November 4, 2013;
- Speaker, The Future of Corporate Governance and Intellectual Property Protection, FGV Direito, Rio de Janeiro, Brazil, May 24, 2013,
- Moderator, From Berne to Beijing, Symposium of the Vanderbilt Journal of Entertainment and Technology Law, January 25, 2013
- Speaker, “Patents on Science or Technology?”, Colloquium of the Department of Physics, Vanderbilt University, January 8, 2013
- Co-Host, Evolution and Equilibrium in Copyright Conference, Wellington, New Zealand, November 20-21, 2012
- Speaker, ALAI Congress, Kyoto, Japan, October 15-16, 2012
- Speaker, Amsterdam workshop on copyright formalities, University of Amsterdam, July 7, 2012;
- Speaker, Workshop on When Technology Disrupts Law: How Do IP, Internet and Bio Law Adapt?, AALS Mid-Year Meeting, Berkeley, CA, June 11, 2012;
- Speaker, Law & Business Conference, organized by Vanderbilt Law School; with the Indian School of Business (ISB) and NALSAR, ISB, Hyderabad, India, May 30-31, 2012;
- Speaker, The International Copyright System and Access to Education: Challenges, New Access Models and Prospects for New Principles, Max-Planck Institute, Munich, Germany May 14-15, 2012;
- Speaker, Chicago IP Colloquium, Loyola Law School, Chicago, April 17, 2012
- Participant, Workshop “Intellectual Property at the Edge,” Columbia Law School, April 13, 2012
- Panelist, Fordham International Intellectual Property Law & Policy Conference, New York, April 12, 2012
- Speaker, Faculty of Law, University of Nantes, Nantes (France), March 23, 2012
- Speaker, European and International IP Center (CEIPI), Strasbourg (France), March 19, 2012
- Speaker, IP Colloquium, Washington University, St. Louis, Feb. 27, 2012
- Speaker, Canada-Israel Israeli Canadian Workshop on Copyright Law Reforms & Developments, The Hebrew University Of Jerusalem, Feb. 20 -21, 2012
- Moderator, Vanderbilt Intellectual Property Association/Hyatt Fund event, Lockdown on Password Sharing, Feb. 1, 2012
- Moderator, 2011-2012 Symposium of the Vanderbilt Journal of Entertainment and Technology Law (JETLaw), Copyright & Creativity: Perspectives on Fixation, Authorship, & Expression, Jan. 27, 2012
- Moderator & organizer, [Melbourne-Vanderbilt Global Debate](#), Vanderbilt Law School, Nashville, November 15, 2011
- Speaker, IP Colloquium, Indiana University Maurer School of Law, Bloomington, IN, November 3, 2011
- Speaker, Copyright in a borderless online environment Symposium, Thoresta Herrgård, Bro, Sweden, October 27-28, 2011
- Speaker, International Law Weekend, Intellectual Property Law in National Politics and International Relations, New York, NY, Oct. 21-22, 2011
- Panelist, American Intellectual Property Law Association (AIPLA), Annual Meeting, Washington DC, October 20, 2011
- Speaker, Golan v. Holder Roundtable, Harvard Law School, September 23, 2011
- Moderator, Max-Planck Institute Workshop on Economic Partnership Agreements of the EU: A Step

- Ahead an International IP Law?" Frauenchiemsee, Germany, June 26-28, 2011
- Keynote speaker, 39e Colloque annuel International de l'AFEC, Stretching borders: How far can Canada Go?, Montpellier, France, June 15-17, 2011
- Moderator, Vanderbilt University Law School Program, Beijing, China, May 21, 2011
- Moderator and panelist, 19th Annual Conference on Intellectual Property Law & Policy, Fordham University Law School, New York, April 28-29, 2011
- Chair, Invitation-only Intellectual Property Workshop, Canadian International Council, Ottawa, March 31-April 1, 2011
- Moderator, Patent Unrest, Vanderbilt Law School. February 24, 2011
- [Keynote speaker, Annual Symposium of the Kernochan Center for Law, Media & the Arts, Columbia Law School, New York, January 28, 2011](#)
- Speaker, Intellectual Property Institute of Australia (IPRIA), University of Melbourne, Australia, December 13, 2010
- Speaker, Trade, Intellectual Property and the Knowledge Assets of Indigenous Peoples: The Developmental Frontier, Victoria University, Wellington, New Zealand, December 8-10, 2010
- Speaker, Computer Programs and TRIPS, TRIPS@10 Conference, Columbia University, November 16-18, 2010
- Speaker, International Law Weekend, American Branch of the International Law Association, Fordham Law School, New York, October 22-23, 2010
- Speaker, Bits Without Borders conference, Michigan State University, East Lansing, MI, September 25-26, 2010
- Speaker, World Trade Forum, Bern, Switzerland, September 3-4, 2010
- Speaker, Copyright @ 300, UC Berkeley School of Law, Berkeley, CA, April 9-10, 2010
- Speaker, The Statute of Anne 300 Birthday, Cardozo Law School, New York, March 24-25, 2010
- Panelist, Access to Knowledge (A2K) conference, Yale Law School, February 12-13, 2010
- Speaker, IUS COMMUNE, Reinventing the Lisbon Agreement, Maastricht University, The Netherlands, November 26, 2009
- Speaker, The Lisbon Agreement, CEIPI (Strasbourg, France), November 17, 2009
- Keynote speaker, Signifiers in Cyberspace: Domain Names and Online Trademarks Conference, Case Western Reserve University, Cleveland, Ohio, November 12, 2009
- Speaker, Beyond TRIPS: The Current Push for Greater International Enforcement of Intellectual Property, American University (Washington College of Law), November 5, 2009
- Speaker, Intellectual Property Developments in China: Global Challenge, Local Voices conference, Drake University, Des Moines, Iowa, October 15-16, 2009
- Speaker, University of Hong Kong, June 12-13, 2009
- Speaker, Conference on 100th Anniversary of the 1909 Copyright Act, Santa Clara University, April 27, 2009
- Panelist, Fordham International Intellectual Property law & Policy Conference, Cambridge, England, April 15-16, 2009
- Participant, University of Cambridge-University of Queensland Copyright History Roundtable, Cambridge, England, April 15, 2009
- Commentator, Vanderbilt Roundtable on User-Generated Content, Social Networking & Virtual Worlds, Nashville, November 14, 2008
- Distinguished Finnegan Lecturer, Washington College of Law, Washington, D.C., October 18, 2008
- Panelist, International Law Weekend, New York, October 16, 2008
- Speaker, IP Speaker Series, Cardozo Law School, September 22, 2008
- Lecturer, Intellectual Property Research Institute of Australia (IPRIA), Melbourne, June 3, 2008
- Speaker, International Conference on Patent Law, University of New Zealand, Wellington, May 29-30, 2008
- Speaker, Law School of National Taiwan University, March 21, 2008
- Commentator, EDGE Project Conference on Intellectual Property and Development, Hong Kong,

March 17-18, 2008

- Speaker, Cardozo Law School Conference on Harmonizing Exceptions and Limitations to Copyright Law, New York, March 30-31, 2008
- Panelist, Fordham Conference on International Intellectual Property Law & Policy, New York, March 27-28, 2008
- *Rapporteur*, International Literary and Artistic Association Biennial Congress (ALAI), Punta del Este, Uruguay, Oct. 31 – Nov. 3 2007
- Speaker, Vanderbilt University, Nashville, Tennessee, Oct. 16-17, 2007. “Collective Management of Copyright in North America”, (conference organized in cooperation with WIPO)
- Speaker, University of South Carolina, Columbia, SC, October 12, 2007 “The Future of Copyright Law”
- Panelist, Fordham University Conference on International Intellectual Property Law & Policy, New York, April 12-13, 2007
- Speaker, Dean’s lectures on intellectual property, George Washington University School of Law, Washington D.C., March 13, 2007
- Speaker, UCLA Conference on the WIPO Development Agenda, Los Angeles, March 9-11, 2007
- Speaker, International Conference on Impact of TRIPS: Indo-US Experience. NALSAR University of Law, Hyderabad (India), Dec. 15-16, 2006
- Speaker, International intellectual property conference, University of Chicago-Kent, October 12-13, 2006
- Speaker, Study days of the International Literary and Artistic Association, Barcelona, June 18-21, 2006
- Moderator, Fourteenth Annual Conference on International Intellectual Property Law & Policy, New York, April 20-21 2006
- Speaker, University of Michigan, Ann Arbor. Intellectual Property & Development, April 14 2006
- Speaker, Michigan State University College of Law (MSU), East Lansing, The International Intellectual Property Regime Complex, April 7-8 2006
- Roundtable participant, Vanderbilt University Law School, Nashville, Tennessee. Private International Law and Intellectual Property Law: Theory and Practice, March 24-25, 2006
- Panelist, Federalist Society, Annual Lawyers Convention. Washington, D.C., November 2005
- Panel Chair, Annual meeting of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Montréal, July 11-13, 2005
- Lecturer, Institute of European Studies, Macau (IEEM), Advanced IP course (25 June-1 July 2005)
- Lecturer, Advanced IP conference, Macau, June 27-30, 2005
- Speaker, Conference on the Relationship between international and domestic law McGill University, June 15-16, 2005
- Speaker, Conference on the Collective Management of Copyright, Oslo, May 19-21, 2005
- Keynote speaker, Conference of the Department of Justice on intellectual property and Internet Law, Ottawa, April 21, 2005
- Keynote speaker, LSUC Annual Communications Law Conference, Toronto, April 8-9, 2005
- Speaker, Law & the Information Society Conference, Fordham University, New York, April 6-7, 2005
- Panelist, Fordham International Intellectual Property Law & Policy Conference, New York, March 31-April 1, 2005
- Speaker, Shanghai 2004: Intellectual Property Rights and WTO Compliance. University of East China, Shanghai, China, Nov. 24, 2004
- Speaker, “The Internet: A Global Conversation” Conference, University of Ottawa, Oct. 1-2, 2004
- Lecturer, Office for Harmonization in the Internal Market (Trade Marks and Designs). Alicante (Spain), July 2004
- Organizer and Speaker, Rethinking Copyright Conference, University of Ottawa, May 20-21, 2004
- Panelist, American Intellectual Property Lawyers Association (AIPLA), Dallas TX, May 13-14, 2004
- Speaker, 2004 Computers Freedom & Privacy Conference, Berkeley, California Apr. 20-23, 2004
- Speaker, Intellectual Property, Sustainable Development & Endangered Species Conference. Detroit College of Law, Michigan State University, March 26-27, 2004

- Speaker, Securing Privacy in the Internet Age Symposium, Stanford Law School, March 13-14, 2004
- Keynote speaker, “US Copyright Office Comes to California” Conference, Hastings College of Law, San Francisco, CA, March 3, 2004
- Speaker, Global Arbitration Forum, Geneva, Switzerland, Dec. 4-5, 2003
- Panel Chair and Speaker, “Copyright and the Music Industry: Digital Dilemmas”, Institute for Information Law, Amsterdam, July 4-5, 2003. Topic: “Collective Rights Management & the Future of Copyright”
- Conference Fellow, “International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime” Conference, Duke Law School, Raleigh, NC, USA, Apr. 4-6, 2003
- Speaker, Roundtable on questions arising out of the intersections of technology and questions of social justice, University of Ottawa, March 28, 2003. Topic: “Democracy, Technology and Social Justice” (available at [commonlaw.uottawa.ca](http://commonlaw.uottawa.ca))
- Speaker, Conference of Copyright Law Association of Japan (CLAJ), Tokyo, Dec. 7, 2002. Topic : “Transactional Copyright: Licensing Tailored Uses”
- Speaker, Facultés universitaires de Saint-Louis, Belgique, May 25-26 2002. Topic : «De l’œuvre à l’auteur »
- Speaker. Institutions administratives du droit d’auteur, colloquium organized by the Université de Montréal, Montréal, Oct. 2001. Topic : « La gestion collective au Canada : fragmentation des droits ou gestion fragmentaire »
- Speaker, Annual Meeting of the International Literary and Artistic Association (ALAI International), Columbia University, New York, 2001. Topic: “Rights Management Systems”
- Lecturer, Swedish School of Economics and the Finnish IPR Institute, Helsinki, Finland, 2000. Topic: “Copyright and Electronic Commerce”, lecture presented to graduate students

### **PUBLIC LECTURES & OTHER EVENTS**

- Invited keynote, Norwegian Copyright Society, November 18, 2019
- Invited speaker, World Trade Organization (WTO), Public Forum, on New Digital Technologies: The protagonists of a Change in Perspective in the Global Supply Chain, October 8, 2019 (via video)
- Panelist, Annual meeting of the Association Littéraire et Artistique Internationale (ALAI), Prague, September 20, 2019
- Invited speaker, ALAI Italia, Conference on Blockchain & Copyright, Rome, June 19, 2019
- Invited guest speaker, annual meeting of the Danish Copyright Society, Copenhagen, April 29, 2019
- Charles Clark Memorial Lecture, London Book Fair, March 12, 2019
- Invited keynote speaker, International Congress of Songwriters and Composers (CIAM), London, November 8, 2016
- Invited speaker, Association des juristes pour l'avancement de la vie artistique (AJAVA), Espace Grévin, Montréal, October 30, 2015
- Invited panelist, WIPO Worldwide Symposium on the protection of Geographical Indications, topic: [Socio-Economic Aspects of Geographical Indications](#), Budapest, October 19-21, 2015
- Distinguished Guest Speaker, IP Academy of Singapore, February 2015
- Keynote speaker, International Congress of Music Authors (CIAM), Nashville, October 22, 2014
- Speaker, Intellectual Property Institute of Canada (IPIC), 88<sup>th</sup> Annual Meeting, Halifax, Nova Scotia, October 16-17, 2014
- Panelist, Copyright Office’s Roundtable on Music Licensing, Nashville, TN, June 4-5, 2014
- Panelist, Workshop organized by the International Law Research Program at the Centre for International Governance Innovation (CIGI), Waterloo, ON, June 3-4, 2014
- Panelist, USPTO and NTIA Roundtable, Green Paper Green Paper on Copyright Policy, Creativity and Innovation in the Digital Economy, Vanderbilt Law School, May 21, 2014
- [Testimony, Subcommittee on Courts, Intellectual Property and the Internet Committee on the](#)

- [Judiciary](#), United States House of Representatives, 113th Congress, 1st Session, May 16, 2013
- Lecturer, NORCODE/WIPO Course on Collective Management of Copyright, Oslo, Norway, June 12-13, 2013
  - Speaker, Intellectual Property Institute of Canada, Annual Congress, Vancouver, B.-C., October 11, 2012
  - Speaker, The Copyright Office Comes to Music City, Nashville, TN, April 26, 2012
  - Panelist, ABA IP Section, Annual Meeting, Crystal City VA, March 29, 2012
  - Speaker, Practising Law Institute, New York, March 28, 2012
  - Speaker, Gide Loyrette Nouel, Paris (France), March 14, 2012 (“Non-Traditional Trademarks”)
  - Speaker, Leadership Music, Nashville, TN, March 9, 2012
  - Moderator, Canadian International Council conference on Innovation (“Right and Rents”), Ottawa, October 5-7, 2011
  - Chair and Speaker, Canadian International Council Workshop on Innovation, Ottawa, March 31 and April 1<sup>st</sup>, 2011
  - Speaker and session leader, High-level (Ministerial) Forum on Intellectual Property for the Least-Developed Countries, WIPO, Geneva, July 24-25, 2009
  - Moderator, Copyright Counseling, Management, and Litigation Law Seminar, Seattle, WA, April 26-27, 2009
  - Speaker, Annual Meeting. Commission on Intellectual Property, International Chamber of Commerce, Cambridge, England, April 17, 2009
  - Keynote speaker, Asian Copyright Seminar, Tokyo, Japan, February 25-27, 2009
  - Speaker, International Copyright Institute, Washington DC, Nov. 28, 2006
  - Speaker, International Trademark Association, Trademarks Administrators Conference, Crystal City, Virginia, September 19-20, 2006
  - Speaker, General Assembly of the National Association of Publishers (ANEL), Montréal, September 14, 2006
  - Speaker, Federalist Society Annual Lawyers Convention, Washington D.C. November 2005.
  - Keynote speaker. InSIGHT, Old Mill Inn, Toronto, September 2005. Topic: “Copyright Reform in Canada”
  - Speaker. Canadian Institute, , Montréal, June 5-6, 2005
  - Speaker, Canadian Bar Association, Montreal, Nov. 9, 2004. Topic: “Recent developments in Canadian copyright law”
  - Speaker, Peer-to-Peer Luncheon speech, The 45<sup>th</sup> Circuit, Ottawa Centre for Research and Innovation (OCRI), Oct. 5, 2004. Topic: “Peer-to-Peer File-Sharing”
  - Speaker, Luncheon conference, ALAI Canada, Toronto, Sept. 13, 2004. Topic: “The Supreme Court decision in *SOCAN v. Can. Ass’n of Internet Providers*”
  - Lecturer, International Copyright Institute, Washington, D.C., May 5, 2004. Topic: “Collective management of copyright”
  - Speaker, Biannual Canadian Bar Association/Law Society of Upper Canada Communications Law Conference, Ottawa, April 23-24, 2004. Topic: “The Supreme Court decision in *CCH v. Law Society of Upper Canada*”
  - Speaker, Stanford law School, Symposium Securing Privacy in the Internet Age, Topic “Privacy protection through aggregation of data concerning networked copyright usage,” March 13, 2004



- Speaker, Association pour l'avancement des sciences et des techniques de la documentation (ASTED), Annual Meeting, Gatineau, Québec, Nov. 7, 2003. Topic : "Copyright Exceptions and Librarians"
- Keynote speaker, International Conference on National Copyright Administrative Institutions, Ottawa, Oct. 8-10, 2003. Topic: "Status Report on Internet Tariffs"
- Panelist, Intellectual Property Institute of Canada (IPIC), Annual Meeting, Halifax, Sept. 19, 2003. Topic: "Technical Protection Measures and Copyright"
- Speaker, North American Workshop on Intellectual Property and Traditional Knowledge, Ottawa, Sept. 7-9, 2003. Topic: Traditional Knowledge and Intellectual Property: The Issues"
- Speaker, Association des juristes d'expression française de l'Ontario (AJEFO), Ottawa, June 21, 2003. Topic: Law & Technology
- Speaker, Editors Association of Canada, Ottawa, June 15, 2003. Topic: "A Walk Through the Copyright Labyrinth"
- Keynote speaker, Computer Assisted Language Instruction Consortium (CALICO), Ottawa, May 22, 2003. Topic: "Copyright, Copyleft, Copywrong?"
- Speaker, Expert Roundtable on Transactions in Intellectual Property, Amsterdam, May 17-18, 2003. Topic: "Fragmentation of Copyright and Rights Management"
- Speaker, "The 45th Circuit" (OCRI), Ottawa, Apr. 1, 2003. Topic: "Emerging Issues in Digital Rights Management"
- Speaker, Information Highways Conference, Toronto, March 24, 2003. Topic: Digital Rights Management: Balancing Creators Rights and User Interests"
- Speaker, Literary and Artistic Association (ALAI Canada), Montréal, QC, Oct. 22, 2002. Topic: "La gestion collective est-elle en crise?"
- Instructor, World Trade Organization (WTO), Nairobi, Sept. 2002. Topic: The TRIPS Agreement after Doha"
- Instructor, World Trade Organization (WTO), Casablanca, Sept. 2002. Topic: "The TRIPS Agreement After Doha"
- Speaker, Literary and Artistic Association (ALAI Canada), Montreal, May 7, 2002. Topic: « La décision de la Cour suprême dans l'affaire *Galeries d'art du Petit Champlain Inc. c. Théberge* »
- Instructor. International Copyright Institute (Washington, D.C.), Nov. 2000 and Nov. 2001. Topic: "Collective Management of Copyright in the Digital Age"
- Speaker. Annual Meeting of the International Trademark Association (INTA), Denver, CO, USA, May 2000. Topic: "The TRIPS Agreement: Implementation and Dispute Settlement Issues"
- Speaker, New York Bar (NYCLA), 2000. Topic: "Current Rights Clearance Issues"
- Speaker, Society of Scholarly and Professional Publishers (SSP), Boston, Mass., 1999. Topic: "Copyright Licensing Issues"
- Speaker, Canadian Writers Union Conference, Toronto, 2000. Topic: "Copyright Management in the Digital Age"
- Speaker, Heritage Canada Roundtable on Copyright Management, Ottawa, 1999. Topic: "Copyright Management: US Practices"
- Speaker, International Publishers Association (IPA) Congress, Tokyo, Japan, 1998. Topic: "Copyright, Publishing in the Face of Technological Change"
- Speaker, Marché international du multimédia (MILIA), Cannes, France, 1995. Topic : "Droit d'auteur et multimédia"

- Speaker, Chilean Book Fair, Santiago, Chile, 1999. Topic: “El papel de las sociedades de derechos reprográficos y de la IFRRO”
- Speaker, Sydney Bar, NSW, Australia, 1996. Topic: “Intellectual Property and Technology”
- Speaker, Congress of the International Publishers Association, Barcelona, Spain, 1996. Topic: “Online Copyright Licensing”
- Speaker, Pan African Film Festival (FESPACO), Ouagadougou, Burkina Faso, 1994. Topic: “Protection of Intellectual Property in Film”