

The Centre for Intellectual Property Policy, the Centre for International Governance Innovation and the Stikeman Chair present:

# Putting Innovation in a Box

## 19-23 Feb 2018



Organisée par le Centre des politiques en propriété intellectuelle, le Centre pour l'innovation dans la gouvernance internationale et la Chaire Stikeman

The Centre for Intellectual Property Policy (CIPP) is organizing, with multiple partners, a week of conferences, workshops and roundtables focused on public policy supporting innovation and intellectual property. Innovation Week is open to all. Workshops will take place in English and French. Applications to the Quebec Bar have been made for most events for continuing education credits for lawyers (registration fees apply; details below). **Space is limited. RSVP for each activity: [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca).**

Le Centre des politiques en propriété intellectuelle (CPPI) est heureux d'organiser, en partenariat avec plusieurs institutions, une semaine de conférences, d'ateliers et de sessions de travail sur les politiques publiques liées à l'innovation et la propriété intellectuelle. La semaine de l'innovation est ouverte à tous. Les activités auront lieu en français et en anglais. Une demande d'accréditation pour des heures de formation continue obligatoire pour juristes a été déposée pour la majorité des événements (moyennant des frais administratifs; détails ci-dessous). **Places limitées. RSVP pour chaque activité : [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca).**

### Innovation week schedule > Programme de la semaine

- |   |   |
|---|---|
| <b>Mon to Wed &gt;</b><br><b>Lun à Mer</b><br>15h-19h | <b>International Patent and Innovation Strategy</b><br><b>Asa Kling</b> (CIPP's Professor of Practice / professeur de pratique du CPPI)<br>Students only : Law Focus Week Workshop 5 (LAWG 554, CRN 18270)  |
| <b>Mon &gt; Lun</b><br>12h-13h30                      | <b>The End of Innovation as We Know It</b><br><b>Richard Gold</b> (CIPP/CPPI, McGill)<br>McGill Law (3644, rue Peel, #316) – 20\$ CLE > Formation continue  |
| <b>Tue &gt; Mar 20</b><br>13h30-15h30                 | <b>From Big Data and Open Data to Community Actions</b><br><b>Gorka Espiau</b> (CIRM/CRIEM) + Stéphane Guidoin, Charles-Antoine Julien, Jean-Noé Landry, Pierre Luc Bacon and/et Geneviève Boisjoly<br>CEIM (20, rue Queen)   |
| <b>Wed &gt; Mer 21</b><br>12h-14h                     | <b>Law and the Blockchain: A Crash Course</b><br><b>Allison Christians</b> (McGill) + Max Jarvie, Marc Richardson Arnoud and/et Kendra Rossi<br>McGill Law (3644, rue Peel, #316) – 30\$ CLE > Formation continue   |
| <b>Thu &gt; Jeu 22</b><br>13h30-17h30                 | <b>Putting Innovation in a Box: IP &amp; Tax Policy Colloquium</b><br><b>Allison Christians, Pierre-Emmanuel Moyse</b> (McGill) + Nicolas Binctin, Alessandra Flamini, Irma Mosquera, Lyne Latulippe, Alain Strowel, Edoardo Traversa, Jean-Pierre Vidal and/et Laurens van Apeldoorn<br>CEIM (20, rue Queen) – \$50 CLE > Formation continue |
| <b>Fri &gt; Ven 23</b><br>9h00-18h00                  | <b>Innovating at the International Level - CETA, BREXIT, NAFTA</b><br><b>Armand de Mestral</b> (McGill) + Marc Bungenberg, Charles-Emmanuel Côté, Henri Culot, Graeme Dinwoodie, Alain Strowel, Edoardo Traversa and/et Lukas Vanhonnaeker<br>Faculty Club (3450, rue McTavish) – 50\$ CLE > Formation continue                               |



## International Patent and Innovation Strategy course

**Asa Kling**

**Mon 19-Wed 21 (15h00-19h00) – McGill students only**

**International Patent & Innovation Strategy** (LAWG 554, CRN 18270) is a cutting-edge one-credit seminar that will take place over three days. It is designed for law and non-law students and aims at exploring the international and political landscape which directly impacts policy on innovation. Innovation and patenting can be defined by the complex relationship of local territorial needs with the international community.

On the whole, technology innovation policy is a local national practice exercised by national organizations such as DARPA in the US or various national Innovation Authorities in other countries. National practices are influenced by international innovation initiatives by international organizations (such as WIPO, OECD, WTO or WHO) and by bi-lateral collaborations. The seminar will discuss various approaches of such organizations and the innovation promoting tools they install and implement (such as innovation encouragement laws and R&D funding allocation). Patent regulation is an important part of technological innovation policy making. Patenting is a recognized means for promoting the materialization of innovation in its early stages without which its implementation and later on marketing may be adversely affected. The role of the Patent Office in the shaping and promotion of a technological innovation policy will be discussed. Some of the many key considerations with regard to filing and patent drafting strategies which are a result of the shaping of such policy will be exemplified by specific innovation stories on a comparative level (focusing primarily on US, EU and China) and in the context of formative leading fields of technology such as Pharma and Information and Communication Technology.

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

Our thanks to the Consulate General of Israel and the McGill Faculty of Law for their support of of Asa Kling's visit to McGill.

## The End of Innovation as We Know It

**Richard Gold**

**Mon 19 (12h00-13h30) – 20\$ for lawyers seeking 1h30 CLE accreditation**

**Innovation** has been a major – perhaps *the* major – force in increasing wealth and well-being over the last centuries. Today, we benefit from record levels of health, safety, and prosperity and the lowest levels of threat, terrorism and crime not only at home but around the world. Nevertheless, the costs of maintaining the innovation are increasing, not only exponentially but super-exponentially. Have we reached the point at which the resources to maintain the system become unsustainable? There are signs that this point is approaching: declining life expectancy in the US and UK, flat innovation productivity despite vast increases in resources, and lower prosperity resulting from innovation. If we are reaching this point, the only way out is to innovate how we innovate. In this session, we will explore this idea and possible ways to meet this challenge.

**Richard Gold** is a James McGill Professor, and founding Director of the CIPP. He teaches in the areas of domestic, international and comparative intellectual property and innovation policy. His research focuses on the life sciences.

A light lunch will be served.

Limited space. RSVP for each activity: [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca). Please indicate your organization if you request CLE. Places limitées. RSVP : [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca). Indiquez votre organisation et si vous voulez des crédits de formation.



## From Big Data and Open Data to Community Actions and Impacts: Which practices to implement?

**Gorka Espiau**

Tue 20 (13h30-15h30) @ CEIM (20, rue Queen)

**From Big Data and Open Data to Community Actions and Impacts** Nombreux sont ceux qui reconnaissent le potentiel que peuvent avoir une collation, une gestion et une analyse adéquates et pertinentes de mégadonnées (*big data*) pour une administration municipale. Assurer la conversion de ces mégadonnées en données ouvertes et veiller à ce qu'elles servent les communautés et y contribuent, en rendant possible des initiatives citoyennes, est un défi de taille qui comporte des enjeux éthiques complexes. Ce panel s'intéressera aux conditions d'utilisation des mégadonnées dans un contexte de gouvernance métropolitaine résiliente et à l'écoute de sa population.

**Gorka Espiau** is the 2017-2018 Professor of Practice at the Centre for Interdisciplinary Research on Montreal (CIRM) as well as a senior fellow at the Young Foundation and the Agirre Lehendakaria Center. He is a specialist on innovation, social policies and urban development.

**Animatrice : Jayne Engle**, directrice du programme Des villes pour tous, Fondation McConnell/Adjunct Professor, School of Urban Planning, McGill.

### Participants

- **Gorka Espiau**, professeur praticien de la Fondation McConnell, CRIEM
- **Stéphane Guidoin**, directeur, Bureau de la Ville intelligente et numérique, Ville de Montréal
- **Charles-Antoine Julien**, School of Information Studies, McGill
- **Jean-Noé Landry**, directeur général, Nord Ouvert
- **Pierre Luc Bacon**, PhD Student, Reasoning and Learning Laboratory, McGill
- **Geneviève Boisjoly**, PhD Student, School of Urban Planning, McGill

## Law and the Blockchain: A Crash Course

**Allison Christians**

Wed 21 (12h00-14h00) @ McGill Law (3644, rue Peel, #316)

30\$ for lawyers seeking 2h00 CLE accreditation.

**Law and the Blockchain** is a lunchtime crash-course to explore blockchain, cryptocurrencies, smart contracts and related innovations. What are they, how are they used, what regulatory regimes do they touch, and how will they impact the careers of today's aspiring lawyers? Experts will convene in a high-speed, high-level examination.

- **Max Jarvie** is an associate in corporate and securities law at McMillan LLP where he is working on blockchain and cryptocurrency issues.
- **Marc Richardson Arnaud** is an Associate in tax law at Osler, Hoskin & Harcourt LLP where he is working on high-technology transactions, including Fintech, Crowdfunding, Initial Coin Offerings and transactions involving cryptocurrencies and tokens.
- **Kendra Rossi** is an associate in corporate and tax law at Deloitte where she is working on blockchain companies, including initial coin offerings, crypto mining, and crypto trading.
- **Allison Christians** will moderate the discussion. She is the H. Heward Stikeman Chair in the Law of Taxation at the McGill University Faculty of Law.

A light lunch will be served.

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## Putting Innovation in a Box: Tax and IP Policy, Society, and the State - IP & Tax Policy Colloquium

### Organised by the CIPP and CIGI

Thu 22 (13h30-17h30) @ CEIM (20, rue Queen)  
50\$ for lawyers seeking 4h00 of CLE accreditation

**Patent Boxes** are at the forefront of international tax policy discussions in government institutions at domestic and international levels. Policymakers advocating for them claim that they promote innovation. Others argue that Patent Boxes play into the increasingly worrisome 'race to the bottom' of international tax competition. Due to the inherent mobility of intellectual property, a patent can represent significant value to a business and yet be transferred simply through paperwork. Multinational corporations and high net worth individuals have thus made extensive use of Patent Boxes to shift their high-value patents and related income flows, such as licensing fees, and significantly reduce their overall tax liability.

With the endorsement of the G20 countries, the world's policy making body for tax policy, the Organisation for Economic Cooperation and Development (OECD) introduced a model for a Patent Box with an aim to prevent the revenue losses incurred and alleged capital flight caused by these regimes. The OECD established country peer-review guidelines in 2015 to help identify which Patent Boxes are 'harmful' and usher in a new order of "OECD-compliant" regimes through the exertion of international soft power.

The OECD has already begun the peer-review process of existing Patent Boxes under its guidelines. It namely reviewed the France, Belgium and Luxembourg and deemed each of their Patent Boxes to be non-compliant. However, the three countries reacted differently. France has not modified its laws. Belgium amended its Patent Box with the corresponding transitional rules. Luxembourg repealed its Patent Box and has announced that it shall soon introduce a new, OECD-compliant one. For its part, Canada – where the provinces of Québec and Saskatchewan have Patent Boxes, but the federal level has none – has not yet been reviewed.

Patent Boxes are now explicitly endorsed by the OECD, and are quickly gaining ground in the mind of global economic leaders. In light of this trend, a comparative study considering the policy costs and benefits of this tax regime is necessary to provide these leaders with the tools to make the most appropriate policy choices.

**13:30 – Welcome/Mot de bienvenue (David Lametti, Parliamentary Secretary to the Minister of Innovation, Science and Economic Development)**

**13:45 - Panel I - Aligning IP and Tax Policy**

- **Pierre-Emmanuel Moyse** (McGill, CIPP; moderator)
- **Alain Strowel** (Louvain): "The Uneasy Case for IP: What Tax Lawyers Take for Granted"
- **Nicolas Binctin** (Poitiers): "Law and Creativity: IP or Tax?"
- **Irma Mosquera** (Leiden): "Evolving International Rules and Standards for Taxing IP"
- **Laurens van Apeldoorn** (Leiden): "Taxing Income Where Value Is Created"

**15:15 – Pause/Break**

**15:45 – Panel II - IP & Tax in Action**

- **Allison Christians** (McGill; moderator)
- **Edoardo Traversa** (Louvain): "Patent Boxes: the Belgium & French Experience"
- **Alessandra Flamini** (Commission européenne): "Tax & State Aids in EU law"
- **Lyne Latulippe** (Sherbrooke): "Tax Competition and IP Incentives"
- **Jean-Pierre Vidal** (HEC Montréal): "OECD, International Tax, Intangibles"

**17:45 – Concluding Remarks (Asa Kling, former Director of the Israel Patent Office)**

This roundtable is made possible thanks to the **Centre for International Governance Innovation** and the **Faculty of Law of McGill University**. Limited space. RSVP for each activity: [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca). Please indicate your organization if you request CLE. Places limitées. RSVP : [cipp1.law@mcgill.ca](mailto:cipp1.law@mcgill.ca). Indiquez votre organisation et si vous voulez des crédits de formation.



## Roundtable on CETA and related Brexit issues

### Armand de Mestral

Fri 23 (9h-18h) @ Faculty Club (3450 McTavish, Old McGill Room)

50\$ for lawyers seeking 4h00 of CLE accreditation

**CETA, the EU and NAFTA** are all under pressure to change and innovate. The CETA is still subject to provisional application and there is considerable uncertainty as to the outcome of the ratification process. The EU is challenged by the Brexit process and the American Administration has called for major changes to NAFTA or for its abrogation. The capacity of these three agreements to adapt and the possible outcomes will be examined by international experts.

**Armand de Mestral** is a Professor Emeritus at the Faculty of Law of McGill University where he held the Jean Monnet Chair in the Law of International Economic Integration. He is a renowned specialist on international trade law, economic integration and the law of the European Union.

#### Session 1 - CETA (9h – 10h45)

- **Armand de Mestral** (McGill): “Significance of CETA for Canada and the EU: does it constitute a new model for future RTAs?”
- **Henri Culot** (Louvain): “Provisional application of CETA provisions and EU competence over foreign direct investment”
- **Edoardo Traversa** (Louvain): “Federalism and the ratification by Belgium under European and Belgian constitutional law of international trade agreements”
- **Graeme Dinwoodie** (Oxford): “IP and geographical indications in CETA”
- **Alain Strowel** (Louvain, respondent): “CETA as a new legal order”

#### Session 2 – Brexit Issues (11h00 – 12h45)

- **Véronique Guèvremont** (Laval, tbc): “What must be covered in an EU – UK “trade arrangement”
- **Graeme Dinwoodie** (Oxford): “Lessons for Brexit from the CETA ratification process”
- **Lukas Vanhonnaeker** (McGill): “Can the common market and the internal market be legally separated for the purpose of negotiating a future EU-UK trade arrangement?”

#### Session 3 – An International Investment Tribunal (14h00 – 15h00)

- **Marc Bungenberg** (Saarlandes): Presentation of research and general discussion

#### Session 4 – Atlantic Free Trade Agreement (AFTA) (15h00 – 16h00)

- **Armand de Mestral** (McGill): Is an AFTA desirable or possible? and general discussion

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Centre for International  
Governance Innovation





**CIPP's Innovation Week 2018 - Semaine de l'innovation 2018 du CPPI**

	Monday / Lundi February 19 février	Tuesday / Mardi February 20 février	Wed. / Mer. February 21 février	Thursday / Jeudi February 22 février	Friday / Vendredi February 23 février
8h30					
9h00					
10h00					
11h00					
12h00	Richard Gold The End of Innovation		Allison Christians Law and the Blockchain: A Crash Course	IP & Tax Policy colloquium The Patent Box	Armand de Mestral Innovating at the International Level
13h00					
14h00		Gorka Espiau From Big Data to City Data			
15h00	Asa Kling International Patent & Innovation Strategy (1) For students only	Asa Kling International Patent & Innovation Strategy (2) For students only	Asa Kling International Patent & Innovation Strategy (3) For students only		
16h00					
17h00					
18h00	Causerie / apéritif (tentative)	Causerie / apéritif (tentative)	Causerie / apéritif (tentative)		

INNOVATION WEEK 2018

LA SEMAINE DE L'INNOVATION 2018

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