

Understanding the TPP: IP Protection and Investment Protection Comprendre la PTP/TPP: La Protection de la propriété intellectuelle et des investissements étrangers

Date: 29 January 2016
Time: 2:00–6:00 (cocktail 6:00–7:00)
Address: CEIM, 20 Queen Street, Montreal, 3rd floor (south of Wellington)
Location: Quartier de l’Innovation, Griffintown/Old Montreal
Parking: 75 Queen Street (at a cost)
Public transit: Bus 107 south (bus stop on Peel near McGill Faculty of Law)+short walk east on Wellington

The Trans-Pacific Partnership is one of a series of major new trade agreements (CETA between Canada and the EU and the TTIP between the USA and the EU) which Canada may join or which may have an important impact on Canada. Two of the most controversial chapters of the TPP cover Intellectual Property Rights and the Protection of Foreign Investment.

With a view to promoting understanding of the TPP in the business, legal, and academic communities, the McGill Centre for Intellectual Property Law together with the Centre for International Governance Innovation (CIGI) is organizing a half-day symposium devoted to the analysis of these two chapters. Canada will be invited to ratify the TPP in 2016. It is important that Canadians understand the decision that must be taken by the federal and provincial governments.

Registration is required. Please register on Eventbrite at <https://www.eventbrite.ca/e/understanding-the-tp-p-comprendre-la-ptptpp-registrati-on-20768275471> or by e-mail to stacey.smydo@mail.mcgill.ca. Registration is limited to 100 participants. First come, first served.

A request for CLE accreditation has been made to the Quebec Bar Association.

2:00	<p>Keynote address David Lametti (Parliamentary Secretary to the Minister of International Trade, and Member of Parliament, Government of Canada)</p>
2:15–3:55	<p>Intellectual Property Pierre-Emmanuel Moyse (McGill University), <u>Chair</u> Edouard Treppoz (University of Lyon III) Richard Gold (McGill University) Thomas Cottier (University of Bern/University of Ottawa) Elizabeth F. Judge (University of Ottawa)</p>
3:55–4:05	<p>Break</p>
4:05–5:45	<p>Investment Armand de Mestral (McGill University & CIGI), <u>Chair</u> Céline Lévesque (University of Ottawa & CIGI) Charles-Emmanuel Côté (Laval University & CIGI) René Cadieux (Blake, Cassels & Graydon, Montreal) Marc Bungenberg (University of Saarland & CIGI)</p>
5:45	<p>Response and closing remarks [To be confirmed] Kirsten Hillman (Canada’s Chief Negotiator, TPP; Associate Assistant Deputy Minister, Global Affairs Canada)</p>
6:00–7:00	<p>Cocktail</p>

Topics and Speaker Biographies

Keynote address

David Lametti (Parliamentary Secretary to the Minister of International Trade, and Member of Parliament, Government of Canada)

David Lametti is Member of Parliament for LaSalle-Émard-Verdun and Parliamentary Secretary to the Minister of International Trade. Prior to his election, David Lametti was a Professor in the Faculty of Law, McGill University, specializing in property, intellectual property as well as private and comparative law. He was also a member of McGill University's Quebec Research Centre of Private and Comparative Law, and is a co-founder and of the McGill Centre for Intellectual Property Policy.

David holds a Bachelors Degree in Economics and Political Science from the University of Toronto, Bachelors Degrees in both Civil and Common Law from McGill University, a Masters in Law from the Yale Law School and a DPhil in Law from Oxford University. Prior to starting his doctoral studies in law, he served as a Law Clerk to Justice Peter de Carteret Cory of the Supreme Court of Canada.

Intellectual Property

Pierre-Emmanuel Moyse (McGill University), Chair

Pierre-Emmanuel Moyse is a professor at the Faculty of Law at McGill University and the director of the Centre for Intellectual Property Policy. Professor Moyse is the publication director of the *Competition and Innovation* series published by les Éditions Thémis, and a contributor to and chief editor of *Propriété Intellectuelle* in the JurisClasseur Québec encyclopedic series published by LexisNexis (2013).

Edouard Treppoz (University of Lyon III): « L'absence de l'Europe dans les négociations PTP »

Edouard Treppoz est Professeur à l'Université Jean Moulin, Lyon III et membre de l'Equipe de droit international, européen et comparé (EDIEC). Spécialiste de droit international privé et de propriété intellectuelle, il a publié de nombreux articles dans ces domaines et est co-auteur de chroniques régulières dans des revues de référence.

E. Richard Gold (McGill University): "Written and Unwritten International Law: Reflecting on Patents Protection Standards and their Social Effects"

Richard Gold is Associate Dean (Graduate Studies) and a James McGill Professor at McGill's Faculty of Law. His research centres on innovation and domestic, comparative and international patent law. He publishes in law, management, international relations and policy journals and provides advice to Canadian and international governmental bodies on innovation and patents.

Thomas Cottier (University of Bern/University of Ottawa): "The Enforcement of TTP TRIPs Plus Obligations"

Thomas Cottier is Emeritus Professor of European and International Economic Law at the University of Bern, a senior research fellow at the World Trade Institute, and currently a visiting professor at the University of Ottawa. Professor Cottier has a long-standing involvement in GATT/WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator

on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He was the Deputy-Director General of the Swiss Intellectual Property Office and served as a member or chair of several GATT and WTO panels.

Elizabeth F. Judge (University of Ottawa): “IP Enforcement Post CETA and What is to Come with TPP”

Dr. Elizabeth F. Judge is Professor of Law at the Faculty of Law at the University of Ottawa, where she specializes in intellectual property and the intersections of law and technology. She is the author of *Intellectual Property: The Law in Canada* (Carswell), forthcoming in the 3rd edition. Prior to joining the Faculty of Law, she practised law in Washington, D.C., and she served as a law clerk to the Honourable Mr. Justice Ian Binnie at the Supreme Court of Canada.

Investment

Armand de Mestral (McGill University & CIGI), Chair: “Comment est-ce qu'on est arrivé ici? How Did We Get Here?”

Armand de Mestral, Emeritus Professor, McGill University, Jean Monnet Chair in Law; Co-Director McGill - Université de Montréal, Institute of European Studies 2002- 8; Interim Director, Institute of Air and Space Law McGill University, 1998–2002; Senior Fellow CIGI 2014– ; Recent publications : *International Law* 7th Ed, 2006 (co-author), *Law and Practice of International Trade* (2nd edition; 1999) ; *The North American Free Trade Agreement: A Comparative Study*, Hague Academy of International Law, *Receuil des cours* (2000) Panelist and arbitrator in disputes under WTO, CUFTA and NAFTA. Member of the Canadian Delegation to the UN Law of the Sea Conference 1973–80. Consultant to NACEC and Law Commission of Canada. President, Canadian Red Cross Society 1999–2001. Appointed Member of the Order of Canada December 28, 2007.

Céline Lévesque (University of Ottawa & CIGI): “What is the Potential Impact of the EU Proposal for an Investment Court on Other Agreements such as TTIP and CETA?”

Céline Lévesque is Full Professor and Dean of the Civil Law Section at the University of Ottawa. Her primary area of research is International Investment Law. Since joining the University in 1998, Dean Lévesque has written extensively on NAFTA Chapter 11 (Investment) and on the Canadian Foreign Promotion and Protection Agreement (FIPA) program. She is the co-editor, with Professor Armand de Mestral, of the book *Improving International Investment Agreements* (Routledge, 2013). In 2008-2009, she was a Scholar-in-Residence at the Trade Law Bureau of the Canadian Department of Foreign Affairs and International Trade. In that capacity, she contributed to the defence of NAFTA Chapter 11 claims and to bilateral investment treaty negotiations. Prior to joining the University, Dean Lévesque worked at the World Bank in Washington, DC (1995-1998). Her work concentrated on public-private partnerships in developing countries, especially in Western Africa. She holds a LL.L. (Ottawa), LL.B. (Dalhousie), LL.M. (College of Europe), M.A. (George Washington).

Charles-Emmanuel Côté (Laval University & CIGI): “Comparing Investment Protection under the TPP to CETA”

Charles-Emmanuel Côté est professeur titulaire et co-directeur du Centre de droit international et transnational (CDIT) à l'université Laval. Ses champs d'intérêt inclut le droit international économique (investissement étranger, libéralisation des échanges et intégration régionale), droit international public

fondamental (droit des traités, responsabilité de l'État et règlement des différends, et le droit constitutionnel (fédéralisme canadien).

René Cadieux (Blake, Cassels & Graydon, Montreal): “Has Chapter 9 of the TPP Grown Too Complex to Offer Canadian Investors Real Protection?”

René Cadieux se spécialise en droit des sociétés ainsi qu'en droit administratif, constitutionnel et international. Sa pratique est axée sur les litiges complexes, notamment l'arbitrage entre des investisseurs et l'État de même que les litiges relevant du droit de la concurrence.

Il a agi à titre de conseiller juridique pour le compte de plusieurs sociétés dans le cadre de procédures intentées devant le Centre international pour le règlement des différends relatifs aux investissements (CIRDI/ICSID). Il est également intervenu pour le compte de nombreux clients devant les tribunaux canadiens dans une vaste gamme de différends relevant du droit administratif et du droit constitutionnel. En outre, Me Cadieux conseille bon nombre de sociétés dans le cadre de l'exécution de mandats de perquisition, défend des clients relativement à des affaires antitrust, mène des enquêtes internes pour le compte d'entreprises, conçoit, met en place et passe en revue des programmes de conformité internes et fournit par ailleurs des conseils sur tous les aspects du droit de la concurrence et antitrust.

Me Cadieux possède également une expertise considérable dans les domaines de l'arbitrage commercial international, de la criminalité des affaires et de la responsabilité sociale des entreprises.

Marc Bungenberg (University of Saarland & CIGI): “How Does the European Union Look at the TPP?”

Marc Bungenberg is director of the Europa-Institut and a professor of public law, European law and public international law at Saarland University, permanent visiting professor at the University of Lausanne and member of the scientific advisory board to the International Investment Law Centre in Cologne. His main fields of research are European and international economic law, particularly international investment law.

Response and closing remarks

[To be confirmed] Kirsten Hillman (Canada's Chief Negotiator, Trans-Pacific Partnership negotiations, Associate Assistant Deputy Minister, Trade Policy and Negotiations, Global Affairs Canada)

A co-sponsorship of the McGill Centre for Intellectual Property Policy (CIPP) (www.cipp.mcgill.ca), le Quartier de l'innovation (QI) (www.quartierinnovationmontreal.com), le Centre d'entreprises d'innovation de Montréal (CEIM) (www.ceim.org), and the Centre for International Governance Innovation (CIGI) (www.cigionline.org).