**The Social Costs of Innovation: Law, Society, and the Greater Good**

**Les coûts sociaux de l’innovation : droit, société et le bien commun**

**Date: 2 November 2016**

Time: 1:30-5:30 pm (followed by a cocktail offered by Fasken Martineau)

Cost: Free (general public) / $50 (cash or cheque, members of the Quebec Bar seeking CLE credit)

Address: CEIM, 20 Queen Street, Montreal, 3rd floor (south of Wellington)

Location: Quartier de l’Innovation, Griffintown/Old Montreal

Parking: Targetpark, 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; or metros Bonaventure and Square Victoria

Law and innovation are usually framed in technological terms. Discussions focus on the means to incentivize technological development and regulate the use of new technologies. The assumption is that technological change is consubstantial with societal progress. As a result, lawyers and policy makers focus their efforts and critiques on whether or not law effectively supports or regulates the latest innovations. Overall, the legal dimension of innovation remains a matter for specialists, confined to the fields of intellectual property and risk regulation, those deemed most capable of understanding the needs and ambitions of scientists, engineers and managers. Jurists, it appears, must respond to technology-driven social changes with some kind of natural deference.

But the consubstantiality of technological change and societal progress is, at best, folklore. It is a romantic account of a history spoiled with profound social disruptions provoked by technology, not to mention disasters. The opposite account is no more enticing as a string of wild, unjustified public fears of new technologies. In the midst of speculation, controversy, and anxiety, lawyers and policy makers are tempted to take refuge in familiar yet problematic assumptions, such as the link between technological change and innovation, innovation and growth, growth and welfare. Law, in this narrative, remains the functional servant to technology. Never allowed to question the desirability of technological change, since it would then question innovation, growth, and welfare. To appease innovators and avoid criticism, jurists portray any interference as mere ‘law lag’, a temporary and soon-to-be-fixed condition.

Is there any other path for jurists but self-imposed technological determinism? We have long known that innovation is a social construct, that technological change is both affecting and affected by social dynamics. Economists and geographers, among others, have shown how different conditions can spur or discourage different types of innovation. Social perceptions of what constitute successful innovation can differ from one place to another, and influence both innovators and policy makers. We are neither in want of such evidence, nor uncompelled to consider the social costs of innovation: will tomorrow's technological unemployment be tantamount to the industrial revolution’s labour abuses?

Is it only a matter of identifying the values we wish to protect from technological change, and the means to do so? Or is it that we need to confront our own assumptions about what sort of legal interventions are appropriate in such matters?

Registration is required. Please register by e-mail to cipp1.law@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.

**Conference schedule**

1:30 **Welcome and opening remarks**

**Vincent Gautrais**, Professor, Director, Centre des Recherche en droit public, Faculté de droit, Université de Montréal

1:35-2:00 **Keynote**

**Asa Kling**, Director, Israel Patent Office

*Perspectives of an IP Regulator: Designing Innovation Instigating Policy while Applying the Letter of the Law*

2:00–3:45 **Preconceptions about Innovation Policy**

**Eve Seguin**, Professeure, Département de science politique, UQÀM

*L’innovation au prisme des rapports de pouvoir*

**Margaret Graham**, Professor, Desautels Faculty of Management, McGill University

*The Social Cost of Transactional Thinking: Less Beneficial Technology*

**Allison Christians**, Professor, Stikeman Chair in Tax Law, McGill Faculty of Law

*Public Support for Innovation: A Worthy Investment?*

3:45–4:00 **Break**

4:00–5:30 **Regulation and Innovation**

**Jean-Christophe Galloux**, Professeur en droit privé, Université Paris II

*The Social Costs of Innovation: Industrial property a controversial tool?*

**Richard Gold**, James McGill Professor, McGill Faculty of Law

*Predatory IP Law and Canadian Innovation*

**Michal Shur-Ofry**, Professor, Faculty of Law, Hebrew University of Jerusalem

*Connect the Dots: Interdisciplinarity and Patent Doctrine*

5:30 **Closing remarks**

**Pierre-Emmanuel Moyse**, Professor, Director, McGill Centre for Intellectual Property, McGill Faculty of Law

6:00–7:00 **Cocktail**

**Topics and speaker biographies**

**Allison Christians, Professor, Stikeman Chair in Tax Law, McGill Faculty of Law**

***Public Support for Innovation: A Worthy Investment?***

Allison Christians is the H. Heward Stikeman Chair in the Law of Taxation at the McGill University Faculty of Law. Her research and teaching focus on national and international tax law and policy issues, with emphasis on the relationship between taxation and economic development and on the role of government and non-government institutions and actors in the creation of tax policy norms. Before entering academia, she practiced tax law at Watchell, Lipton, Rosen & Katz in New York, where she focused on the taxation of domestic and cross-border mergers and acquisitions, spin-offs, restructuring and associated issues and transactions involving private and public companies, and at Debevoise & Plimpton in New York, where she focused mainly on private equity funds.

**Jean-Christophe Galloux, Professeur en droit privé, Université Paris II**

***The Social Costs of Innovation: Industrial property a controversial tool?***

Agrégé de droit privé, Jean-Christophe Gallouxest professeur à l’Université Panthéon-Assas (Paris II) dont il dirige le Master professionnel de propriété industrielle. Il a été expert auprès de la Commission européenne et de l’OCDE et est membre du comité scientifique de l’Observatoire de la propriété intellectuelle. Pratiquant par ailleurs le droit de la propriété intellectuelle en qualité d’avocat au Barreau de Paris, il est également médiateur et arbitre. Depuis juin 2009, le Professeur Jean-Christophe Galloux est co-Président de l’Institut de recherche en propriété intellectuelle (IRPI) et il a été élu en 2013 à l'Académie nationale de pharmacie.

**Richard Gold, James McGill Professor, McGill Faculty of Law**

***Predatory IP Law and Canadian Innovation***

A James McGill Professor, Richard Gold was the founding Director of the [Centre for Intellectual Property Policy](http://www.cippmcgill.ca/). He teaches in the areas of intellectual property, international intellectual property, comparative intellectual property, innovation policy, and intellectual property management. His research generally focuses on the life sciences. Professor Gold has provided advice to Health Canada, Innovation, Science and Economic Development Canada, the Canadian Biotechnology Advisory Committee, the Ontario Ministry of Health and Long-Term Care, the Organisation for Economic Co-Operation and Development (where he was the lead author of the OECD Guidelines on the Licensing of Genetic Inventions and a report on Collaborative Mechanisms in Life Science Intellectual Property), the World Health Organization, the World Intellectual Property Organization, and UNITAID.

**Margaret Graham, Professor, Desautels Faculty of Management, McGill University**

***The Social Cost of Transactional Thinking: Less Beneficial Technology***

Margaret B.W. Graham is associate professor of strategy and organization at the Desautels Faculty of Management, McGill University. She holds MBA and PhD degrees from Harvard University. Her academic career at Harvard Business School, Boston University, and McGill has been divided between the history and practice of technology-based innovation and entrepreneurship. Her scholarly work is based on in-depth archival study, multi-year fieldwork, and long-term interaction with technology-based companies. Most recently she has published on Intellectual Property and the Professionals and the Political Economy of Corporate Research. As a member of the senior staff at Xerox Palo Alto Research Center in the 1990s she helped manage an advanced research organization focused on inventing the “office of the future”. She is a founding director of The Winthrop Group, Inc. a group of business historians and archivists that assists corporations, foundations, and other organizations to preserve and make use of their experience. Since 1990 she has served as an independent trustee and Chairman of the Governance and Nominating Committee for Pioneer Investments, based in Boston, Massachusetts and owned by the UniCredit Bank of Italy. In 2016 she was president of the Business History Conference meeting in Portland, OR.

**Asa Kling, Director, Israel Patent Office**

***Perspectives of an IP Regulator: Designing Innovation Instigating Policy while Applying the Letter of the Law***

Mr. Asa Kling entered Office as Director of the Israel Patent Office and Commissioner of Patents, Designs and Trademarks on May 1st, 2011. Mr. Kling led several reforms in the Israel Patent Office promoting transparency and reducing bureaucracy while enhancing international collaborations. Under his guidance, the Israel Patent Office became an International Searching and Preliminary Examination Authority under the Patent Cooperation Treaty in June 2012. Mr. Kling earned his LL.B. from the Tel Aviv University and graduated (magna cum laude) from the lucrative Tel Aviv University, International Executive LL.M. Program in collaboration with UCLA Berkeley. Mr. Kling holds also a B.Sc. in Aerospace Engineering from the Technion – Israel Institute for Technology, Haifa. As an Attorney at Law and a Patent Attorney, he practiced commercial law as a partner in a leading intellectual property law firm focusing on patent litigation, licensing and antitrust issues.

**Eve Seguin, Professeure, Département de science politique, UQÀM**

***L’innovation au prisme des rapports de pouvoir***

Eve Seguin détient un doctorat en sciences politiques et sociales de l’Université de Londres (Royaume-Uni). Spécialiste du rapport entre politique et sciences, elle est professeure de science politique et d’études sociales sur les sciences et les technologies à l’UQAM. Ses recherches portent sur les théories politiques des sciences, l’expertise scientifique et les politiques publiques, les controverses technoscientifiques publiques, le mobbing académique, et l’interface État/sciences/technologies.

**Michal Shur-Ofry, Professor, Faculty of Law, Hebrew University of Jerusalem**

***Connect the Dots: Interdisciplinarity and Patent Doctrine***

Michal Shur-Ofry is a faculty member (senior lecturer) at the Hebrew University of Jerusalem law faculty, where she teaches several courses and seminars in the area of intellectual property law. She received her LL.B. (magna cum laude) and Ph.D. from the Hebrew University of Jerusalem and her LL.M. (merit) from University College London, as a Chevening–Sainer scholar. Michal’s research focuses on intellectual property law and innovation theory. She is also interested in the interrelations between law and networks, and her scholarship uses insights from the theory of complex systems to examine, explain and challenge various legal rules and conceptual frameworks. She has authored several articles and one book in these areas. Before joining the Hebrew University law faculty in 2013, Michal was a partner and the head of IP in a prominent law firm in Israel.

***Conference collaborators****: The McGill Centre for Intellectual Property Policy (*[*www.cippmcgill.ca*](http://www.cippmcgill.ca)*), the Consulate General of Israel (*[*www.embassies.gov.il*](http://www.embassies.gov.il)*), the Lord Reading Law Society (*[*www.lordreading.org*](http://www.lordreading.org)*), the Centre de recherche en droit public de l’Université de Montréal (*[*www.crdp.umontreal.ca*](http://www.crdp.umontreal.ca)*), the LR Wilson Chair (*[*www.chairelrwilson.ca*](http://www.chairelrwilson.ca)*), the Centre d’entreprises et d’innovation de Montréal (*[*www.ceim.org/*](http://www.ceim.org/)*), and Fasken Martineau (*[*www.fasken.com*](http://www.fasken.com)*).*

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