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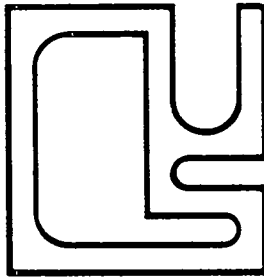
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**Canada-
United States
Law Journal**

VOLUME 21

1995

**PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE**

**PROMOTING AND PROTECTING INNOVATION
IN A CHANGING WORLD**

Cleveland, Ohio
April 21-23, 1995

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Speakers at the Canada-U.S. Law Institute Conference on Promoting And Protecting Innovation In A Changing World: Canada/U.S. Concerns and Opportunities

MICHAEL J. BUCHENHORNER of IBM has a broad background in the Intellectual Property field. He has served as an attorney with the U.S. International Trade Commission (ITC), where he handled litigation before the U.S. Court of Appeals and advised the Commission on intellectual property aspects of international trade. While at the ITC he shared responsibility for the publication of a report titled *Foreign Protection of Intellectual Property Rights and the Effect on U.S. Industry and Trade*. He also has had experience with the Intellectual Property Department of Motorola Inc., and the legal department of Dow Chemical Latin America. Mr. Buchenhorner's current responsibilities with IBM include licensing intellectual property in Latin America. He earned his B.S. and J.D. degrees at the University of Miami, Florida.

ROGER COTTON is a partner at Tory Tory DesLauriers & Binnington in Toronto where he is Head of the Environmental Law Practice Group. He is a recognized expert and leader in the field of environmental law. Mr. Cotton regularly chairs environmental law conferences and committees throughout Canada and has written numerous articles. He was appointed Chair of the Law Society of Upper Canada's Certification Committee on Environmental Law. He is also Chair of Ontario Hydro's Environmental Advisory Committee, and a past National Chair of the Environmental Law Section of the Canadian Bar Association. He is the General Editor of Butterworth's *Canadian Environmental Law*. Mr. Cotton obtained his LL.B. from the University of New Brunswick and his LL.M. from Osgoode Hall Law School.

DAVID CRANE is the economics editor for *The Toronto Star*, Canada's largest circulated newspaper, where he writes on economic and political issues. He has served as Director of Corporate Affairs for the Canada Development Investment Corporation. Mr. Crane has travelled extensively in his newspaper career, reporting on national and international issues, including trade policy, monetary, fiscal and tax policy, industrial policy, Canadian-American relations, and foreign investment policy. In 1994, he won the Canadian Advanced Technology Association award for excellence in science and technology reporting. He has written three books, the latest of which, *The Next Canadian Century* sets out the sweeping economic and social challenges facing Canada and proposes an agenda for growth and wealth creation in a knowledge-based, innovative economy.

JOHN GERO is the Director of the Trade Remedies Division of the Department of Foreign Affairs and International Trade in Canada, which deals with anti-dumping, subsidies/countervailing duties, and

safeguards issues. Mr. Gero joined the Canadian Government in 1975 and has worked on international aid and trade policy issues. During the past ten years he has been closely involved in the development of Canadian policies as they relate to trade in high technology products. In this capacity, he has served as the Canadian negotiator at the GATT Multilateral Trade Negotiations on the Trade-Related Intellectual Property Agreement. He was also the Canadian negotiator on intellectual property issues in the NAFTA.

CALVIN S. GOLDMAN is a partner in the law firm of Davies, Ward & Beck in Toronto, Canada where he is the senior partner in the firm's Competition Law and Trade Practices Group. He has served as Assistant Special Prosecutor for the Attorney General of Canada at the Uranium Cartel proceedings and as Director of Investigation and Research under the Canadian Competition Act. As Director, Mr. Goldman was head of the Bureau of Competition Policy in the Government of Canada and, in that capacity, addressed various aspects of Canadian competition law and policy in a domestic and international context. He has served as Vice Chairman of the OECD Committee on Competition Law and Policy and is the Chairman of the Competition Policy Committee of the Canadian Council for International Business. Mr. Goldman has spoken extensively and has published a number of articles in the field of competition law.

JOHN N. HANSON is a principal in the Washington, D.C. office of Beveridge & Diamond, P.C. He serves on the firm's Management Committee and has served as Chairman of the firm's Litigation Practice Group and its Superfund Practice Group. Mr. Hanson has worked in both the public and private sectors covering a wide range of areas. He has considerable experience with administrative matters, having represented major domestic companies and trade associations in rulemakings under several environmental statutes. Before joining Beveridge & Diamond, he was the Assistant Chief of Enforcement, and prior to that, a Trial Attorney for the Federal Programs Branch of the Civil Division of the U.S. Department of Justice where he received a Special Commendation Award (1975) and the Attorney General's Meritorious Service Award (1978). Mr. Hanson received his B.A. in Philosophy and his J.D., with honors, from The George Washington University.

THOMAS G. HERMANN is the national partner in charge of the toxic tort practice at Squire, Sanders & Dempsey. He is a member of the bars of Ohio and New York. He is Vice Chair of the American Bar Association's Section of Science and Technology. He is Past President of the Cleveland Association of Civil Trial Attorneys, an arm of the Defense Research Institute. He was a member of the Advisory Panel to the Office of Technology Assessment, U.S. Congress, 1984-85 studying technology in the office from then until the year 2000, and from 1988 to 1994 was a founding member of the Ohio Supreme Court Advisory Committee on Technology in the Ohio Judicial System. He is a Life Member, Eighth Judicial District Conference of Ohio and a Guest Lec-

turer at numerous seminars and symposia. Mr. Hermann received his law degree, with honors, from Cleveland Marshall College of Law in 1969.

BRIAN HEWAT is Chairman and Chief Executive Officer of Bell-Northern Research Limited, one of the leading telecommunications Research and Development organizations in the world. In 1972, he was appointed Bell Canada's Assistant Vice President, Computer Communications Systems, and later he became Vice President, Operations Performance in Montreal. Mr. Hewat was also named Vice President, Marketing & Development, and was appointed Executive Vice President, Marketing in 1983. He assumed his present position in July 1993. In addition, Mr. Hewat is a member of the government's Information Highway Advisory Council and a member of the University of Western Ontario Engineering & Science Advisory Council. He graduated from the University of Western Ontario with a Bachelor of Engineering Science degree.

GARY C. HUFBAUER is the Reginald Jones Senior Fellow at the Institute for International Economics. Formerly he was the Marcus Wallenberg Professor of International Financial Diplomacy at Georgetown University. From 1977 to 1980 he served as Deputy Assistant Secretary in the U.S. Treasury where he was responsible for trade and investment policy during the Tokyo Round. Previously he was Director of the International Tax Staff at the U.S. Treasury. A Harvard and Cambridge graduate in economics and a Georgetown graduate in law, he has published books and articles on international trade, finance, and tax policy, including *Western Hemisphere Economic Integration* (1994), *Reviving the European Union* (1994), *NAFTA: An Assessment* (1993), *US Taxation of International Income* (1992), and *Economics Sanctions Reconsidered* (second edition, 1990).

KENT H. HUGHES is the Associate Deputy Secretary of Commerce. Previously, he was President of the Council on Competitiveness, an action-oriented leadership organization composed of chief executives from America's business, labor, and academic communities. Prior to joining the council, he held a number of senior positions with Congressional committees, where he focused on long-term international and long-term economic issues, including: chief economist to U.S. Senate Majority Leader Robert Byrd, senior economist of the Congressional Joint Economic Committee, legislative director of the office of U.S. Senator Gary Hart, and international economist with the Congressional Research Service. Mr. Hughes holds degrees from Yale University (B.A.), Washington University (Ph.D., Economics), and Harvard Law School (LL.B.).

PETER G. KASTNER is Assistant Vice President, Major Accounts, Canada for Northern Telecom Limited. In this capacity, he is building and leading a team of regional finance managers and their staff across Canada, and he also retains responsibilities as the Northern Telecom spokesperson on R&D Tax Policy issues. Mr. Kastner is a member of many organizations including: Information Technology As-

sociation of Canada, Canadian Exports Association, and Tax Executive Institute. He was an ongoing participant in the Government of Canada consultations with industry on the development of several significant R&D issues, and is an appointee to the Revenue Canada Advisory Committee on Scientific Research and Experimental Development. Among his accomplishments he has been the recipient of the CGA Distinguished Service Award, and in 1991 he received the Northern Telecom Chairman's Award of Excellence for Staff Support.

JOSEPH KATTAN is Of Counsel to Morgan, Lewis & Bockius in its Washington, D.C. office where he specializes in antitrust and trade regulation law. He formerly worked for the Federal Trade Commission where he headed the Bureau of Competition's Office of Policy and Evaluation. He is active in the American Bar Association's Section of Antitrust Law where he serves as the Development's Editor for the Section's *Antitrust Magazine*. Mr. Kattan has published extensively on antitrust issues in both scholarly and trade journals. He has also lectured widely on a broad array of antitrust issues in the United States and abroad. He graduated *Cum Laude* from Northwestern University School of Law. He also holds a Master's degree in public policy from the University of Chicago and a Bachelor's degree in political science from Case Western Reserve University.

THOMAS J. KLITGAARD is Senior Vice President and General Counsel of SEGA of America, Inc., a leading manufacturer, developer, and seller of video game systems. He began his legal career by serving as the law clerk for Supreme Court Justice William O. Douglas. Upon the recognition of China by the United States in 1979, he became responsible for developing Pillsbury Madison & Sutro's Asian trade practice. He graduated from the businessman's Chinese language program at the Monterey Institute of International Studies, with capability in Mandarin Chinese. Before joining SEGA, Mr. Klitgaard was Vice President, General Counsel, and Secretary of Tandem Computers, Inc., where he was also responsible for the company's legal affairs in Japan and China. Mr. Klitgaard has carried his extensive experience in the Far East into his civic activities. He is a Trustee of the Asian Art Museum Foundation in San Francisco, and has also served as Chairman of the Chinese Cultural Foundation of San Francisco.

BILL F. KRYZDA is Senior Partner of Goodrich, Riquelme y Asociados in Mexico City, Mexico. His specialty is with Mexican and non-Mexican corporate clients who are internationally oriented. His educational background consists of both a B.S. and a J.D. from Northwestern University and an LL.M. in Comparative Latin American Law from Southern Methodist University. He also has undertaken graduate courses in Economics and Graduate Legal Studies. Mr. Kryzda is a past and present member of various corporate and civic boards of directors and committees, and he is a participant in Mexican Businessman's bilateral committees with the U.S., Canada, and Japan. He has been a speaker and participant in various seminars in Mexico and abroad.

MARY MACDONALD established Macdonald & Associates, a

Toronto-based independent consulting firm specializing in venture capital and the development of emerging growth companies, in the spring of 1991. Ms. Macdonald was also the founding president of Venture Economics Canada Limited, an information services and consulting firm specializing in venture capital. In that position, she was concurrently Vice President of International Venture Economics, with responsibility for operations in Europe. She has provided advice to government, corporate, and institutional clients on a wide range of issues related to venture capital. She has also worked with several developing countries to develop policies to stimulate the formation of a domestic venture capital industry. Ms. Macdonald has a number of publications to her credit, including *Creating Threshold Technology Companies In Canada; The Role For Venture Capital*, which was published by the Science Council of Canada.

DR. RONALD A. MITSCH is Executive Vice President, Industrial and Consumer Sector and Corporate Services of 3M, a manufacturer of products for industrial, commercial, health care, and consumer markets. He is also a member of the Board of Directors for 3M. Dr. Mitsch began his career with 3M as a Senior Research Chemist and was later named Managing Director, 3M Netherlands. Since his return to the United States he has held several positions with 3M including: Research and Development Vice President, Life Sciences Sector, Group Vice President, Traffic and Personal Safety Products, and Senior Vice President, Research and Development. Dr. Mitsch holds degrees from Hamline University (B.S., Chemistry), and the University of Nebraska (M.S., Organic Chemistry; Ph.D., Organic Chemistry).

ALAN B. NYMARK is the Assistant Deputy Minister, Industry and Science Policy, Industry Canada, where he is responsible for the development of microeconomic policy and the integration of policy issues. Mr. Nymark has served as Executive Vice President, Investment Canada and Assistant Chief Negotiator for NAFTA. In addition he was Assistant Chief Negotiator for the Canada/U.S. Free Trade Agreement in the Trade Negotiations Office. Other positions held by Mr. Nymark include Director of Policy, Royal Commission for the Economic Union and Development Prospects for Canada, Assistant Secretary, and later Deputy Secretary, to the Cabinet for Federal Provincial Relations and Special Advisor to the Royal Bank of Canada. He has also held various positions with the Department of Finance, the International Monetary Fund, and the Economic Secretariat of the Privy Council Office.

ROBERT D. PAVEY is a General Partner of Morgenthaler Ventures in Cleveland, Ohio where his responsibilities include analysis of investment opportunities, making of investment commitments, and participation in portfolio companies as an active investor, often as a Director. Mr. Pavey has served as past President and Chairman of the National Venture Capital Association. He has also served on the American Council for Capital Formation Board of Directors. He holds degrees from Harvard Business School (M.B.A. with High Distinc-

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GERHARD ROSEGGER is the Frank Tracy Carlton Professor of Economics at Case Western Reserve University in Cleveland, Ohio. He was educated in his native country, Austria, and received an M.B.A. from the Wharton School, University of Pennsylvania, where he studied as a Fulbright scholar. Professor Rosegger's main areas of interest are the economics of technological change, industrial economics, and Central European economic history. He is the author and co-author of books and papers on these subject. Currently, he is preparing a third edition of his widely used text, *The Economics of Production and Innovation: An Industrial Perspective*. Professor Rosegger has also served as American Editor of *Technovation*, an international journal for technological innovation and entrepreneurship. As a consultant in the United States and in Austria, he has worked with government agencies, corporations, trade associations, and planning organizations.

EMERY SIMON is the Executive Director of the Alliance to Promote Software Innovation, a consortium of software developers and publishers committed to maintaining the incentives for developing innovative software through strong legal protection for computer programs under the copyright laws. Until March 1993, Mr. Simon was the Deputy Assistant USTR for Intellectual Property at the Office of the United States Trade Representative. In that capacity he was the principal U.S. negotiator on intellectual property in NAFTA and was involved in the intellectual property negotiations since their inception. Previously, Mr. Simon has worked for the Congressional Budget Office, the Senate Budget Committee, the Inter-American Development Bank, the Council on Environmental Quality, and Kaye, Scholer, Fireman, Hays and Handler. He holds a law degree from Georgetown University, a masters degree in international affairs from Johns Hopkins University School of Advanced International Studies, and a bachelors degree in economics from Queens College.

DR. STUART L. SMITH is the President of Philip Utilities Management Corporation, Canada's biggest industrial recycling firm, and he is Senior Vice President of Philip Environmental, Inc., one of North America's largest waste management companies. In addition, he remains President of Rockcliffe Research and Technology, Inc., a company he founded in 1987 to produce commercial benefits from Canadian scientific research. In 1975, he was elected to the Ontario Legislature and won the leadership of the Ontario Liberal Party in 1976. He later became Leader of the Opposition, in which position he was a frequent spokesperson for the environment as well as an advocate of research-based industrial policies. Dr. Smith is a former Chairman of the Science Council of Canada and graduated in medicine from McGill University where he won first prize in Medicine and Pathology. He is the author of *Technology and Work in Canada's Future*, and has been honored for his public service by awards from numerous groups.

MICHAEL F. SOLOMON is a partner at Ivins, Phillips & Barker

in Washington, D.C., where he devotes a considerable amount of his time to tax accounting issues, research and development, credit problems, corporate acquisition, and restructuring issues, and a multitude of foreign tax issues facing U.S. multinationals. The primary industry groups on which he most often works are aerospace, transportation, energy, and finance. Mr. Solomon has written numerous articles and presented numerous papers on various tax subjects including: entity classification, uniform capitalization, earnings and profits, foreign tax credits, research and development expenses and credit, and the tax treatment of environmental clean-up cost. He is currently the Vice Chair of the ABA Tax Section's Tax Accounting Committee. Mr. Solomon is an honors graduate of both Yale University and Harvard Law School.

BRUCE A. THOMAS is a partner and Chairman of the Insurance Section of the Toronto law firm of Cassels, Brock & Blackwell. He is the Immediate Past Chairman of the International Bar Association's Committee on Negligence and Compensation, and in 1985-86 was Chairman of the Canadian Bar Association's Tort Reform Committee. He is a frequent speaker before bar groups on insurance related matters. Currently, Mr. Thomas is a Director of Skandia Canada Reinsurance Corporation. A graduate of Osgoode Hall Law School, he was appointed Queen's Counsel in 1978.

Canada/U.S. Law Institute Conference

on

**PROMOTING AND PROTECTING INNOVATION
IN A CHANGING WORLD**

April 21-23, 1995

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