

Canada-United States Law Journal

Volume 25 | Issue

Article 58

1999



Canada-United States Law Journal

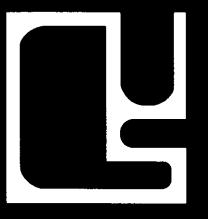
Follow this and additional works at: https://scholarlycommons.law.case.edu/cuslj Part of the <u>Transnational Law Commons</u>

Recommended Citation

Canada-United States Law Journal, *Volume 25*, 25 Can.-U.S. L.J. Iss. (1999) Available at: https://scholarlycommons.law.case.edu/cuslj/vol25/iss/58

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Canada-United States Law Journal by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.





Canada-United States Law Journal

Volume 25

1999

THE IMPACT OF TECHNOLOGICAL CHANGE IN THE CANADA/U.S. CONTEXT

Conducted Under the Auspices of

THE CANADA-UNITED STATES LAW INSTITUTE

and

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

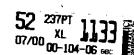
Cleveland, Ohio April 16-18, 1999

Conference Chairman Henry T. King, Jr. Canada-United States Law Journal, Vol. 25 [1999], Iss., Art. 58



Volume Twenty-Five 1999

Case Western Reserve University School of Law



2

https://scholarlycommons.law.case.edu/cuslj/vol25/iss/58

į

Cite as: CAN-U.S. L.J.

The Canada-United States Law Journal (ISSN 0163-6391) is published by the Case Western Reserve University School of Law, Office of Student Publications on behalf of the Canada-United States Law Institute. The Canada-United States Law Journal is an annual publication, and subscription rates are \$30.00 per volume (domestic and foreign). Subscriptions are payable in advance. Subscriptions are renewed automatically unless timely notice of cancellation in received. Back volumes may be purchased by contacting William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14290.

Although the Canada-United States Law Journal only publishes articles and discussions compiled from transcripts of its annual conference, the Case Western Reserve Journal of International Law welcomes the submission of articles on topics in international and comparative law. Manuscripts should be submitted in duplicate and should conform to the Chicago Manual of Style (14^{th} ed.). Footnotes should conform to A Uniform System of Citation (16^{th} ed.). Unfortunately, unpublished manuscripts cannot be returned to the author.

The *Journal*'s policy requires that, unless a claim for nonreceipt of a journal is received within three months after the mailing date, the *Journal* cannot be held responsible for supplying that issue without charge.

The Journal grants permission for each Article in this volume to be copied for use by non-profit educational institutions, provided that (1) copies are distributed at or below cost, (2) the author and the Journal are identified, and (3) proper notice of copyright is affixed to each copy.

The opinions expressed herein are those of the respective authors and do not necessarily reflect those of the *Canada-United States Law Journal* or the Canada-United States Law Institute.

The *Journal* is printed by Darby Printing Company, 6215 Purdue Drive, Atlanta, Georgia 30336.

CA

Canadian Director Constance B. Backhouse Faculty of Law University of Western Ontario London, Ontario N6A 3K7 CANADA

) STATES UTE

United States Director Henry T. King, Jr. School of Law Case Western Reserve University 11075 East Boulevard Cleveland, Ohio 44106 UNITED STATES

Canada-United States Law Journal

Editors/1999 Conference Coordinators Michael Cassady Leigh Roach Publisher Robert S. Chaloupka

1998 Conference Coordinators Rebecca Bodnar Erin L. Gibson Business Assistant Jennifer D. Mayton

Program Coordinator Phyllis Banks Coordinator, Student Publications Carolyn L. Speaker

ADVISORY BOARD Chairman Sidney Picker, Jr.

Board Members

Clive V. Allen Dirk Barrett Joseph W. Bauer Katharine F. Braid Dorinda Dallmeyer William J. Davis Nicholas J. DeRoma William W. Falsgraf Paul D. K. Fraser Jonathan T. Fried Gerald Gherlein W. C. Graham Jon Groetzinger, Jr. Richard L. Guido C. Thomas Harvie Lawrence Herman

https://scholarlycommons.law.case.edu/cuslj/vol25/iss/58

Henry T. King, Jr. Thomas A. Ladd Selma Lussenberg Rosemary McCarney James McIlrov Simon V. Potter J. Michael Robinson Gerhard Rosegger Victor Siber Stuart L. Smith T. Bradbrooke Smith Louis B. Sohn Norman Stewart Marcella Szel M. Catherine Vernon Sanford Yosowitz

On behalf of the Canada-United States Law Institute, the *Journal* gratefully acknowledges a grant of support for the 1999 conference from the government of Canada through the Canadian Studies Grant Programs of the Department of Foreign Affairs and International Trade/International Academic Relations Division. The Canadian Consulate at Detroit, Michigan also gave support to the Canada/U.S. Law Institute for the Conference.

: Volume 25



VOLUME 25

1999

PROCEEDINGS OF THE CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

THE IMPACT OF TECHNOLOGICAL CHANGE IN THE CANADA/U.S. CONTEXT

Cleveland, Ohio April 16-18, 1999

Conference Speakers i
List of Conference Participantsix
Purpose of the Canada/U.S. Law Institute
Sidney Picker, Jr1
Conference Opening Henry T. King, Jr
Introduction: The Dimensions of Technological Change Henry T. King, Jr
The Dimensions of Technological Change B.F. Mathaisel
Challenges of Rapid Technological Change: Catching Up With "The Jetsons" Andrei Sulzenko

Discussion Following the Remarks of Mr. Mathaisel and Mr. Sulzenko 43
Introduction: People Aspects of Technological Change: Immigration Issues, Labor Mobility, the Brain Drain, and R&D Hiram E. Chodosh
People Aspects of Technological Change: Immigration Issues, Labor Mobility, the Brain Drain, and R&D – A U.S. Perspective James D. Van Erden
People Aspects of Technological Change: Immigration Issues, Labor Mobility, the Brain Drain, and R&D – A Canadian Perspective Don DeVoretz
Discussion Following the Remarks of Dr. Van Erden and Professor DeVoretz
Introduction: Technological Change in the European Union – Key Issues Including Commonality of Standards, Integration as Promoting Change, and Impact of Change on a Unified Economic Grouping Henry T. King, Jr
Technological Change in the European Union: Key Issues Including Commonality of Standards, Integration as Promoting Change, and Impact of Change on a Unified Economic Grouping
Richard Wainwright81
Discussion Following the Remarks of Mr. Wainwright
Introduction: Protecting and Exploiting U.S. and Canadian Intellectual Property Abroad in a Technologically Changing World Economy <i>Thomas A. Ladd</i>
Protecting and Exploiting U.S. and Canadian Intellectual Property Abroad in a Technologically Changing World Economy – A U.S. Perspective <i>Eric J. Schwartz</i>

Protecting and Exploiting U.S. and Canadian Intellectual Property Abroad on a Global Basis in a Technologically Changing World – A Canadian Perspective
T. Gary O'Neill
Discussion Following the Remarks of Mr. Schwartz and Mr. O'Neill 119
Introduction: Product Liability Aspects of the Risks of Technological Change
Henry T. King, Jr
Product Liability Aspects of the Risks of Technological Change – A Canadian Perspective
Philip Spencer, Q.C. & Glenn M. Zakaib 125
Product Liability Aspects of the Risks of Technological Change – A U.S. Perspective
Malcolm E. Wheeler 137
Discussion Following the Remarks of Mr. Wheeler, Mr. Spencer, and Mr. Zakaib
Introduction: The Public Dimension of Technological Change: Impact on the Media, the Citizenry, and Governments Marcella M. Szel
The Public Dimension of Technological Change: Impact on the Media, the Citizenry, and Governments – A U.S. Perspective Christopher T. Hill
The Public Dimension of Technological Change: Impact on the Media, the Citizenry, and Governments – A Canadian Perspective David Crane
Discussion Following the Remarks of Dr. Hill and Mr. Crane 171
Introduction: Raising Venture Capital Aspects of Technological Change James McIlroy
The U.S. Institutional Private Capital Market: A Turbo Tour James T. Bartlett

Raising Venture Capital Aspects of Technological Change – A Canadian Perspective
Denzil Doyle
Discussion Following the Remarks of Mr. Bartlett and Mr. Doyle 205
Introduction: Comparative Tax Aspects of Technological Change in the Can- ada/U.S. Context: The Total Tax Burden on People and Corporations: U.S. Vis-à-Vis Canada Henry T. King, Jr
Comparative Tax Aspects of Technological Change in the Canada/U.S. Context: The Total Tax Burden on People and Corporations: U.S. Vis-à-Vis Canada – A U.S. Perspective <i>H. David Rosenbloom</i>
Observations on a Presentation Given on the Comparative Tax Aspects of Technological Change in Canada and the United States David L. Burn
Discussion Following the Remarks of Mr. Rosenbloom and Mr. Burn 245
Introduction: The Impact of Technological Change on Developing Countries J. Michael Robinson
The Impact of Technological Change on Developing Countries Eric R. Biel
Discussion Following the Remarks of Mr. Biel
Introduction: Technology, Competition, and the Consumer Sanford Yosowitz
Consumer Protection and Antitrust Enforcement at the Speed of Light: The FTC Meets the Internet John Graubert & Jill Coleman
Calibrating the Electronic Scales: Tipping the Balance in Favour of a Vigorous and Competitive Electronic Market for Consumers Nicole Ladouceur

....

Discussion Following the Remarks of Mr. Graubert and Ms. Ladouceur .313

Introduction: Trading Relationships and Technological Change – Electronic Commerce and Trade, The Government's Role Dorinda Dallmeyer
Electronic Commerce and Trade Policy – The Government's Role John Gero & Tom Oommen
Trading Relationships and Technological Change: Electronic Commerce and Trade, The Government's Role – A U.S. Perspective <i>M. Jean Anderson</i>
Discussion Following the Remarks of Mr. Gero and Ms. Anderson 341
Introduction: Technology Change and Canada/U.S. Regulatory Models for Information, Communications, and Entertainment Henry T. King, Jr
Technological Change and Canada/U.S. Regulatory Models for Filmed Entertainment Bonnie J.K. Richardson
Technological Change and Canada/U.S. Regulatory Models for Information, Communications, and Entertainment Ronald G. Atkey
The Impact of Technological Change on Canada's Affirmative Policy Model in the Cultural Industry and New Media Sectors Liss Jeffrey
Discussion Following the Remarks of Mr. Atkey and Ms. Richardson 389
Introduction: Technological Change – Its Cross-Border Impact in Terms of Corporate Structures, Branches, Mergers, and Strategic Alliances Henry T. King, Jr
Technological Change – Its Cross-Border Impact in Terms of Corporate Structures, Branches, Mergers, and Strategic Alliances Clive V. Allen
Discussion Following the Remarks of Mr. Allen

Closing Remarks and Discussion Henry T. King, Jr.	425
Content Index: Volumes I-XXV	431

Copyright ©1999 by the Canada-United States Law Journal

.

/

A STATE AND IN

SPEAKERS AT THE CANADA-UNITED STATES LAW INSTITUTE CONFERENCE ON THE IMPACT OF TECHNOLOGICAL CHANGE IN THE CANADA/U.S. CONTEXT

CLIVE V. ALLEN is Executive Vice President, Law at Nortel Networks. In this capacity Mr. Allen has worldwide responsibility for the legal, corporate secretarial, patent, and licensing activities of Nortel Networks and its subsidiaries. Nortel Networks is one of the largest manufacturers of telecommunications equipment in the world. In 1997-1998, Mr. Allen was President of the Association of Canadian General Counsel. He is a member of the Chief Legal Officers Round Table. He is a writer and frequent lecturer on international trade, intellectual property matters, and law office management. He received his B.A. degree from McGill University and a Bachelor of Civil Law degree from that same institution.

M. JEAN ANDERSON heads the Washington, D.C.-based International Trade Group of the firm Weil, Gotshal & Manges. She is an international trade strategist and litigator for companies and governments around the world. She and the firm's group have successfully represented industrial companies in Europe, Asia, Latin America, and the United States, as well as a variety of financial institutions, agricultural producers, and exporters. They have been principal legal advisors to the Canadian and Chilean governments regarding NAFTA, and have advised several other governments on WTO disputes. Helms-Burton, and other economic sanctions issues. Before joining Weil, Gotshal & Manges, Ms. Anderson was Chief Counsel for International Trade at the U.S. Department of Commerce. She was a principal negotiator of the U.S.-Canada Free Trade Agreement and a primary architect of the Chapter 19 Dispute Settlement System. Presently, she is on the Council of the International Law Section of the American Bar Association. She has chaired numerous international trade committees. Ms. Anderson holds degrees from L'Institut d'Etudes Politiques of the University of Paris, Northwestern University, and Georgetown University Law Center.

RONALD G. ATKEY is a Senior Partner of Osler, Hoskin & Harcourt, one of Canada's largest law firms. He practices corporate and administrative law, specializing in government regulation and international business transactions, co-chairing the Public Affairs and Regulatory Department and chairing the firm's Arts, Entertainment, and Media Practice Specialty Group. He also advises several multinational entertainment companies regarding their Canadian operations. He was elected a Member of Parliament twice, serving as a Minister of Employment and Immigration. Formerly, he was a professor of constitutional and administrative law at several Canadian law schools. Presently he is a member of the Board of Trustees of the Motion Picture Foundation of Canada.

i

JAMES T. BARTLETT has been a Managing Director of Primus Venture Partners since June 1986. Primus Venture Partners is a private equity investment firm based in Cleveland, Ohio, Before joining Primus, Mr. Bartlett was President and Chief Operating Officer of Acme-Cleveland Corporation (NYSE), which he joined in 1981. Over the preceding twelve years, he held owner-manager positions in a variety of privately owned businesses. During that period, he also managed venture partnerships in the position of General Partner. Earlier, Mr. Bartlett was with McKinsey & Company, Inc., in New York and Cleveland. Mr. Bartlett serves on the Boards of Directors of Keithley Instruments, Inc., Oglebay Norton Company, Lamson & Sessions, and a number of other companies. He also serves as Trustee and Chairman of the Investment Committee of the Endowment at Berea College and Trustee of the Cleveland Museum of Art, where he chairs the Accessions Committee. Mr. Barlett earned a B.A. degree in history from Amherst College and an M.B.A. degree from Harvard University.

ERIC R. BIEL is Acting Director of the Office of Policy and Strategic Planning of the U.S. Department of Commerce. He works in this capacity with Secretary of Commerce William M. Daley and administration officials on issues including international economic policy and trade and technology. In 1997, he served as Special Counselor, Executive Office of the President, working on the proposed "fast track" trade negotiation authority. Previously, he served as International Trade Counsel to the Senate Finance Committee, and prior to that was engaged in private practice in Washington, D.C., where he specialized in international trade matters. He received his undergraduate degree from Johns Hopkins University. He is a graduate of Yale Law School and received an M.P.A. degree from Princeton University. He has written and spoken widely on international trade matters.

DAVID L. BURN joined Nortel Networks as Vice President, Taxation, in January 1989, and is responsible for the company's worldwide taxation affairs, with professional staff located in ten locations. He began his fortyyear career in taxation with the U.K. Inland Revenue. In 1981-1982, he served on the Deputy Minister Revenue Canada's Advisory Committee, and is currently a member of their Large Case Advisory Committee. In 1986-1987 he was International President of Tax Executives Institute, Inc. and in 1987, he had the unique role of being on the Advisory Group for the Commissioner of the Internal Revenue Service. He is currently Chair of the Alliance of Canadian Manufacturers' and Exporters' Taxation Committee. He has served on their Board of Directors since 1989, and is also a member of the Canadian Chamber of Commerce's Tax Committee. Mr. Burn is a 1996

ii

graduate of Queen's University Executive Development Program. He speaks frequently for the Canadian Tax Foundation and various other tax programs.

DAVID CRANE is Economics Editor for *The Toronto Star*, Canada's largest circulated newspaper, writing on economic, political, and social issues. He has worked for the Canada Development Investment Corporation as a director of corporate affairs. He has traveled widely in his newspaper career, writing on local, national, and international issues, and he frequently attends annual meetings of the International Monetary Fund and the World Bank. He won the National Newspaper Award for enterprise reporting and the Canadian Advanced Technology Association Award for excellency in science and technology writing. His most recent book, *The Next Canadian Century*, proposes an agenda for growth and wealth creation in a knowledge-based Canadian economy. He is a graduate of the University of Toronto.

DON J. DeVORETZ is the Co-Director of the Centre of Excellence for the Study of Immigration and Professor of Economics at Simon Fraser University. He has held visiting appointments at Duke University, University of Ibadan (Nigeria), and University of the Philippines, among others. His main research interests include the economics of immigration with special emphasis on the employment, income, and savings effects of Canadian immigration flows. His book *Diminishing Returns: Immigration Policy in the 1990's* was the subject of governmental hearings in both Canada and the United States. He holds a Ph.D. in economics from the University of Wisconsin at Madison.

DENZIL J. DOYLE is the President and owner of Doyletech Corporation, based in Ottawa, Ontario. In 1963, he established a sales office for Digital Equipment Corporation in Ottawa, which by 1981 had evolved into a multi-faceted corporation with sales in excess of \$160 million and employment in excess of 1,600 people. Mr. Doyle resigned as president of Canadian Digital in 1981 to pursue a career dedicated to the creation and development of a stronger high-technology industry in Canada. In 1982, he formed Doyletech Corporation, a consulting firm that specialized in the planning of new business ventures and in the creation of management tools for technology-intensive firms. In this capacity, he has served as an advisor to all three levels of the Canadian government. Additionally, Mr. Doyle holds directorships with several technology corporations and has served on the National Research Council of Canada. He is the Co-Founder and Chairman of Capital Alliance Ventures Inc., an Ottawa-based venture capital company. Mr. Doyle received his B.Sc. degree in electrical engineering from Queens University in 1956.

JOHN GERO is the Director General of the Trade Policy Bureau II of the Department of Foreign Affairs and International Trade of Canada. He is an economist who joined the Canadian government in 1975 and has worked on international aid and trade policy issues. He served with the Canadian Permanent Mission in Geneva from 1987 to 1991, dealing with issues regarding both the General Agreement on Tariffs and Trade (GATT) and the World Intellectual Property Organization (WIPO). He was the Canadian negotiator on intellectual property at the GATT and NAFTA. Mr. Gero has been in charge of divisions in the Department of Foreign Affairs and International Trade dealing with international intellectual property issues, general market access concerns, and trade remedies. In the fall of 1996, Mr. Gero began his service as Director General of the Trade Policy Bureau II. This Bureau is responsible for the trade policy aspects of investment, competition policy, government procurement services, and intellectual property issues. Mr. Gero received a B.A. degree in economics with Honors, and an M.A. degree in economics from the University of Toronto.

JOHN D. GRAUBERT was appointed Deputy General Counsel of the Federal Trade Commission in 1998. Since 1989, he had been a partner with Steptoe & Johnson L.L.P., where he began as an associate in 1982. Specializing in regulatory issues including antitrust, labor, environmental law, and transportation, his practice has included administrative proceedings before the Interstate Commerce Commission, the Federal Trade Commission, and other federal and state agencies, as well as antitrust and commercial litigation in federal courts across the country. Mr. Graubert served as a law clerk to the Honorable Joe M. Ingraham, U.S. Court of Appeals for the Fifth Circuit and Temporary Emergency Court of Appeals. He received his J.D. in 1981 from Georgetown University, where he served as Articles and Notes Editor for the *American Criminal Law Review*. In 1978, he received his B.A. *cum laude* from Williams College.

CHRISTOPHER T. HILL is Vice Provost for Research and Professor of Public Policy and Technology at George Mason University. He is responsible for research in all units at the University and for the University's federal relations activities. At George Mason University, he teaches courses in science technology policy, industrial R&D strategy and management, and the logic of public inquiry. His current research, supported by a grant from the National Science Foundation, focuses on the impact of co-operative R&D on competitive firms. Before joining George Mason University, he was senior analyst at the RAND Critical Technologies Institute in Washington, D.C. He has also held positions at the National Academy of Engineering and the National Academy of Sciences, M.I.T., and the Office of Technology Assessment. He holds a B.S. degree from the Illinois Institute of Technology, and M.S. and Ph.D. degrees from the University of Wisconsin, all in chemical engineering.

NICOLE LADOUCEUR is the Acting Deputy Commissioner of Competition of the Fair Business Practices Branch with the Competition Bureau, Industry Canada. She has worked at the House of Commons for the Justice and Legal Affairs Committee. After a few years of private practice as a lawyer, she was appointed to the Appeal Board at the Public Service Commission of Canada. Ms. Ladouceur is also the author of a book dealing with the deregulation of the banking industry in Canada and conflicts of interest. She earned an LL.M. degree from the University of Ottawa and has been a member of the Quebec Bar since 1985.

BERNARD F. MATHAISEL is Chief Information Officer at the Ford Motor Company. He is responsible for information technology worldwide. His appointment is reflective of the growing importance of information technology to Ford's success including process re-engineering efforts aimed at achieving goals of breakthroughs in product quality cost and time-to-market. Previously, Mr. Mathaisel was a partner at Ernst & Young specializing in the strategic use and management of information technologies. He has over twenty years of experience as a consultant in strategic planning and implementation in information technology. In the mid-1980s, Mr. Mathaisel served as Chief Information Officer for the Walt Disney Corporation. He holds B.S. and M.S. degrees from M.I.T., graduating with honors.

T. GARY O'NEILL is a Partner with Gowling, Strathy & Henderson in Ottawa. He practices civil litigation and intellectual property litigation with emphasis on electrical, computer, communications, and related technology. He also concentrates on law relating to the acquisition, transfer, and enforcement of intellectual property rights, including trade secrets, confidential information, and software copyright. Prior to joining Gowling, Strathy & Henderson, he was a design engineer in a variety of high-technology firms. He holds a J.D. degree from the University of Ottawa from which he received the silver medal and holds a graduate degree in engineering from Carleton University.

BONNIE J. K. RICHARDSON is Vice President for Trade and Federal Affairs with the Motion Picture Association of America. She works with federal agencies on issues affecting the U.S. motion picture, television programming, and home video industries, including reduction of foreign trade barriers and improvements in intellectual property protection. Previously, she served as Director for Services Negotiations at the Office of the U.S. Trade Representative. She was chief U.S. negotiator for the services market access

negotiations in the Uruguay Round of multilateral trade negotiations. She has served in the Foreign Service in Nigeria and in El Salvador. She speaks German and Spanish. She took her M.A. degree from Johns Hopkins University and her undergraduate degree from the University of Delaware.

H. DAVID ROSENBLOOM is a member of the law firm of Caplin & Drysdale, Chartered, in Washington, D.C. where he specializes in international tax matters. He has been with the firm since 1968. He served as International Tax Counsel in the United States Treasury Department from January 1978 through January 1981. A frequent speaker and author on tax subjects, Mr. Rosenbloom has lectured on international and comparative taxation at Stanford, Columbia, and the University of Pennsylvania Law Schools, and is presently serving again as a lecturer at Harvard Law School. He attended Princeton University and the University of Florence in Italy as an undergraduate student, and received his J.D. degree from Harvard Law School.

ERIC J. SCHWARTZ is a partner in the Washington, D.C. firm of Smith & Metalitz, L.L.P. He specializes in copyright, entertainment, and information law and counsels clients from the motion picture, book publishing, music publishing, recording, and software industries. He formerly served as Special Counsel at the law firm of Proskauer Rose, counseling clients on domestic and international intellectual property matters. He was also Acting General Counsel of the United States Copyright Office. Mr. Schwartz was principal negotiator of the copyright provisions of the U.S.-U.S.S.R. Trade Agreement and has provided legal and technical assistance to the drafters of the copyright laws in a number of countries throughout the world. A graduate of Johns Hopkins University and American University Washington College of Law, Mr. Schwartz is a member of the New York and District of Columbia Bars.

PHILIP SPENCER, Q.C. is a partner with the law firm of Cassels Brock & Blackwell in Toronto. He is also Co-chair of the firm's Product Liability Practice Group. Mr. Spencer has a broad-based commercial and corporate litigation practice with a wide range of clients. He has extensive experience in product liability claims, including various types of vehicle, medical devices, and technologically advanced equipment. In addition to his litigation practice, Mr. Spencer has a significant practice in regulatory affairs and compliance, and advises Canadian and international companies on a wide range of legal issues. Mr. Spencer received a B.A. degree from York University, and a law degree from Osgood Hall Law School. ANDREI SULZENKO is the Assistant Deputy Minister, Industry and Science Policy, Industry Canada. He is responsible for the development of microeconomic policy, including directing industrial, science, and technology policies. His federal government positions have included Executive Director, Science and Technology Review, Industry Canada, Federal Chief Negotiator, International Trade Negotiations for Industry Canada, and Assistant Chief Negotiator, Trade Negotiations Office, Department of External Affairs. He has also served as General Director, Industrial Competitiveness Branch at Science and Technology Canada. He holds a B.A. degree from McGill and an M.P.A. degree from Queen's University.

JAMES D. VAN ERDEN is Senior Vice President, Workforce Development of the National Alliance of Business. He has over twenty years of public policy experience dealing with human resource and workplace issues and has spoken widely on this topic. A recognized expert in workforce development, he has served in a number of senior executive positions at the U.S. Department of Labor. The author of numerous professional papers, he was formerly an associate professor of economics at Weber State University. He has a B.S. degree in economics from Weber State University, an M.S. degree in statistics from Utah State University, and a Ph.D. in economics from the University of Utah.

RICHARD WAINWRIGHT is the Principal Legal Advisor for the Commission of the European Community. Within this context, he is the head of the Internal Market Team, with responsibility for issues related to technical harmonization, public procurement, telecommunications, the environment, customs, and industrial affairs. He has acted as an agent for the Commission in approximately two hundred cases before the European Court. In previous capacities with the Commission, Mr. Wainwright was a member of the Task Force on Intellectual Property, and served as a Member of the Cabinet for Commissioner Clifton Davis with responsibility for environmental and consumer protection policy. Mr. Wainwright graduated with Honors from Oxford University, earning a B.A. degree, and thereafter a law degree from the Inns of Court School of Law.

MALCOLM WHEELER is a director of the law firm Wheeler Trigg & Kennedy, P.C. in Denver. He has specialized in civil litigation, especially complex and pattern product liability litigation, antitrust, contracts, patents, trademarks, and unfair competition. Mr. Wheeler has been involved in the litigation of several high-profile product liability cases in the United States, most notably the Ford Pinto criminal prosecution and the first "no air bag" product liability trial. He has argued cases before trial and appellate courts, both state and federal, in more than forty states. Mr. Wheeler has also taught

a number of law school courses and has published articles in various journals, such as the Virginia Law Review, the Stanford Law Review, and the Pennsylvania Law Review. Mr. Wheeler received his S.B. degree from M.I.T. and his J.D. degree from Stanford Law School where he was a member of the Stanford Law Review.

GLENN M. ZAKAIB is a partner with the law firm of Cassels Brock & Blackwell in Toronto. He is also Co-chair of the firm's Product Liability Practice Group. Mr. Zakaib specializes in the defense of complex claims including class proceedings. His experience includes the handling of complex product liability claims. He has written and lectured extensively on legal issues in his specialty areas of practice. Mr. Zakaib has served as Chair of his firm's Insurance Law Department and in 1993, he served as the Managing Partner of Cassels Brock & Blackwell. He received a B.A. degree from York University in 1978 and an L.L.B. degree from McGill University in 1981. Canada-United States Law Journal, Vol. 25 [1999], Iss., Art. 58

CANADA/U.S. LAW INSTITUTE CONFERENCE ON THE IMPACT OF TECHNOLOGICAL CHANGE IN THE CANADA/U.S. CONTEXT

April 16-18, 1999

LIST OF PARTICIPANTS

Robert Abrahams	Director, U.S. Department of Commerce	Cleveland, Ohio
Kenyetta T. Aduma	City of Youngstown	Youngstown, Ohio
Phyllis Alden	American Greetings Corp.	Cleveland, Ohio
Clive V. Allen	Nortel Networks	Brampton, Ontario
Barbara Andelman	Case Western Reserve University School of Law	Cleveland, Ohio
M. Jean Anderson	Weil, Gotshal & Manges LLP	Washington, D.C.
Ronald G. Atkey	Osler, Hoskin & Harcourt	Toronto, Ontario
Constance B. Backhouse	Canadian Director, Canada/United States Law Institute, University of Western Ontario	London, Ontario
Phyllis E. Banks	Program Coordinator, Canada/United States Law Institute	Cleveland, Ohio
James Bartlett	Primus Venture Partners, Inc.	Cleveland, Ohio
Joseph W. Bauer	Lubrizol Corporation	Wickliffe, Ohio
James Baxter	Southam News ix	Ottawa, Ontario

https://scholarlycommons.law.case.edu/cuslj/vol25/iss/58

í.

1

*		
Jeff Bendix	Case Western Reserve University	Cleveland, Ohio
David M. Benson	Ohio Lawyers Weekly	Cleveland, Ohio
Claire Biel		Washington, D.C.
Eric Biel	U.S. Department of Commerce	Washington, D.C.
Mort Biel		Washington, D.C.
Lillian V. Blageff	Business Laws, Inc.	Chesterland, Ohio
Rebecca Bodnar	Case Western Reserve University School of Law	Cleveland, Ohio
Catherine Boucher	Department of Foreign Affair and International Trade (UR	s Ottawa, Ontario R)
David A. Bowers	Weatherhead School of Management, Case Western Reserve University	Cleveland, Ohio
David L. Burn	Nortel Networks	Brampton, Ontario
Silviu A. Cappon	Garry Precision Screw Co. (A Wire-Pro Co.)	Aurora, Ohio
Michael Cassady	Conference Coordinator, Canada/United States Law Institute, Case Western Re University School of Law	Cleveland, Ohio
Robert S. Chaloupk	and a stall inited	Cleveland, Ohio

x

Hiram Chodosh	Professor, Case Western Reserve University School of Law	Cleveland, Ohio
Stanton G. Cort	Dept. of Marketing and Political Science, Case Western Reserve University	Cleveland, Ohio
George Costaris	Canadian Consulate General	Detroit, Michigan
David Crane	Toronto Star	Toronto, Ontario
Marsha E. Curley	LTV Steel Company	Cleveland, Ohio
Dorinda G. Dallmeyer	Dean Rusk Center, University of Georgia Law School	Athens, Georgia
William J. Davis	The Coca-Cola Company	Atlanta, Georgia
Brendan Delay	Attorney-at-Law	Cleveland, Ohio
James DeRosa	City of Cleveland	Cleveland, Ohio
Don DeVoretz	Simon Fraser University	Burnaby, British Columbia
Eileen Doherty	Department of Political Science, Case Western Reserve University	Cleveland, Ohio
James Doherty	Alberta Intergovernmental and Aboriginal Affairs	Edmonton, Alberta
Denzil Doyle	Doyletech Corporation	Ottawa, Ontario
Christine Drennen	Bowling Green State University	Bowling Green, Ohio
John D. Drinko	Baker & Hostetler LLP	Cleveland, Ohio
Michele Dupont	Department of Finance	Ottawa, Ontario

.

ł

John Eastwood	Jones, Day, Reavis & Pogue	Cleveland, Ohio
Jonathan Entin	Professor, Case Western Reserve University School of Law	Cleveland, Ohio
Asim Erdilek	Department of Economics, Case Western Reserve University	Cleveland, Ohio
D. Michael Fitz-James	Canadian Lawyer	Aurora, Ontario
John Gero	Department of Foreign Affairs and International Trade	Ottawa, Ontario
Llewellyn Joseph Gibbons	University of Toledo	Toledo, Ohio
Erin Gibson	Case Western Reserve University School of Law	Cleveland, Ohio
John Graubert	Federal Trade Commission	Washington, D.C.
Jon Groetzinger, Jr.	American Greetings Corporation	Cleveland, Ohio
Kenneth W. Grundy	Department of Political Science, Case Western Reserve University	Cleveland, Ohio
Frank Hartman	Attorney-at-Law	Cleveland, Ohio
Christopher Hill	George Mason University	Fairfax, Virginia
Lindsay Hill	Osler, Hoskin & Harcourt	Toronto, Ontario
Patricia A. Hujarski	The Levin Group, Inc.	Cleveland, Ohio
Liss Jeffrey	University of Toronto	Toronto, Ontario
Michael Keiver	Ontario Hydro	Toronto, Ontario
	xii	

Charles J. Kerester	Attorney-at-Law	Shaker Heights, Ohio
Henry T. King, Jr.	Conference Chairman/U.S. Director, Canada/United States Law Institute	Cleveland, Ohio
Delores Kirby		Cleveland, Ohio
Richard N. Kirby	Great Lakes Intertrade	Cleveland, Ohio
James Kloos	Rainbow Inks, Inc.	Cleveland, Ohio
Janet Kloos	University Hospital	Cleveland, Ohio
Dean Gerald Korngold	Dean, Case Western Reserve University School of Law	Cleveland, Ohio
Elizabeth L. Krieder	Case Western Reserve University School of Law	Cleveland, Ohio
Thomas A. Ladd	The Dow Chemical Company	Midland, Michigan
Nicole Ladouceur	Industry Canada	Hull, Quebec
Sven A. Langmack	Chairman, Northern Ohio Export Council	Cleveland, Ohio
Virginia Langmack		Cleveland, Ohio
Kathryn Lavelle	Department of Political Science, Cleveland State University	Cleveland, Ohio
David Levy	Crane	
B.F. Mathaisel	Ford Motor Company	Dearborn, Michigan

xiii

.

: Volume 25

-

į

James McIlroy	McIlroy & McIlroy, Inc.	Toronto, Ontario
James D. McNiven	Dalhousie University	Halifax, Nova Scotia
Spencer Neth	Professor, Case Western Reserve University School of Law	Cleveland, Ohio
M. James O'Grady	O'Grady & Young	Ottawa, Ontario
T. Gary O'Neill	Gowling, Strathy & Henderson	Ottawa, Ontario
Sidney Picker, Jr.	Founder & Chairman of the Advisory Board, Canada/ United States Law Institute, Case Western Reserve Univer School of Law	Cleveland, Ohio sity
Yves Poission	Human Resources Development Canada	Hull, Quebec
Joe Pophal	Parker Hannifin	Wickliffe, Ohio
S. Sidney Preston	Editing, Research, and Office Services	White Rock, British Columbia
Brenda Price	Competition Bureau	Hull, Quebec
Cynthia Prior	Entrepreneur	Shaker Heights, Ohio
Orso W. Randall, III	The Dow Chemical Company	Midland, Michigan
Bonnie Richardson	Motion Picture Association of America	Washington, D.C.
Leigh Roach	Conference Coordinator, Canada/United States Law Institute, Case Western Reser University School of Law	Cleveland, Ohio ve

xiv

Canada-United States Law Journal, Vol. 25 [1999], Iss., Art. 58

Gerald Robertson	Industry Canada	Ottawa, Ontario
J. Michael Robinson	Fasken Martineau	Toronto, Ontario
Gerhard Rosegger	Department of Economics, Case Western Reserve University	Cleveland, Ohio
David Rosenbloom	Caplin & Drysdale	Washington, D.C.
Dana Rosenfeld	Federal Trade Commission	Washington, D.C.
Brendan Ross	Competition Bureau	Hull, Quebec
John K. Ryans, Jr.	Kent State University	Kent, Ohio
Eric Schwartz	Smith & Metalitz, LLP	Washington, D.C.
Mrs. Brondy Shanker		Cleveland, Ohio
Morris G. Shanker	Professor, Case Western Reserve University School of Law	Cleveland, Ohio
Ann Skerry	Fay, Sharpe, Beall, Fagan, Minnich & McKee	Cleveland, Ohio
Carolyn L. Speaker	Coordinator, Student Publications, Case Western Reserve University School of Law	Cleveland, Ohio
Philip Spencer, Q.C.	Cassels Brock & Blackwell	Toronto, Ontario
Andrei Sulzenko	Industry Canada	Ottawa, Ontario
Aaron Sydor	Industry Canada	Ottawa, Ontario
Marcella M. Szel	Canadian Pacific Railway	Calgary, Alberta
John D. Tennant	Consulate General of Canada	Detroit, Michigan

: Volume 25

Ted Theofrastous	Editor in Chief, Journal of Int'l Law, Case Western Reserve University School of Law	Cleveland, Ohio
James D. Van Erden	Goodwill Industries International, Inc.	Bethesda, Maryland
M. Catherine Vernon	Picker Industries, Inc.	Cleveland, Ohio
Richard Wainwright	European Commission	Brussels, Belgium
Jonathan Weinberg	Case Western Reserve University School of Law	Cleveland, Ohio
Malcolm E. Wheeler	Wheeler Trigg & Kennedy, P.C.	Denver, Colorado
Alicja Wielgus	Agriculture and Agri-Food Canada	Ottawa, Ontario
Michael G. Woods	Department of Foreign Affairs and International Trade	Ottawa, Ontario
Sanford Yosowitz	Alcan Aluminum Corporation	Cleveland, Ohio
Glenn M. Zakaib	Cassels Brock & Blackwell	Toronto, Ontario

Mrs. John D. Tennant

۰

ļ

and the second se

;

Detroit, Michigan

xvi