

# Ariel Katz

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## EDUCATION

<b>SJD</b> <i>University of Toronto</i> Dissertation topic: Issues at the Interface of Antitrust and Intellectual Property Laws. 2005 Hartle Award for outstanding graduate scholarship, The Institute for Policy Analysis, University of Toronto	2005
<b>LLM (magna cum laude)</b> <i>Hebrew University, Jerusalem</i>	2001
<b>LLB</b> <i>Hebrew University, Jerusalem</i>	1997

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## ACADEMIC AND PROFESSIONAL EXPERIENCE

<b>Global Engelberg Research Fellow</b> <i>New York University Law School</i>	Fall 2012
<b>Associate Professor, Innovation Chair in Electronic Commerce</b> <b>Director, Centre for Innovation Law and Policy</b> <i>Faculty of Law, University of Toronto</i>	July 2009 – present July 2009 – Dec. 2012
<b>Visiting Professor</b> <i>Faculty of Law, Tel Aviv University</i>	Spring 2009
<b>Assistant Professor, Innovation Chair in Electronic Commerce</b> <i>Faculty of Law, University of Toronto</i>	July 2004 – June 2009
<b>Visiting Professor</b> <i>Faculty of Law, Hebrew University, Jerusalem</i>	Winter 2006
<b>Teaching Assistant</b> <i>Prof. Ed Iacobucci, Faculty of Law, University of Toronto</i>	Jan. 2004 - Apr. 2004
<b>Attorney, Coordinator of International Affairs, Director of Internship Program</b> <i>Israel Antitrust Authority</i>	Jan. 2000 - Aug. 2001
<b>Attorney</b> <i>Israel Antitrust Authority</i>	Dec. 1997 - Dec. 1999
<b>Law clerk</b> <i>For the Director General of the Israel Antitrust Authority</i>	Sept. 1996 - Aug. 1997

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## COURSES TAUGHT

<b>Constitutional Law</b>	2014 - 2015
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<b>Copyright Law</b>	2013 - present
<b>Intellectual Property: Copyrights, Trademarks and Patents</b>	Fall 2005 - present
<b>Competition Law and Intellectual Property</b>	Fall 2007 - present
<b>Issues at the Borderlines of Competition Law, Intellectual Property and International Trade</b>	Fall 2004 – Winter 2006
<b>Patent Law for the Life Sciences</b>	Winter 2013 – Present
<b>Cyberlaw</b>	2005 – 2011

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GRANTS AND AWARDS

<b>SSHRC Insight Grant, The Return of the Stationers: Monopoly and Competition in the Digital Economy</b>	2014-2019
<b>University of Toronto Faculty of Law and Faculty of Arts and Sciences Conference Grant (for the TPP Conference, \$15,000)</b>	2016
<b>Small Collaborative Grant from Osgoode Research Intensification Fund and from Osgoode's Dean's Conference Fund (for the UNPACK SODRAC conference, \$4000)</b>	
<b>Centre for Innovation Law and Policy Research Grant</b>	2004-2014
<b>University of Toronto, Faculty of Law, Summer Research Assistantship Grant</b>	2005-2006, 2014
<b>Connaught Start-Up Grant, University of Toronto</b>	2004
<b>Hartle Award for outstanding graduate scholarship, The Institute for Policy Analysis, University of Toronto</b>	2005
<b>Bell University Labs Research Grant</b>	2003
<b>John M. Olin Graduate Fellowship in Law and Economics, University of Toronto</b>	2001-2004

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PUBLICATIONS

- The Interaction of Exhaustion and the General Law: A Reply to Duffy and Hynes** (with Aaron Perzanowski and Guy Rub), 102 *Virginia Law Review Online* 8 (2016)
- Intellectual Property and the Rule of Law**, 17 *Theoretical Inquiries in Law* (forthcoming 2016)
- The Economic Rationale of Exhaustion: Distribution and Post-Sale Restraints**, in *Research Handbook on IP Exhaustion and Parallel Imports* (Irene Calboli & Edward Lee, eds., 2016, Forthcoming)
- Digital Exhaustion: North American Observations**, in *Research Handbook on Electronic Commerce*, John A. Rotchild, ed., 2016, Forthcoming)
- Spectre: Canadian Copyright and the Mandatory Tariff - Part I**, 27 *IPJ* 151 (2015)
- Spectre: Canadian Copyright and the Mandatory Tariff - Part II**, 28 *IPJ* 39 (2015)
- The First Sale Doctrine and the Economics of Post Sale Restraints**, 2014 *BYU L. Rev.* 55 (2014)
- Beyond Refusal to Deal: A Cross-Atlantic View of Copyright, Competition and Innovation Policies**, 79(1) *Antitrust Law Journal* 201-46 (2013), with Paul-Erik Veel
- Copyright and Competition Policy**, in *Handbook of the Digital Creative Economy* (Ruth Towse and Christian Handke, eds.) (Edward Elgar, 2013)

**Fair Use 2.0: The Rebirth of Fair Dealing in Canada**, *in* The Copyright Pentalogy: How the Supreme Court of Canada Shook the Foundations of Canadian Copyright Law, Michael Geist, ed. (Ottawa University Press, 2013)

**The Orphans, the Market, and the Copyright Dogma**, 27 Berkeley Tech. L. J. 1286 (2012)

**Beyond Search Costs: The Linguistic and Trust Functions of Trademarks**, 2010 BYU L. Rev. 1555 (2010)

**Copyright Collectives: Good Solution, But For Which Problem?** *in* Working Within the Boundaries of Intellectual Property (Rochelle Dreyfuss, Harry First and Diane Zimmerman, eds.) (Oxford University Press, 2010)

**Commentary: Is Collective Administration of Copyrights Justified by the Economic Literature?** *in* Intellectual Property and Competition Law (Marcel Boyer, Michael J. Trebilcock & David Vaver, eds.), (Irwin Law, 2009)

**Substitution and Schumpeterian Effects over the Life Cycle of Copyrighted Works**, 49 Jurimetrics J., 113 (2009)

**Pharmaceutical Lemons: Innovation and Regulation in the Drug Industry**, 14 Mich. Telecomm. & Tech. L. Rev. 1 (2007)

**Making Sense of Nonsense: Intellectual Property, Antitrust and Market Power**, 49 Ariz. L. Rev. 837 (2007)

**Monopoly and Competition in the Collective Administration of Public Performance Rights**, 2 Haifa L. Rev. 551 (2006) (in Hebrew)

**The Potential Demise of Another Natural Monopoly: New Technologies and the Administration of Performing Rights**, 2 J. Competition L. & Econ. 245 (2006)

**The Potential Demise of Another Natural Monopoly: Rethinking the Collective Administration of Performing Rights**, 1 J. Competition L. & Econ. 541 (2005)

**A Network Effects Perspective on Software Piracy**, 55 U. Toronto L.J. 155 (2005)

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WORK IN PROGRESS

**e-Books, p-Books, and the Durapolist Problem**

**On the Partial (In)Alienability of Users' Rights**

**The Return of the Stationers**

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CONFERENCE & WORKSHOP PRESENTATIONS

**The Future of Libraries in the Digital Age: Copyright and the Role of Libraries in Preserving Knowledge**, The Future of Libraries in the Digital Age, A Symposium Sponsored by I/S: A Journal of Law and Policy for the Information Society, the Moritz College of Law, and The Center for Interdisciplinary Law and Policy Studies, Ohio State University, March 25, 2016

**TPP: A Big Deal**, Technology and Intellectual Property Group Panel, University of Toronto, March 8, 2016

**Why Tariffs Aren't Mandatory**, UNPACK SODRAC: Technological Change and Copyright Tariffs after CBC v SODRAC, Osgoode Hall Law School, Feb 25, 2016 (conference co-organizer)

**Permissionless Innovation**, Emerging Competition Issues Workshop: Keeping Pace in a Changing World, Ottawa, Ontario January 19, 2016

**The TPP and the Expatriation of our Constitution**, The Trans Pacific Partnership: Options for Canada and the World, University of Toronto, January 15, 2016 (conference co-organizer)

**Keynote speech: From Copyright Children to Copyright Adults**, Copyright in Canada Conference 2015, University of Toronto, Oct 2, 2015

**Water and diamonds, music and talk. Response to Marcel Boyer**, Annual Congress of the Society for Economic Research on Copyright Issues, University of Glasgow, Sept. 4, 2015

**Intellectual Property and the Rule of Law:**

- The Toronto Intellectual Property Group, Toronto, April 14, 2016
- The Constitution of Information Conference, University of Toronto, Faculty of Law, May 29, 2015 (conference co-organizer)

**Panel - Intellectual Property: International Exhaustion**, The 2015 Henry T. King Jr. Annual Conference on Canada-United States Relations, *The Digital Border*, March 19 & 20, 2015, Canada-US Law Institute, Case Western Reserve Law School, Cleveland, OH

**Right Under the Competition Bureau's Nose**, Law Society of Upper Canada, 19th Annual Intellectual Property Law: The Year in Review, Toronto, Jan 22, 2015

**Practicing Fair Dealing**, The Ontario Library Association Super Conference, Toronto, Jan. 30, 2014

**The IP Constitution**, IP Scholars Conference, Boalt Hall Law School, UC Berkeley, Aug. 7, 2014

**On the Partial (In)Alienability of Users' Rights**

- 15th International Conference on Consumer Law, June 30, 2015, Amsterdam, the Netherlands
- Toronto-Siena-Tel Aviv Law and Economics Workshop, Naples, June 30-July 1, 2014
- Society for Economic Research on Copyright Issues Annual Congress, Barcelona, July 10-11, 2014
- Fourth Annual Research Roundtable on the Law and Economics of Digital Markets, Searle Center, Northwestern Law School, Oct 9-10, 2014

**ebooks, pBooks, and the Durapolist Puzzle**

- 4th Workshop for Junior Researchers on the Law and Economics of Intellectual Property and Competition Law, organized by The International Max Planck Research School for Competition and Innovation, and the Center for Law & Economics at ETH Zurich, June 10-12, 2013
- Society for Economic Research on Copyright Issues, Annual Congress, Paris, Jul. 9, 2013
- IP Scholars Conference, Cardozo Law School, Aug. 9, 2013
- UCLA Entertainment, Media and IP Colloquium, UCLA Law School, Nov. 10, 2013
- Next Generation of Antitrust Scholars Conference, NYU Law School, Jan. 17, 2014
- Tel Aviv Law: Law & IT Colloquium, Tel Aviv University, Faculty of Law, Dec. 25, 2013
- Faculty Workshop, University of Toronto, Faculty of Law, Feb. 3, 2014

**eBooks, Antitrust, and the First Sale Doctrine: Some History and Some Economics**

- Notre Dame Law and Economics Workshop, Apr. 8, 2013
- In re Books Conference, New York Law School, Oct. 26, 2013

**The Intellectual Property (IP) Protection Debate: IP Protection Should Not Be Strengthened to Stimulate Innovation and Commercialization**, Business Innovation Summit 2013: Innovation for the Corporation, Conference Board of Canada, Toronto, Feb 19, 2013

**Some Observations on Access Copyright**

- The Society of Graduate Students, University of Western Ontario, Mar. 22, 2013
- IP Scholars Live': Copyright and Fair Dealing in Education after the Access Copyright Case and C-11, McGill Law School, Feb 15, 2013
- Kitchener-Waterloo School Board, Jan 18, 2013

- Consulting Workshop, Rotman School of Business, University of Toronto, Jan 10, 2013

**Living with Fair Dealing**

- Ontario Library Association Superconference, Toronto, Jan. 31, 2014
- Copyright, the SCC Pentalogy and C-11 Seminar, McGill Law School, Feb 14, 2013

**Commentator on Mark Lemley and Carl Shapiro, A Simple Approach to Setting Reasonable Royalties for Standard-Essential Patents**, 4th Workshop for Junior Researchers on the Law and Economics of Intellectual Property and Competition Law, organized by The International Max Planck Research School for Competition and Innovation, and the Center for Law & Economics at ETH Zurich, June 11, 2013

**The Future of Reverse Payment Patent Settlements in Canada after the US Supreme Court *Actavis* Decision**

- IPIC Webinar, Sept. 12, 2013
- Second Annual UofT Law Patent Colloquium, Nov. 22, 2013, University of Toronto.

**Trademarks**, M Biotech Program, University of Toronto Mississauga, Jan 29, 2013

**Canada & U.S. Copyright Laws: Converging, Diverging, Surpassing?** Copyright Law and Practices in Canada Now Conference, Toronto, Dec. 4, 2012

**Just Do it!**, Fair Dealing and Beyond: Making Copyright Work for Educators, Faculty of Law, University of Toronto, Dec. 5, 2012

**The Rebirth of Fair Dealing**

- The Canadian Copyright Pentalogy Conference, University of Ottawa, Faculty of Law, Oct. 4, 2013
- Cardozo Law School IP Workshop, Nov. 26, 2012
- NYU Hauser Global Research Fellows Workshop, Oct. 1, 2012

**Recent Developments in Fair Dealing in Canada**, American University College of Law, Sept. 12, 2012

**Fair Dealing's 100 Years of Solitude**, Canadian Association of Law Libraries Annual Conference, Toronto, May 9, 2012

**The Orphans, the Market, and the Copyright Dogma**

- The Canadian Law and Economics Annual Meeting, Faculty of Law, University of Toronto, September 29, 2012
- Orphan Works and Mass Digitization: Obstacles and Opportunities, Boalt Hall Law School, UC Berkeley, April 12, 2012
- Intellectual Property Scholars Conference, Stanford Law School, Aug. 10, 2012
- ABA-IPL Copyright Policy Committee Presentation, Nov. 7, 2012

**The Return of the Stationers: An Inquiry into the History and Constitutional Foundations of Canada's Copyright Law**, Copyright Law Reforms & Developments - Israel & Canada as Comparative Case-Studies Workshop, The Hebrew University of Jerusalem, February 20, 2012

**What Antitrust Law Can (and Cannot) Teach about the First Sale Doctrine**

- The Next Generation of Antitrust Scholarship Conference, NYU Law School, New York, Jan. 20, 2012
- The Canadian Law and Economics Annual Meeting, Faculty of Law, University of Toronto, September 23, 2011
- Intellectual Property Scholars Conference, DePaul Law School, Chicago, Aug. 11, 2011 (plenary session)

- Exhaustion and First Sale in IP Conference, Santa Clara Law School, Nov. 5, 2010

**Commentator on Marcel Boyer, The Economics of Copyright Valuation: The Case of Music for Commercial Radio Stations**, The Canadian Economics Association Annual Conference, Ottawa, June 4, 2011

**Panelist, The Interface Between Competition And IP Re-Visited**, CBA Competition Law Spring Forum 2011, Toronto, May 3, 2011

**Commentator on Emmanuel Combe & Constance Monnier**, Fines Against Hard Core Cartels in Europe: The Myth of Over Enforcement, The 27th Annual Conference of the European Association of Law and Economics, Université Pathèon-Assas, Paris, Sept. 23, 2010

**On the Partial (In)Alienability of Users' Rights**, Intellectual Property Scholars Conference, Boalt Hall Law School, UC Berkeley, Aug. 13, 2010

**Panelist, Digital Content: Focusing on Intellectual Property, User-Generated Content and Digital Rights Management**, Digital Roundtable, Ryerson Law Research Centre, Ryerson University, Toronto, June 18, 2010

**Mass Digitization and the Orphan Works Problem: Rejecting Grand Solutions in Favour of Modest Ones**

- IP and Social Justice Workshop, Howard Law School, Washington DC, June 10, 2011
- The Google Book Search Project and Canada: Cross-Border Legal Perspectives, University of Toronto, Faculty of Law, May 28, 2010 (conference organizer)

**Beyond Refusal to Deal: Innovation, Intellectual Property and Competition Policy Across the Atlantic**

- 11<sup>th</sup> Annual Antitrust Colloquium, Loyola University Chicago School of Law, Apr. 29, 2011
- Intellectual Property Workshop, Michigan Law School, Nov. 2, 2010
- The 27th Annual Conference of the European Association of Law and Economics, Université Pathèon-Assas, Paris, Sept. 23, 2010
- The Next Generation of Antitrust Scholarship Conference, NYU Law School, New York, Jan. 29, 2010
- Intellectual Property Scholars Conference, Cardozo Law School, New York, Aug. 7, 2009 (plenary session)
- The Canadian Law and Economics 2009 Annual Meeting, Faculty of Law, University of Toronto, Oct. 2, 2009

**Panellist, The Future of Collective Administration of Copyright**, The Copyright Board of Canada: Bridging Law and Economics for 20 Years, ALAI Canada Conference, Ottawa, Dec. 2, 2009

**End User License Agreements: Competition Law, Innovation Policy and Individual Autonomy**, The Intellectual Property Bargain: Consumer Perspectives in a Global Economy, Osgoode Hall Law School, York University, Toronto, Sept. 18, 2009

**The Rationality of IP Misuse Doctrine: Lessons for Canada**, Copyright Symposium, Centre for Innovation Law and Policy, Faculty of Law, University of Toronto, Jan. 30, 2009

**The Linguistic and Trust Functions of Trademarks: Law and Economics Perspective**

- Intellectual Property Scholars Conference, Stanford Law School, Aug. 7, 2008
- The Canadian Law and Economics 2008 Annual Meeting, Faculty of Law, University of Toronto, Sept. 26, 2008
- Penn Center for Technology, Innovation, and Competition's Workshop, University of Pennsylvania Law School, Philadelphia, Dec. 9, 2008
- 4-Sided Law & Economics International Workshop, Rome, Jun. 23, 2009

- Intellectual Property Annual Workshop, Hebrew University, Jerusalem, Jul. 8, 2009

**Commentator on Alessandra Rossi & Ugo Pagano**, *The Crash of the Knowledge Economy*, 4-Sided Law & Economics International Workshop, Rome, Jun. 23, 2009

**What Can Pharmaceutical Regulation Learn from Securities Regulation**, *The Law and Economics of Drug Development Symposium*, Univ. of Michigan Law School, Nov. 7, 2008

**Collectivizing Rights; Privatizing Taxation: The Unarticulated Function of Copyright Collectives**, *Conference on Education, Culture and the Knowledge Economy*, The Institute for the Study of Law, Technology and Culture, Faculty of Law, University of Toronto, Jun. 6, 2008

**Depreciation of Goodwill: Law and Economics Perspective**, *Legal Conceptions of Reputation Colloquium*, The Institute for the Study of Law, Technology and Culture, Faculty of Law, University of Toronto, Apr. 25, 2008.

#### **Pharmaceutical Lemons: Innovation and Regulation in the Drug Industry**

- Seminar on Pharmaceutical Economics and Policy, UCLA School of Public Health, Feb. 7, 2008
- Joint Health Law & Policy and Innovation Law & Theory Workshop, Faculty of Law, University of Toronto, Feb. 1, 2007
- Siena-Toronto Initiative in Law and Economics, Faculty of Law, University of Toronto, May 2, 2006
- 3<sup>rd</sup> Annual Intellectual Property & Communications Law and Policy Scholars Roundtable, Michigan State University College of Law, Jan. 27, 2006
- 2005 Annual Meeting of the Canadian Law & Economics Association, Toronto, Sept. 24, 2005

#### **Substitution and Schumpeterian Effects over the Life Cycle of Copyrighted Works**

- Society for Economic Research on Copyright Issues, Annual Congress, Humboldt University, Berlin, Jul. 13, 2007
- Siena-Toronto-Tel Aviv Initiative in Law and Economics, University of Siena, Jun. 11, 2007
- Joint Intellectual Property and Law & Economics Workshop, Faculty of Law, Hebrew University, Jerusalem, Dec. 25, 2006
- 2006 Intellectual Property Scholars Conference, Boalt Hall School of Law, University of California, Berkeley, Aug. 10, 2006

**Commentator on Massimo D'Antoni and Alessandra Rossi**, *Copyright Licensing and Software Development*, Siena-Toronto-Tel Aviv Initiative in Law and Economics, University of Siena, Jun. 11, 2007.

#### **Copyright Collectives: Good Solution, But For Which Problem?**

- Strategy Workshop, Rotman School of Management, University of Toronto, Mar. 5, 2009
- Working Within the Boundaries of Intellectual Property Conference of the Engelberg Center on Innovation Law and Policy, La Pietra, Italy, Jun. 6, 2007

**Commentator on Jacques Robert**, *"An Evaluation of the Collective Copyright Management in Canada"*, The Competition Bureau Symposium on IP and Competition Law, Ottawa, Mar. 29, 2007

**Search Engines, Copyright and the Limits of Fair Use**, Search Engine Law Conference, Faculty of Law, Haifa University, Dec. 21, 2006

**Commentator on Antonio Nicita et al.**, *"IP and Antitrust Law Complementarity When Property Rights are Incomplete"*, Siena-Toronto Initiative in Law and Economics, Faculty of Law, University of Toronto, May 1, 2006

**Who's Afraid of Compulsory Licensing?**, 7<sup>th</sup> Annual Technology & Intellectual Property Group Conference, Faculty of Law, University of Toronto, Mar. 3, 2006

**Intellectual Property, Antitrust, and the Presumption of Market Power: Making Sense of an Nonsense**

- 4<sup>th</sup> Annual Congress of the Society for Economic Research on Copyright Issues, Montreal QC, Jul. 7, 2005
- 4<sup>th</sup> Annual Meeting of the Israeli Law & Economics Association, Haifa, May 26, 2005
- 15<sup>th</sup> Annual Meeting of the American Law & Economics Association, New York, May 7, 2005
- 2004 Annual Meeting of the Canadian Law & Economics Association, Toronto, September 18, 2004

**Commentator on Kevin E. Davis, "Regulation of Technology Transfer to Developing Countries: The Relevance of Institutional Capacity"**, Globalization Workshop, Faculty of Law, University of Toronto, Oct. 21, 2004

**The Potential Demise of Another Natural Monopoly: The Present and Future of Collective Administration of Copyrights**

- 3<sup>rd</sup> Annual Congress of the Society for Economic Research on Copyright Issues, Turin, July 2004
- 14<sup>th</sup> Annual Meeting of the American Law & Economics Association, Chicago, May 8, 2004
- Intellectual Property and Antitrust Conference, Faculty of Law, Haifa University, May 2, 2004
- 2003 Annual Meeting of the Canadian Law & Economics Association, Toronto, Sept. 2003
- 20<sup>th</sup> Annual Conference of the European Association of Law & Economics, Nancy, September 19, 2003

**Commentator on Eric Brousseau et al., "Safeguards and Governance Mechanisms in Contractual Relations: The Case of Technology Licensing Agreements"**, 20<sup>th</sup> Annual Conference of the European Association of Law & Economics, Nancy, September 19, 2003

**A Network Effects Perspective on Software Piracy**

- 13<sup>th</sup> Annual Meeting of the American Law & Economics Association, Toronto, Sept. 2003
- Annual Meeting of the Canadian Law & Economics Association, Toronto, Sept. 2002

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ORGANIZATION OF ACADEMIC EVENTS

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**The Constitution of Information** (co-organized with Prof. Lisa Austin), University of Toronto, Faculty of Law, May 28-29, 2015

**How Can Canadian Authors Thrive in the Digital Age**, University of Toronto, Robarts Library, May 27, 2015 (an Authors Alliance event, co-organized with Prof. Pamela Samuelson, Berkeley, and Robert Glushko, UofT Copyright and Scholarly Communication Librarian)

**Fair Dealing and Beyond Workshop**, Faculty of Law, University of Toronto, Dec. 5, 2012

**Cloudlaw: Law and Policy in the Cloud**, University of Toronto, Faculty of Law, Oct. 14, 2011

**The Google Book Search Project and Canada**, University of Toronto, Faculty of Law, May 28, 2010

**Innovation Law and Policy Workshop Series**, University of Toronto, Faculty of Law, 2010-2012

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PROFESSIONAL MEMBERSHIPS

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**The Society for Economic Research on Copyright Issues**

**The Law Society of Upper Canada**

**Israeli Bar Association**



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LANGUAGES

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**English**

**Hebrew**