

# VICTOR NABHAN

## Short CV

Victor Nabhan holds LLM law degrees from the University of Lyon, University of Paris, and New York University Law Schools.

### From 1971 until 1999

a) He was a professor of law (tenured) at Laval University, Faculty of Law, in Quebec, Canada. Subjects taught: Intellectual Property (main topic), Contract law, Commercial law, Consumer Protection law.

b) He also was regularly invited as guest professor to different universities in Canada (Montreal and Sherbrooke), France (Montpellier, Nantes, Poitiers, Lyon), Lebanon, Egypt, Morocco, Tunisia, at both LLB and LLM ( master's) levels.

Main Subjects taught: 1) International protection of copyright and related rights, 2) Copyright Comparative law, 3) Collective organisations for the management of Copyright and Related Rights.

c) During this period he also served as consultant to the Quebec Ministries of Culture and Education, especially with regard to the setting up of the first collective organization in Canada operating in the field of photocopying, and prepared research studies on a number of topics,

d) He also acted as a consultant to the Canadian Government : on behalf of both the Ministries of Consumer and Corporate Affairs Department (subsequently named Industry Canada) and Canadian Heritage, he served as coordinator and legal advisor to the Ministry of Justice with respect to the drafting of revisions of the Canadian Copyright Law, and in particular:

- the 1988 revision of the Canadian Copyright Act,
- the implementation of the NAFTA Agreement,
- the implementation of the TRIPS Agreement,
- the 1997 revision (Bill C32)

e) Consultant to UNESCO and ALECSO (Arab League Educational Scientific and Cultural Organisation): co-drafter of the Model Copyright Law, and the Arab Convention on Copyright and Related Rights

f) Member of the editorial boards of the "Cahiers de la Propriété Intellectuelle", the "Intellectual Property journal" and the IIC (International Review of Intellectual Property and Competition Law, published by the Max Planck Institute, until 2012)

g) From 1886 until 1996, Chairman of ALAI, Canadian branch, (Association Littéraire et Artistique Internationale) , and since 1996 International Chairman of ALAI <http://www.alai.org/> .

ALAI, whose first president was Victor Hugo, was created in 1879, and was initially responsible for the drafting and coming into being of the Berne Convention for the Protection of Literary and Artistic works (signed in 1886). It gathers leading specialists, professors, lawyers and judges, from 25 national groups and has the status of an NGO (non-governmental organisation) at WIPO (World International Property Organisation). It organizes every year an international conference dealing with important current issues in Copyright. The last conference was held in October 2012 in Kyoto (Japan) and dealt with "Copyright issues related to the clouds environment technology" (see <http://www.alai.jp>).

### **From February 1999 to January 2005**

Full-time senior consultant to WIPO (World Intellectual Property Organization).

Mains tasks consisted of:

a) providing drafting legal assistance and advice to a number of developing countries regarding the implementation in their national Copyright Laws of different international or bilateral treaties: (- Berne Convention, - Rome Convention -TRIPS Agreement, - WCT (WIPO Copyright Treaty of 1996), - WPPT (WIPO Performers and Phonograms Treaty of 1996, - Free Trade Agreements with the USA).

Countries advised involved, inter alia: Bahrain, Djibouti, Egypt, Jordan, United Arab Emirates (UAE), Lebanon, Mauritania, Qatar, Oman, Saudi Arabia, Sudan, Syria, Tunisia, Yemen.

b) Participating as speaker in I.P. training seminars for professionals (lawyers, judges, university professors, government officials, representatives of business and private sector) as well as in awareness raising seminars designed for the general public. More than 20 countries covered and visited.

c) conceptor and editor of: "Principles of Copyright, Cases and Materials», a comparative trilingual study with the collaboration of prof D. Vaver (Common Law countries), prof P. Sirinelli ( Civil Law system), and prof H. Lotfi ( Arab region) . WIPO Publication, 2002, designed and used for the training of judges, lawyers and university professors in the Arab region.

### **Since 2005**

a) He acts as a free-lance consultant, cooperating with various institutions (WIPO, UNESCO, U.S AID, EPO (European Patent Office), Canadian Heritage Department, Canadian Copyright Board of Canada, etc).

b) He is also Of Counsel to the law firm Kimbrough et Associés, Paris (<http://www.kimbroughlaw.com>).

a) In addition, he is regularly invited as a guest professor in various Universities, like the Ottawa University (Canada), L'Institut des Sciences Politiques in Paris, University of Montpellier (France), St Joseph University (Beirut), Nottingham University (UK), Osgood Law School (York University, Toronto).

Main topics taught: International and Comparative Intellectual Property, Protection of expressions of folklore

d) He is also invited by various universities and institutions to chair conferences or panels or act as a speaker, in the field of intellectual property.

e) since 1996, Chairman of ALAI (Association Littéraire et Artistique Internationale) <http://www.alai.org/> Alai, whose first president was Victor Hugo, was initially responsible for the coming into being of the Berne Convention for the Protection of Literary and Artistic works (signed in 1886). For more details on ALAI, please see above page 2 par. g)

#### Honors:

- a. He has been appointed an Honorary Professor to Nottingham University Law School, UK , in 2007
- b. He has been honored by a book publication, "Mélanges Victor Nabhan", consisting of a number of contributions from IP leading scholars.

#### e) Interests and Hobbies

He is also an artist and his works have been exhibited in Canada and Switzerland.

## MAIN PUBLICATIONS

### Articles

Le droit international privé québécois de la protection du consommateur (1973) Revue du Barreau (avec J. Talpis). **[Private international law aspects of consumer protection in Quebec]**

La photocopie et le droit d'auteur au Canada, (1979) Revue internationale du droit d'auteur **[Photocopying and Copyright law in Canada]**

Problèmes juridiques posés par la vidéoreproduction: l'affaire Betamax et ses répercussions au Canada, (1981) Revue internationale du droit d'auteur. **[Legal problems pertaining to videoreproduction activities: the Betamax case and its ramifications in Canada]**

La publicité et les droits intellectuels, (1981) Revue du Barreau, Travaux de l'Association H. Capitant tome XXXII. **[Advertising and intellectual property law]**

La câblodistribution et le droit d'auteur au Canada, (1982) Revue canadienne du droit d'auteur. **[Cable distribution and copyright law in Canada]**

Reprographie et Éducation, (1982) Revue Canadienne du droit d'auteur. **[Reprography and Education in Canada]**

Les satellites et le droit d'auteur au Canada, (1983) Revue internationale du droit d'auteur. **[Satellites and Copyright law in Canada]**

**The legal status of representations of audio-visual works for teaching purposes, in the light of Canadian Copyright law** Intellectual Property Journal, vol.2 no3 (Le statut des représentations d'oeuvres audio-visuelles pour fins d'enseignement au regard du droit d'auteur, published in Bulletin du droit d'auteur, vol.XXI.

La situation de la reprographie au Canada (1986) Actes du Congrès international de l'A.L.A.I à l'occasion du Centenaire de la Convention de Berne **[Reprography and Copyright law in Canada]**

Les nouveaux moyens de reproduction, papiers, sonores, audio-visuels, with D.Vaver (1986), Travaux de l'Association H. Capitant Tome XXXVII. **[New means of reproduction: audio, visual and by paper]**

Aspects généraux du droit d'auteur, (1987) Cahier de la 7ème Conférence des avocats et notaires de la Fonction Publique, Ministère de la Justice, Gouvernement du Québec. **[General aspects of Copyright Law]**

L'enseignement du droit d'auteur dans les pays de tradition juridique de common law (1988) Colloque international sur l'enseignement de la propriété intellectuelle,

organisé par l'Unesco. Bulletin du droit d'auteur, vol. XXII. [**Teaching copyright in Common Law countries**]

Coup d'oeil sur les modifications à la loi sur le droit d'auteur au Canada, (1989) Revue internationale du droit d'auteur.

**A glance over the amendments to Canada's copyright law**, (1990) Journal of Law and Arts, Columbia University.

Le droit d'auteur face aux nouvelles technologies (avec D.Vaver) (1991) Rapport canadien au Congrès international de droit comparé. [**Copyright and the challenge of new technologies**]

La position du Canada en matière de propriété intellectuelle au regard du Gatt, (1991) Actes des journées d'études de l'A.L.A.I. en Finlande. [**Canada's position concerning intellectual property with respect to Gatt**]

Le droit d'exposition des oeuvres artistiques au Canada (1993) Revue internationale du droit d'auteur. [**The right of exhibition of artistic works in Canadian copyright law**]

Modes non contentieux de résolution des conflits en matière de propriété intellectuelle (1993) Chapitre d'un ouvrage collectif sur Les solutions de rechange en matière de règlements de conflits. [**Alternative means of dispute settlement in intellectual property**]

L'accord de libre-échange nord-américain et sa mise en oeuvre en matière de droit d'auteur (1993) Cahiers de la propriété intellectuelle. [**The North American Free Trade Agreement and its implementation in Canadian Copyright Law**]

La protection des idées en dehors des contrats, (1994) Actes du Congrès international de l'A.L.A.I. tenu à Barcelone. [**The protection of ideas outside the scope of copyright**]

Les droits d'auteur et les droits voisins dans l'accord de libre-échange nord-américain, (1994) Actes de la journée d'études organisée par l'A.L.A.I. Canada. [**Copyright and neighbouring rights in the framework of Nafta**]

Le droit d'auteur et l'ALENA: perspective canadienne (1994) Revue internationale du droit d'auteur. [**Copyright and NAFTA: a canadian perspective**]

The TRIPS Agreement and its impact on Copyright and Related Rights : published by WIPO (1997)

Copyright, Neighboring Rights and the Cultural Industries : published by WIPO (1997)

Étude sur les limitations et exceptions au droit d'auteur sur les activités d'enseignement aux pays arabes, publié par l'OMPI, Oct 2009, [http://www.wipo.int/meetings/fr/doc\\_details.jsp?doc\\_id=130302](http://www.wipo.int/meetings/fr/doc_details.jsp?doc_id=130302)

20 ans de droit d'auteur sur la scène internationale : bilan et perspectives (2010)  
Revue internationale du droit d'auteur, no 225, p.201 **(20 years of Copyright in the international arena : assessment and perspectives)**

La prise en compte par la récente réforme de la loi au Canada des nouveaux usages sur Internet : in « L'effectivité des exceptions au droit d'auteur et aux droits voisins : les usages, la loi, la régulation » Revue Lamy, juin 2013

### **Books and monographs- Livres et Monographies**

Le droit d'auteur dans le monde de l'éducation (avec C.Vincke), (1977) Éditeur Officiel, Québec [ **Copyright issues pertaining to the educational environment**]

**Limitations and Exceptions to copyright in Canadian law** ( with professor D. Magnusson) (1982), Government Publication of Canada.

Droit d'auteur et banques de données dans l'administration publique (1992)  
Publications du Québec. [ **Copyright as applied to data bases in the context of Quebec public administration**].

Editor and coauthor of «Principles of Copyright, Cases and Materials», with the collaboration of D. Vaver, P. Sirinelli, H . Lotfi (2002, WIPO Publication)