

## Richard C. Owens

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### Law Practice

Richard Owens is counsel in the Toronto office of Stikeman Elliott specializing in business and commercial law, intellectual property and technology. He has acted on behalf of many technology companies, financial institutions, and others in technology-intensive transactions, including outsourcing, licensing, mergers and acquisitions, strategic alliances and joint venture, privacy, financing, electronic commerce, public-private partnerships and Internet issues.

Richard has been corporate and IP counsel to i4i Inc. from its inception, and a member of its board. He advised on and helped to draft its XML patent, successfully asserted against Microsoft for an award of an injunction against the distribution of MS Word, and one of the largest damages awards ever in a U.S. software patent case.

### Professional Activities

Richard is past chair of the board of directors of the University of Toronto Innovations Foundation, and a member of the advisory committee to the Office of the Privacy Commissioner of Canada. He is a member of the board of the Center for Innovation Law and Policy at the University of Toronto Faculty of Law, and of the board of the International Journal of Technology Policy and Law. He has also been a long-serving director of the International Technology Law Association, and has led several of its committees.

Richard also teaches courses on the law of information technology and electronic commerce, innovation law and policy, intellectual property, digital content and the interests of the artist, and the law and policy of biotechnology, all at the University of Toronto Faculty of Law, where he also served as the Executive Director of the Centre for Innovation Law and Policy. Richard has written and published widely on the law of information technology, privacy, and the regulation of financial institutions. Richard is recognized by the 2010 PLC Which Lawyer? as recommended in the area of outsourcing law, awarded the highest AV ranks by Martindale-Hubbell, and has been repeatedly recognized as one of Canada's leading technology lawyers including in The Best Lawyers in Canada 2009 in the area of technology law.

### Publications & Conferences

Richard has written and published widely on the law of information technology, privacy, and the regulation of financial institutions. He is completing a book on outsourcing law, is in discussions for a book on biotechnology law and policy, and has several other papers in late stages of preparation. A complete publication list is available, but recent talks and papers include:

- Author, "Avoiding liability for data security breaches," published in *The Lawyers Weekly*, June 4, 2010.
- Speaker, "Legal Issues in Data Security," at Canadian IT Law Association's 10th Annual IT Law Spring Training Program, Law Society of Upper Canada, Toronto, May 27, 2010.
- Speaker, "Open Source Software: Strategies and Pitfalls," at Emerging Trends in Society conference, University of Toronto's Technology and Intellectual Property Group, Toronto, March 3, 2010.
- Speaker, "Bankruptcy & Insolvency of Service Providers and Vendors – Legal Issues and Practical Implications," Great West Life Assurance Company CLE, Winnipeg, December 11, 2009.
- Speaker, "A survey of the legal issues surrounding software" at the Canadian IT Law Association's "IT law for non-lawyers" seminar, October 2009.
- Speaker, "Balancing the Rights of User and Creator in Copyright Law" Canadian Constitution Foundation, Third Annual Conference, October 2009.
- Co-author with Gus Lu, "Canada Law Enforcement Infrastructure for Telecommunications", *Computer Law Review International*, August 2009.
- Author, "A Review of the Civil Society Background Paper Prepared for the OECD", for OECD consideration; completed June 26, 2009.
- Speaker, "Intellectual Property Rights: Innovation and Commercialization in Turbulent Times", Conference Board of Canada, May 29, 2009, Toronto Sheraton Hotel.
- Speaker, "The Politics of Fair Dealing and the Artist", ALAI Canada, Toronto, March 2009.
- "Intellectual Property in Open Source Software", Osgoode Hall, March 2009.
- Participant, Office of the Privacy Commissioner, Canada, "Privacy of Genetic Information" Ottawa, March 2009.
- Chair, "Innovation and Commercializing IP", Canadian Chamber of Commerce IP Forum, Toronto Board of Trade, Toronto, February 2009.
- Speaker, "Rehabilitating the image of Technological Protection Measures", University of Toronto Copyright Symposium, Toronto, January 2009.
- Author, "Human Rights and the Internet: Balance and exercise of fundamental rights online", *Computer Law Review International*, Issue 7, December 2008.
- Conference co-chair, 12th Annual IT. Can Conference, Lord Nelson Hotel, Halifax, Nova Scotia, October 2008.
- Moderator, "Structuring Multi-Jurisdictional IT Contracts: The Price is Right, but are the Headaches Worth it?", 12th Annual IT. Can Conference, Lord Nelson Hotel, Halifax, Nova Scotia, October 2008.
- Co-editor, "Laws of .Com: E-Business, Privacy & Technology Law Journal", online weekly journal published by Laws of .Com Inc, May 2008 and ongoing.
- Author and speaker, "Patent Absurdity – The Tragicomedy of the IP Commons", ITechLaw World Technology Law Conference, Las Vegas, Nevada, April 2008.
- Co-author, "Country Q&A Canada", *PLC Cross-border Outsourcing Handbook*, Practical Law Company, March 2008.
- Speaker, "Outsourced Services Management", *The Canadian Institute Legal and Business Guide to Public Procurement*, Vancouver, January/February 2008.
- Speaker, "Using Intellectual Property Laws Strategically", Managing Innovation Class, Rotman School of Management, University of Toronto, January 2008.
- Co-author, "Outsourcing and Privacy Laws in Canada: Emerging Issues in Regulation of Data Flows, Part 1" (2008) 13:2 *Cyberspace Law*. 16.
- Co-author, "Outsourcing and Privacy Laws in Canada: Emerging Issues in Regulation of Data Flows, Part 2" (2008) 13:1 *Cyberspace Law*. 9.
- Speaker and co-author, "Renegotiating Outsourced Services Contracts: Finding Value and Minimizing Risk Through Disciplined Evaluation and Strategic Choice", Sourcing Interests Group, Toronto, November 2007.

- Co-author, "Privacy Law and Outsourcing in Canada: A Current Overview", *Canadian Privacy Law Review*, Volume 4, Numbers 10-11, July/August 2007.
- Co-author and issue editor, "Symposium: Bringing Science to Life, Part I", *The Journal of Technology Transfer*, Volume 32, No. 3, June 2007.
- Co-speaker, "Renegotiating Outsourced Services Contracts", Sourcing Interests Group, Sourcing 2007 Conference, Tucson, Arizona, May 2007.
- Speaker, "Hate Crime Prosecution and Human Rights", Club Dayan of Na'Amat, Toronto, May 2007.
- Co-author, "Outsourcing: The Law in Key Jurisdictions Worldwide", Canadian Chapter, *PLC Cross-border Handbook*, P. 21, 2006/07, Practical Law Company, March 2007.
- Speaker, "Managing IP in Commerce", Technology Strategy Class, Rotman School of Management, University of Toronto, March 2007.
- Speaker, "Small Inventions, Big Monopolies: Of Life and its (Commercial) Parts", TERI University, Delhi, India, February 2007.
- Co-author, "Chasing the Devil Out of the Details: Negotiating the Right Terms and Conditions in Outsourcing Agreements" - Sourcing Interests Group, Canadian Regional Meeting, Toronto, February 2007.
- Speaker, "IT and IP: How I Learned to Stop Worrying and Love the DRM", International Technology Law Conference, Bangalore, India, February 2007.
- Co-author, "Outsourcing and Privacy Laws in Canada: Emerging Issues in Regulation of Data Flows, Part 1" (2007) 12:11 *Cyberspace Law*. 7.

## **Representative Work**

Richard has acted for:

- The Information and Privacy Commissioner, Ontario regarding "Excessive Background Checks Conducted on Prospective Jurors: A Special Investigation Report", October 2009.
- A microprocessor design and manufacturing company on transactions in which certain microchip design and fabrication businesses were spun off.
- A major hospital network in its acquisitions of multi-vendor systems and services intended to facilitate electronic access to and collection of patient data.
- A financial services provider in the international acquisition and outsourced operation of a major financial markets trading system.
- An intellectual property rights holders organization on intellectual property policy issues.
- Other transactions including the acquisition of exclusive registration rights for a country Internet domain extension, telecommunications and satellite financings and large-scale telecommunications systems and equipment acquisitions, and numerous financial services mergers and acquisitions, including attendant intellectual property and outsourcing arrangements.
- Canadian Imperial Bank of Commerce in certain joint venture and electronic banking initiatives including the creation of INTRIA-HP, a joint venture of CIBC and Hewlett-Packard Company, and the outsourcing CIBC's technology operations to INTRIA Items Inc., a joint venture between CIBC and Fiserv Inc., of Wisconsin, as well as assisting with privacy issues, CIBC's Y2K project, and numerous other information systems acquisition, consulting, and services agreements.
- Major U.S. financial institutions in the negotiation and documentation of Canadian outsourcing and systems development arrangements, as well as cross-border items processing and global privacy compliance.

- British Energy in its acquisition of the Bruce nuclear power generating stations from Ontario Power Generation.
- Hughes Aircraft Company as lead contractor to the Ontario government to supply tolling technology for the Highway 407 toll road north of Toronto, and for the outsourced operation of that technology, and related data processing systems development and outsourcing.
- Norwest Financial Inc./Wells Fargo Corporation in its acquisition of Trans Canada Credit, a national consumer finance company in Canada, and in its acquisition of the Eaton's credit business from Eaton's Department Stores.
- U.S. "Foreign Banks" as a lobbyist on issues of regulatory policy.

## **Education**

University of Toronto (J.D. 1987), McGill University (BA 1980 with high honours).

## **Background**

Prior to joining Stikeman Elliott, Richard carried on his practice with two of Canada's leading law firms.

## **Bar Admission**

Ontario, 1989