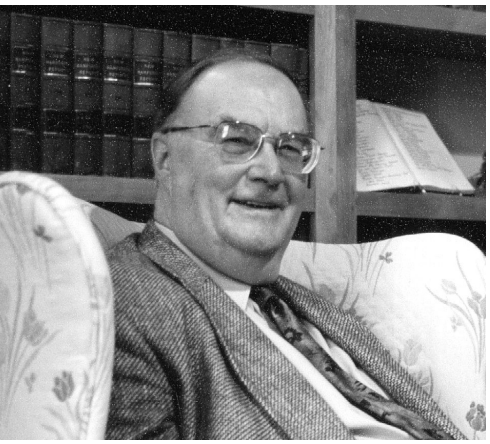
By Jon R. Cavicchi

Professor Bryan Harris Remembered:

"Volez" to a Pierce Law Friend



Bryan Harris, MA (Oxon), passed away recently in his beloved native England, after a brief illness. His wife Mary, two sons and a daughter survive him. Harris had a long and distinguished career as an author, educator, barrister, diplomat, publisher and lobbyist. He was a consultant on European Union policies and laws to commercial and professional firms and associations. For almost three decades, he served as a member of the board of trustees of the law center and adjunct professor of European Union Law. Pierce Law Dean John Hutson summed up what many members of the school community expressed to me as I prepared this tribute saying, "I think of Bryan mostly in single words—jovial, cheerful, humble, dignified, diplomatic, caring."

Harris was a regular patron at the Pierce Law intellectual property library where he diligently scoured professional journals for hours on end. I was privileged over the last year to work with him as liaison to William S. Hein and Company, publisher of Harris's soon-to-be-released treatise, *Intellectual Property Law in the European Union.*

Harris was born on January 15, 1928 in Algeria, holding both British and French citizenship. He grew up in a time that saw great war and change in Europe. He served in the British Army and would have had to serve in the French military had he not given up his French citizenship. He attended Oxford to study history, and later entered the prestigious Lincoln's Inn, one of the four Inns of Court, on scholarship. He studied law but admits that, having presented cases before various tribunals, he had no aspiration to practice as a full-time advocate. He set his goals on teaching, writing and lobbying.

His hard work earned him a reputation as an expert on real property law. He entered the British Civil Service, hoping to join the Ministry of Land and Natural Resources, helping to draft new land laws. Instead, he was assigned to the Department of Economic Affairs. At that time, the European Union (EU) or European Community was developing its governing laws. In the early 1970s, Harris was tapped to join the European Union International Civil Service, and asked to apply his expertise toward intellectual property law not real property.

Harris took on the challenge just as he always did, head on. By 1973, he was appointed the head of the Intellectual Property Division in the Commission of the European Communities in Brussels. He played a key role in creating the laws and processes that the EU would use to govern intellectual property questions. The EU was intended to harmonize the laws of the independent European countries to compete better in the world markets. Harris drafted the European Community Trademark System that has proven to be a great success. It allowed for a single trademark for the entire EC. The system enabled the national trade barriers to be broken down and push the EC in the direction of the original ideals of the Union.

Harris contributed to the development of the copyright system as well. Much of Harris' groundwork in the trademark and copyright systems provided a foundation in the design law and applications in broadcasting and the current IP information super-highway in Europe.

Pierce Law founder, Dr. Robert Rines, first approached Harris in the 1970s to "acquaint the American legal and academic communities with the fact that a common European intellectual property system was going to be a reality and to discuss the plans to divide functions among European countries." Harris represented the Commission in a two-day symposium held at Pierce Law on EU intellectual property law. That visit became an annual event that developed into mini-courses on EU Intellectual Property and Constitutional Development, and led to his position as chair of the Research Committee of the Patent Trademark and Copyright Research Foundation.

Rines describes Harris as "loyal," and says, "He thought a great deal of Pierce Law and its dreams." Harris was appointed to the Pierce Law board of trustees at a time when Rines attempted to have Pierce Law added to the "inner circle of institutions" with a seat at the World Intellectual Property Organization (WIPO). All educational institutions holding WIPO seats had international faculties. Harris became the first international faculty member "to add international flavor to the board of Pierce Law." Harris remained on the board until his death.

Harris worked with Rines on many international ventures to promote Pierce Law as a global IP training center. In addition to his efforts at WIPO, Harris encouraged students and faculty to conduct a joint American Bar Association/British Legal Association convention in London. Harris also worked with Rines on academic exchanges.

Harris remained close to Rines following the transition of the PTC Research Foundation from Pierce Law to the

Academy of Applied Science. Harris acted in the role as diplomat, enabling the elegant transition. He followed his dream of building the *PTC Internet Journal*, which he did until the time of his death.

Kind words have poured forth from everyone in the Pierce Law community. Senior faculty member, Professor Tom Field remembers Harris' first visit to Pierce Law in the 1970s stating, "I recall that as the beginning of a long and cordial relationship. Pierce Law has, indeed, lost a good and important friend."

Professor Karl Jorda states, "Harris was a giant; personable, quiet, modest, kind and gracious." Jorda credits Harris for helping expand the Pierce Law curriculum to cover foreign, international and comparative IP and competition law. In agreement with Rines, Jorda says, "Harris was for some time our man in Europe, helping to build a "special relationship" with WIPO and demonstrating that Pierce Law was more than a national law school."

Professor Bill Hennessey, chair of graduate programs, well appreciates Harris' contribution to the institution and students. He eloquently states, "Professor Bryan Harris was a warm, erudite, and engaged member of the Pierce Law intellectual property faculty community for more than two decades. During the many years of his participation in our academic deliberations and in his teaching, Professor Harris brought wit, humor, and élan to his explanations to our students about the vagaries of international cooperation, and additionally, a good deal of common sense counsel to our institutional direction. We will miss his candor, his kindness, his humanity, and his incapturable "Britishness." Our debt of gratitude to him is immeasurable."

Long-time Professor Ellen Musinsky says, "He was always engaging about just about anything. Always genuinely interested in what I was doing. I think I was most surprised by Bryan's interest and knowledge about family matters. He was most interested and respectful about the subject, and recognized its importance in the general law." This is also echoed by Rines, who concludes, "Harris was a scholar trained in the English tradition as a generalist. He explored the broad spectrum of human knowledge, the classics, science and technology. He was always anxious to learn."

Harris loved to teach, and some of the words he would assuredly find most gratifying come from former students. Student comments speak of Harris deep subject expertise and his great humanity. Aaron Silverstein '04 says, "I thought he was one of the kindest and most receptive professors I've had. He had an incredibly deep knowledge of international IP issues and was always willing to share that knowledge. This is a sad loss for the entire community." Nancy Dolhert '04 sent a note, "Bryan Harris was a wonderful man and one of the nicest professors that I've ever had. He was so charming and very respectful of students. He spoke with a wonderful British accent, ending many sentences with "Indeed!"—his enthusiasm for teaching was contagious! Kirsten Koepsel '03 concurs, "Because of Professor Harris knowledge of the history of the EU and his willingness to pass that on to others, I have a great appreciation of the work that was involved in creating the EU. His classes provided a good overview of what went into the creation, the regulations and directives, and the treaties that the participating countries have to follow. His knowledge was unsurpassed."

The publications of Bryan Harris include:

Publisher and editor, *Competition Law in the European Communities* (Fairford Press, monthly newsletter) and PTC Internet Journal. He was author of *The Law of the European Communities* (Supplement to Halsbury's Laws, Third Edition); *The Common Agricultural Policy* (In Halsbury's Laws, Fourth Edition); *Franchising in the European Community* (Longmans, October 1991); *The Constitutional Law of the European Union* (FPLC, 2002, sixth edition); *Intellectual Property Law in the European Union* (FPLC, 2002, fifth edition). Harris played a major part in drafting the Misleading Advertising Directive, the Trade Mark Directive, the Council Decision on Compulsory Licensing of Patents and the Community Trade Mark Regulation; and initiated the drafting of the Commission's Green Paper on Copyright. He was a frequent contributor to various legal and economic journals.

A fitting way to end this tribute is with a story Harris told to Andrew Gathy '00 for a 1998 faculty profile.

"It was time for the lesson to begin. When I was seated properly, the instructor commanded "volez" (take off). This was no ordinary lesson, of course. I was in the cockpit of a trainer airplane on a runway in Belgium. The plane accelerated down a runway that appeared to grow shorter and shorter, while the poplar trees at the end appeared to grow larger and larger. This was my second lesson, the first of which was only on the theory of flight. I took hold of the controls and applied the theory (out of necessity) just enough to trim the tops of the trees. I feared flying, and took up flying lessons to overcome that fear."

It must be part of Professor Harris' nature to take on the new and unexplored unabashedly. So, the Pierce Law community says goodbye, with thanks and admiration, to a most loyal man who enriched the lives of so many over the decades. "Volez" old friend, with hopes that you take on the new and unexplored unabashedly once again.

Assistant Professor of Research Jon Cavicchi also serves as intellectual property librarian. Andrew D. Gathy '00, with the Sierra Patent Group, contributed to this article.