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PROFESSOR BRYAN HARRIS REMEMBERED: “VOLEZ” TO A PIERCE LAW FRIEND

JON R. CAVICCHI*

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. Bryan 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 was a Member of the Board of Trustees and Adjunct Professor of European Union Law at Pierce Law. Pierce Law President and Dean, John Hutson summed up what many members of the Pierce Law community expressed to me as I prepared this tribute saying, “I think of Bryan mostly in single words...jovial, cheerful, humble, dignified, diplomatic, caring...” Dean Hutson shared that Professor Harris will be recognized during the 2004 Commencement.

Professor Harris was a regular patron at the Pierce Law Intellectual Property Library where he diligently scoured professional journals for hours on end. I always looked forward to seeing his smiling face and our most interesting conversations. I was privileged over the last year to work with him as liaison to William S. Hein and Company publisher of the soon to be released treatise *Intellectual Property Law in the European Union*. It is my privilege to tell a bit of the story of the life and times of this member of the Pierce Law community. Part of this story is direct from the mouth of Professor Harris who was interviewed by Pierce Law alum Andrew D. Gathy for a Faculty Profile that appeared in the Fall 1998 Germeshausen Newsletter. Attorney Gathy graciously agreed to allow parts of his interview to be incorporated into this tribute.

Professor Harris began his story by telling of his birth on January 15, 1928 in Algeria, holding both British and French citizenship. Harris grew up in a time that saw great war and change in Europe. He served in the British Army

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and would have had to serve in the French military had he not given up his French citizenship. He attended Oxford to study History. From there he 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 energy went in the mastery of real property law. 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 1970's Professor Harris was tapped to join the European Union International Civil Service. He was, however, asked to apply his expertise toward intellectual property law not real property.

Professor 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. Professor Harris drafted the European Community Trademark System. His Trademark System has proved 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. Professor 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 superhighway in Europe.

Pierce Law founder Dr. Robert Rines was recently interviewed. He holds the early history of Pierce Law in his head and was friendly with Bryan Harris for almost three decades. His memoirs are forthcoming. 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 at Pierce Law on EU Law in Intellectual Property. That visit became an annual event that developed into mini-courses on EU Intellectual Property and Constitutional Development and led to his position as Chairman of the Research Committee of the Patent Trademark and Copyright Research Foundation.

Rines has many stories to tell about Harris who he says was “loyal and 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 would become the first international Faculty member “to add international flavor to Board of Law Center.” Harris stayed on Board until his death.

Harris met the challenge working with Rines on many international ventures to promote Pierce Law as a global IP training center. In addition to efforts at WIPO, Harris brought Pierce Law students and Faculty to conduct a joint American Bar Association/British Legal Association convention in London. Harris also worked with Rines looking for academic exchanges. They met with the Faculty at Oxford to arrange a conference on the concepts of mediation. The Oxford Law Faculty found the idea of teaching mediation “avant guard.”

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 his 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. Harris was in discussions with WIPO to expand the Journal he had built.

Rines told some personal stories, mostly about restaurant adventures. Harris and Rines loved to dine out and discuss all types of subjects. Rines organized an annual get together dinner party at the Carlton in London shortly before Harris’ death. That was to be the last diner they were to share. Rines recalled one memorable and amusing meal. Harris took Rines and his late wife Carol to an up scale “epicurean club” in Brussels for lunch. Harris insisted they order a house specialty, pigeon aged in a wine sauce. The cooked birds had a strong odor the Rines couple could not tolerate. To the surprise of all, Harris devoured all three pigeons in one sitting—“Harris loved to eat.” Harris dined many times at Rines’ cottage in Loch Ness where they shared many philosophical debates over the Loch Ness monster.

Nothing but kind words has poured in from the Pierce Law community. Senior IP Faculty member Tom Field recalls 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.” Pierce Law global ambassador Professor Karl Jorda stated that “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. Jorda, agreeing with Rines, stated, “Harris was for some time our man in Europe helping to build a “special relationship”

with WIPO demonstrating that Pierce Law was more than a national law school.” On a personal note, Jorda recalls that Harris knew of him as a beekeeper and subsequently presented him with a bottle of Mead, which is a honey wine with origins obscured in the mists of time. Mead is considered by many to be the first alcoholic beverage created, predating both grape wine and beer. It was mentioned in Beowulf and known to the Greeks and Romans. Jorda “savored this thoughtful gift on many occasions.”

Graduate Programs Director Professor Bill Hennessey has been foundational in building the Pierce Law global base of IP alumni and allies. He well appreciates Harris’ contribution to the institution and students. He eloquently concluded “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 at the Law Center, Professor Harris brought wit, humor, and élan to his explanations to our Pierce Law 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.”

Professor Harris was an admired colleague of more than just the IP Faculty. Longtime Professor Ellen Musinsky stated, “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 was also echoed by Rines who concluded “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 sent email stating, “I thought he was one of the kindest and 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 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! He invited the class out for a beer with him after the last class of the semester, his treat. I remember wishing more professors treated the students with such kindness. He will truly be missed, indeed!” Kirsten Koepsel concurred with Aaron and Nancy adding, “Because of Professor Harris’ knowledge of the history of the EU and

his willingness to pass that onto 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. In the classroom, he always had antidotes about the historical activities and happenings of the EU and enjoyed passing them onto students.” So many students expressed loss for the community and that he will be greatly missed.

Rines also expressed admiration for Harris’ devotion to his students. Many times over the years, Rines publicly acknowledged the care with which Harris read student submissions, commenting with care and always picking up and stressing the positive. Rines stated “Harris gave priority to his students, often declining diner invitations to grade papers and exams.”

A fitting way to end this tribute is with a story Harris told Gathy for the 1998 Faculty Profile. It was time for the lesson to begin, Bryan Harris was seated properly, the instructor commanded “volez” (take off). This was no ordinary lesson, of course. Bryan was in the cockpit of a trainer airplane on a runway in Belgium. The plane accelerated down the runway, which appeared to grow shorter and shorter while the poplar trees at the end appeared to grow larger and larger. This was Bryan's second lesson, the first of which was only on the theory of flight. He took hold of the controls and applied the theory (out of necessity) just enough to trim the tops of the trees. “He feared flying. He 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.

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.