



Michal Jaworski

Partner

Higher Learning
Charities & Not-For-Profits Law
Commercial Real Estate Law
Intellectual Property

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Profile

Michal is a trusted, strategic advisor. He appreciates that only by understanding his clients can one truly help achieve their goals.

Michal is client-centered because he's been in our clients' shoes. He was an in-house counsel for almost six years at UBC. He knows the value of responsiveness and efficiency and providing clear, actionable advice on time and on budget. As a Partner at Clark Wilson, Michal is able to draw on the expertise of the firm's cross-disciplinary teams to connect clients with the people, resources and solutions they need to succeed. This results in unparalleled post-secondary community knowledge coupled with top-tier legal advice.

Work Highlights

Copyright

- > Provided advice on the interpretation of the Copyright Act in classrooms, research labs, and libraries across Canada.
- > Worked extensively with national and institutional counsel on the development of copyright-aware policies and procedures.

- > Coordinated a series of working groups with counsel and copyright officers from across Canada to research and draft policy positions on Copyright Act reform.

Contracts

- > Drafted and negotiated various contracts between institutions regarding research, student placements, and the delivery of education.
- > Drafted and negotiated various contracts between institutions and commercial entities for a range of services, partnerships, and collaborations.

Governance and Regulatory

- > Provided advice on the interpretation of various provisions of the University Act and the College and Institute Act.
- > Worked with the Ministry of Advanced Education, Skills and Training and the Attorney General to secure ministerial orders for various specific disposals of land, and unique arrangements to facilitate large scale development of the university's lands.
- > Led the review and development of major institutional policies, such as conflict of interest, intellectual property, and capital projects.

Additional work highlights below

Michal's ties to the post-secondary community in BC, as well as in the rest of Canada, provide him context and perspectives on best practices and trends, coming from both institutions and Provincial regulators. As a sought-after authority in his field, Michal leads industry initiatives. When there are new developments in the law, he is frequently one of the first to share his insights and one of the few who offers their time, expertise and strategic network to bring the higher learning community together and find an effective way forward.

Michal is passionate about finding collaborative and economical solutions. He proactively seeks out opportunities for groups of institutions to engage in joint projects that share the costs and benefits of legal services.

Services

- > Negotiating large, multi-faceted projects including IT outsourcing and long-term partnerships
- > Advising on Board governance including policy development and advice regarding bicameral governance
- > Drafting and negotiating various commercial agreements
- > Intellectual Property, including Copyright advisory services and policy drafting
- > Public sector procurement
- > Real estate development, licensing and leasing
- > Privacy, including policies, contract and compliance issues

Michal has developed many strong relationships through his deep commitment to advancing the higher learning sector. He is a member (and past Chair) of the Langara College Board, and serves on the Board of Great Northern Way Campus Ltd. (trustee of the Great Northern Way Campus Trust and home of the Centre for Digital Media). Michal is also a past President of the Canadian Association of University Solicitors.

These experiences have provided him with an appreciation for the challenges faced by boards, executives, faculty and staff, and how to best advise them.

Unafraid to embark into uncharted terrain with clients, Michal is passionate about presenting legal advice in a way that's easily understood and put into action. He sifts through the "legalese", learning the background and context so as to help his clients find creative solutions and hidden opportunities.

Credentials

Awards & Distinctions

- > Best Lawyers in Canada, Technology Law, 2020-2022, Commercial Leasing Law, 2023-2024

Industry Involvement

- > Past President, Canadian Association of University Solicitors
- > Member, Canadian Bar Association
- > Member, Law Society of British Columbia
- > Adjunct Professor, Topics in Corporate Law, Allard School of Law, University of British Columbia (2010 - 2016)
- > Adjunct Professor, Land Law, Sauder School of Business, University of British Columbia (2015 - 2016)

Community Commitments

- > Member (past Chair) of the Board of Governors, Langara College
- > Member of Board of Directors, Great Northern Way Campus Ltd.

Presentations

- > Canadian Association of University Solicitors. Topic: Then was the winter of our discontent; Annual Copyright Act Review (May 2019)
- > Canadian Association of University Solicitors. Topic: Business Trusts: To be, or not to be / To buzz, or to buzz-kill (May 2019)
- > Fair Dealing Week, Balancing the scales: The role of fair dealing in Canada. Moderating a panel entitled: The faces of fair dealing: A conversation about user rights in Canada (February 2019)
- > Canadian Association of University Solicitors. Topic: Copyright, The Year in Review (September 2018)
- > ABC Copyright Annual Conference. Topic: Digital Content Licensing (April 2017)
- > ABC Copyright Annual Conference. Topic: Copyright Act in Review (April 2016)
- > BCNet Annual User Conference. Topic: Copyright Modernization Act's Notice and Notice Regime (April 2015)
- > Canadian Association of University Solicitors. Topic: Copyright and Donations of Cultural Property (September 2015)
- > Canadian Association of Research Libraries. Topic: Copyright law, the next three years (October 2015)

- > Author, "Top 10 legal issues that new-to-Canada academics need to know", University Affairs (August 2023)
- > Author, "Ghosts, gifts, honours and demands", University Affairs (January 2023)
- > Author, "Canadian Public Domain Day Postponed 20 Years. In the Meantime...Public Domain Awareness and Advocacy Day!", Clark Wilson Higher Learning Newsletter (December, 2022)
- > Author, "Copyright advocacy and reform update in 2022", University Affairs (October 2022)
- > Author, "Making Sense of the Copyright Act's Making Available Right", Clark Wilson Website (August 2022)
- > Author, "The Other Side of the Teeter Totter-Copyright Advocacy and Reform in 2022", Clark Wilson Higher Learning Newsletter (June 2022)
- > Author, "Enforcing Copyright, Protecting Students: University of Toronto v. Easy EDU", Clark Wilson Higher Learning Newsletter (May 2022)
- > Author, "Can Sharing a Hyperlink be Considered Copyright Infringement? Still TBD.", Clark Wilson Higher Learning Newsletter (March 2022)
- > Co-author, "The Three Legs of the Work Integrated Learning Stool", Clark Wilson Higher Learning Newsletter (March 2022)
- > Author, "Access Copyright and the Education Sector - Background, Context and What's Next", Clark Wilson Higher Learning Newsletter (November 2021)
- > Co-author, "Sword of Damocles Removed: Supreme Court of Canada Releases Copyright Decision Regarding Application of Tariffs and Fair Dealing", Clark Wilson Higher Learning Newsletter (July 2021)
- > Co-author, "The Conundrum at the Heart of Public Domain Day", Clark Wilson Higher Learning Newsletter (February 2021)
- > Co-author, "West Vancouver (District) v British Columbia (Attorney General), 2020 BCSC 966", Clark Wilson Website (July 2020)
- > Co-author, "Authorize This! Seeking Copyright Permission 25 Years After an Author's Death", Clark Wilson Higher Learning Newsletter (May 2020)
- > Co-author, "Post-Graduate Work Permit Rules Relaxed to Allow for Online Learning Outside Canada...Conditions Apply", Clark Wilson Higher Learning Newsletter (May 2020)
- > Co-author, "Access Copyright v. York - The Next Chapter", Clark Wilson Higher Learning Newsletter (April 2020)
- > Co-author, "Federal Government Steps Up to Support Canadian Students in Various Ways", Clark Wilson Higher Learning Newsletter (April 2020)
- > Co-author, "Trustworthy: A Primer on Post-Secondary Business Structures. Part 2 - Choosing Your Vehicle", Clark Wilson Higher Learning Newsletter (February 2020)
- > Author, "The Art of Not Mixing Personal and Professional: In-house Counsel and the Request for Legal Advice", Clark Wilson Website (July 2019)
- > Author, "Report From the Annual Conference of the National Association of College and Universities Attorneys ("NACUA")", Clark Wilson Higher Learning Newsletter (July 2019)
- > Co-author, "Trustworthy: A Primer on Post-Secondary Business Structures. Part 1 - The Wheelhouse Issue", Clark Wilson Higher Learning Newsletter (May 2019)

- > Co-author, "Did you notice? When a notice is not a notice under the Notice and Notice regime.", Clark Wilson Higher Learning Newsletter (January 2019)
- > Co-author, "Trademark Demand Letters - Avoiding Unforced Errors In The Age of Social Media", Clark Wilson Higher Learning Newsletter (January 2019)
- > Author, "Copyright in Teaching Materials", BarTalk Magazine - CBABC (December 2018)
- > Co-author, "Legislative Update - Trick or Treat?", Clark Wilson Higher Learning Newsletter (November 2018)
- > Co-author, "Trademarks… Prohibited Marks… Official Marks? What? Which? Why?", Clark Wilson Higher Learning Newsletter (October 2018)
- > Co-author, "FIPPA and Cloud Services - Compliance from Procurement to Go-Live", Clark Wilson Higher Learning Newsletter (October 2018)
- > Co-author, "The information and rights for unions under the Labour Relations Code", Clark Wilson Higher Learning Newsletter (October 2018)
- > Co-author, "Prohibited Marks and Universities: Are You Taking Full Advantage of Your Rights under the Trademarks Act?", Clark Wilson Higher Learning Newsletter (October 2018)
- > Co-author, "A (re)introduction to FIPPA and how your familiarity with private sector privacy laws will only take you so far (alas, not far enough).", Clark Wilson Higher Learning Newsletter (October 2018)
- > Co-author, "Final Certificate of Payment - Final No More", Clark Wilson Construction Law Bulletin (June 2014)
- > Contributing author, CLE Annotated Commercial Lease, chapter on Surrender and Modification, Continuing Legal Education Society of British Columbia, (2012 Edition)
- > Clark Wilson campus counsel, "Do on-campus barber shops, mini-marts and travel agencies qualify as university purposes?" (August 2010)
- > CLE Annual Review, Construction Law section, Bidding and Tendering (2007, 2008, 2009 Editions)
- > Author, "The Emerging Climate Consciousness - Public Company Disclosure and Beyond", Slaw Magazine (June 2009)
- > Author, "Post-Tender Resubmission: The Duty to Carry Subcontractors", Clark Wilson Construction Law Bulletin (October 2008)
- > Author, "Bare Bones" Privilege Clause Not Enough, Clark Wilson Construction Law Bulletin (July 2008)
- > Author, "Unlimited Liability Companies Soon to be Available in BC", Clark Wilson Business Matters (October 2007)
- > Author, "Is it an RFP or a Call for Tenders?", Clark Wilson Construction Law Matters (July 2006)

Additional Work Highlights

Real Estate

- > Worked with several institutions to consider and implement corporate structures to facilitate the development of excess campus lands.

- > Worked with several institutions on land licensing, leasing, and purchase and sale transactions.
- > Worked extensively with UBC Campus and Community Planning, the UBC executive and UBC Properties Trust on governance, land development and regulation, and strategic initiatives regarding on-campus housing.

Procurement

- > Advised on procurement laws, policies, and practices.
- > Drafted various forms of procurement solicitation documents, in a variety of contexts including construction and services.

IT Transactions

- > Managed and negotiated complex long-term relationships with various international IT providers such as Workday, Salesforce, Oracle, and Canvas.
- > Provided advice on compliance with the Freedom of Information and Protection of Privacy Act in the context of institutional IT infrastructure.