

# ANDREI MINCOV

300 - 1055 W. HASTINGS ST., VANCOUVER, BC, V6E 2E9, (778) 869-7281, ANDREI@MINCOVLAW.COM

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## HIGHLIGHTS:

Copyright and trademarks lawyer with over 15 years of international experience.

Founder of Mincov Law Corporation, a business law firm with a focus on intellectual property.

## EXPERIENCE:

Aug. 2011–  
Present

### **Owner, Lawyer**

Mincov Law Corporation, *Vancouver, BC*

Founded the law firm to provide practical, commercially realistic litigation and solicitor services to individuals and organizations on various aspects of copyright, trademarks, know-how and other general non-patent intellectual property.

Jun. 2010 –  
Aug. 2011

### **Articled Student**

Robert Fleming Lawyers, *Vancouver, BC*

Conducted research and written memoranda on a myriad of topics including damages for fraud; statutory damages for copyright infringement; retrospective application of the *Teaching Profession Act*; meaning of “preferable procedure” in class proceedings; enforceability of jurisdiction-selection clause in contracts; doctrine of common employer in context of sale of business; and tort of intentional interference with economic relations;

Drafted a memorandum of argument for a Federal Court case; various applications to the Small Claims Court and the Supreme Court; petition for judicial review of unlawful expulsion of a member from a society; response to a *forum non conveniens* application in the Supreme Court; several demand letters; and numerous affidavits;

Appeared and spoken to a number of applications in the Supreme Court and the Small Claims Court; successfully assisted parties to settle a claim during a trial settlement conference in the Small Claims Court.

Oct. 2003 –  
Jan. 2008

### **Associate**

Baker & McKenzie (International Law Firm), *Moscow, Russia*

(remotely  
since July  
2007)

Drafted, reviewed and localized numerous agreements, including software license agreements for major multinational companies and a complete set of agreements for major Russian and international film studios;

Advised Russian and international clients on Russian copyright law, domain name regulations, and general intellectual property issues;

Successfully litigated many copyright and domain name cases, including a precedent-setting domain name case for a major international manufacturer of health and beauty products;

Participated in several full-scale anti-counterfeiting campaigns for a number of international hi-tech, apparel and sportswear companies, including successful representation of clients in police raids, civil, administrative and criminal cases.

Nov. 1998 –  
Oct. 2003

### **Copyright Lawyer**

Russian Cinema Union, *Moscow, Russia*

Feb. 1997 –  
Oct. 1998

### **CEO, Copyright Lawyer**

RDM Music Publishing, *Moscow, Russia*

Jan. 1994 – **Paralegal / Copyright Lawyer**  
Feb. 1997 RDM, Co. Ltd., Moscow, Russia

## EDUCATION:

2007 – 2010 **Juris Doctor (J.D.)**  
University of Victoria, Faculty of Law

*Ranked 1st* in four courses and among the top 10 in the remaining courses, with an 83.6 percent average as a third year *UBC* exchange student.

Wrote major paper nominated for David Roberts Prize in Legal Writing under supervision of Professor Robert G. Howell: "A Comparative Analysis of the Treatment of Parody in Copyright Laws of Common Law Countries and Selected European Countries".

1997 – 2000 **PhD in Law**  
Moscow State University of International Relations (MGIMO), Russia

Successfully defended dissertation "Current Problems of International Intellectual Property Law and the World Organization of Intellectual Property".

1992 – 1997 **Master's Degree in Law**  
Moscow State University of International Relations (MGIMO), Russia

Completed a 5-year law education program with an emphasis on International Law at Russia's top university. Studied three foreign languages: English, German, and Afrikaans.

## SELECTED ACHIEVEMENTS:

1997 – 2012 Provided legal services to the satisfaction of dozens of internationally renowned clients in a wide variety of industries and matters.

See list of former clients and representative matters enclosed.

2002 First ever to win a dispute over a .COM domain name in the WIPO Arbitration and Mediation Center for a Russian-based plaintiff (*KOMMERSANT.COM, D2002-0531*);

1998 – 2012 Author of two books: "Domain Name Dispute Resolution under UDRP" (2004) and "International Protection of Intellectual Property" (2001); and over 40 articles on copyright and intellectual property.

See list of publications enclosed.

## VOLUNTEERING / MEMBERSHIP / AFFILIATIONS:

since 2012 Registered Canadian Trade-Mark Agent;

since 2011 Fellow, Canadian Constitution Foundation;

Aug. 2011 Called to the Bar of British Columbia;

Feb. 2010 Volunteer, Canada's Olympic Broadcast Media Consortium Team, Media Monitoring Project;

2009 – 2010 Volunteer, Artists Legal Outreach, Alliance for Arts and Culture;

since 2008 Member, Canadian Bar Association (enrolled in *Civil Litigation, Entertainment Law* and *Intellectual Property* sections);

*since 2002* Member, Russian Chamber of Commerce Intellectual Property Committee;

*since 2000* Member, UNESCO Chair on Copyright and other Intellectual Property Rights.

### LANGUAGES:

Fluent in written and spoken English; native Russian; some knowledge of German, French and Afrikaans.

### INTERESTS:

Homeschooling my older daughter;

Composing and recording music;

Designing websites (have sound knowledge of HTML, PHP and Javascript);

Computers and gadgets;

Watching Formula 1 Racing.

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## FORMER CLIENTS:

Andrei Mincov has provided legal services to the satisfaction of dozens of internationally renowned clients in a wide variety of industries.

Due to confidentiality concerns, most of them cannot be listed on this page.

### **Software Companies**

Apple Computer, Inc.

Microsoft Corporation

Sun Microsystems, Inc.

### **Computer Hardware & Electronics Companies**

Dell Inc.

Motorola, Inc.,

Sony

### **Apparel & Sportswear Companies**

Columbia Sportswear Company

VF Corporation (Wrangler & Lee jeans)

### **Perfumery, Skincare and Luxury Products Manufacturers**

Amway Corporation

L'Oreal S.A.

Mary Kay, Inc.

### **Automotive & Construction Equipment Manufacturers**

Denso Corporation

Ford Motor Company (Russian subsidiary)

Porsche AG

### **Financial & Consulting Services Providers**

Accenture plc

## **Publishing and Entertainment Industry**

De Agostini S.p.A.

Dreamworks

J.K. Rowling (re: unauthorized translations of Harry Potter books)

## **Misc. Other Clients**

3M Company

Diageo Brands B.V.

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## LIST OF REPRESENTATIVE MATTERS:

Below are some of the representative matters and projects that Andrei Mincov has been involved in:

### **Copyright Litigation & Settlements**

- Successfully litigated a copyright infringement case involving unauthorized use of my father's music in a radio advertisement campaign in a Moscow District Court, the Moscow Court of Appeal and the Supreme Court of Russia;
- Successfully litigated a copyright infringement case where music by several authors was reproduced without authorization on a luxury CD collection;
- Successfully litigated in a Moscow District Court and the Moscow Court of Appeal a copyright infringement case involving unauthorized printing by a major Russian accounting magazine of my client's article under a fictitious name.
- Successfully prevented a producer of a motion picture from releasing the film when the producer fired the director in the middle of the project and insisted on the producer's right to use the old director's creative input;
- Successfully litigated a copyright infringement case for a documentary film company whose materials were used to create a derivative work, leading to a substantial monetary award and confiscation and destruction of all counterfeit copies of the infringing work;
- Successfully settled numerous cases when my father's music was used without authorization by performing artists in their live performances or on recorded media, and successfully litigated a copyright infringement case involving unauthorized recording of a song by a performing artist and subsequent broadcasts of videos thereof by two Russian TV channels;
- Successfully defended the director of a famous Russian cartoon against the heirs of the author of the underlying literary works, both in the Court of Appeal and the Supreme Court of Russia;
- Successfully settled a case between an independent book publisher and a translator;
- Assisted parties reach a settlement to a protracted and destructive dispute involving the use of an unpublished TV series where one party owned exclusive copyright to the series, while the opposite party owned the only set of film materials;
- Drafted a settlement agreement between a Russian programmer and a major international software and computer hardware company with respect to the ownership of copyright to video surveillance and face recognition software;
- Successfully caused counterfeit Russian translations of several Harry Potter books to be removed from multiple websites;
- Successfully caused an unauthorized hardware compatibility patch for a major operating system to be urgently removed from a popular website;
- Obtained a satisfactory settlements in cases involving infringement of moral rights and unauthorized use of modified fragments of my father's music by several Russian federal TV broadcasters;
- Successfully caused unauthorized copies of Syddha Yoga books to be removed from circulation;

- Caused a Russian software developer to cease unauthorized use a trademark of a multinational conglomerate corporation in the description of its software;
- Compelled a Russian website to remove user-posted scans of copyright-protected embroidery designs;

### **Copyright Licensing**

- Drafted a set of agreements for the production of a motion picture and a TV series based on Alexander Soljenitsyne's novel;
- Drafted countless license agreements for the use of my father's music by performing artists, in TV shows, movies, theater performances, as part advertisement, on albums and compilations, as MP3s and ringtones;
- Drafted an access and use agreement for an actor database company;
- Drafted terms and conditions for several websites;
- Drafted a set of template agreements between a music production company and performing artists;
- Drafted a complete set of template agreements for a movie production company;
- Drafted a complete set of template agreements for an independent book publisher;
- Drafted a template agreement with a graphic artist for a recording company;
- Drafted an agreement with a screen writer for one of the most prominent Russian film directors;
- Drafted an agreement between a film production studio and a candidate for the Russian presidency;
- Drafted a complete set of copyright agreements for a music publishing company;
- Drafted a complete set of agreements designed to protect the idea for a TV lottery project created by a group of individuals;
- Drafted an agreement for a major international online gambling project;
- Drafted a set of dubbing agreements between a major American film studio and a Russian studio and actors;
- Drafted a software development and outsourcing agreement for an American software company on the verge of being acquired by a multinational computer technology giant;
- Drafted an agreement between a major international electronics manufacturer and a Russian branch of a major international advertising agency;
- Drafted a complete set of agreements for two new episodes of a famous Russian cartoon series resurrected after a break of almost 20 years;
- Drafted intellectual property sections of numerous employment agreements for various clients;
- Localized end-user license agreements for several major international software, electronics and music publishing giants;
- Drafted a localized software license agreement for a major international healthcare company;
- Drafted a localized software license agreement for a major international medical research company;
- Drafted a data collection agreement for a major international healthcare company;
- Reviewed a localized marketing agency agreement for a major broadcasting corporation;
- Reviewed intellectual property sections of numerous due diligence reports;
- Drafted a license agreement between a major software developer and the Russian Ministry of Education;

- Revised a localized master services agreement for a major communications company;
- Revised a localized software license agreement for a major international hotels network;
- Revised a localized software clickwrap license agreement for an international software giant;
- Revised a license agreement between a major investment banking and securities firm and the Moscow Interbank Currency Exchange;
- Drafted a software license agreement for a Russian subsidiary of a major international automobile manufacturer;

### **Trademark & Domain Name Litigation and Enforcement**

- First ever to win a dispute over a .COM domain name in the WIPO Arbitration and Mediation Center for a Russian-based plaintiff (KOMMERSANT.COM, D2002-0531);
- Settled a cybersquatting case for a multinational software giant;
- Compelled a cybersquatter to transfer a domain name confusingly similar with a trademark of a major international manufacturer of health and beauty products;
- Compelled a cybersquatter to transfer a domain name confusingly similar with a trademark of a major computer manufacturer;
- Successfully represented a major Japanese auto parts manufacturer in a domain name dispute in Saint-Petersburg Arbitrazh (State Commercial) Court after a cybersquatter appealed a UDRP transfer decision;
- Represented a major international jeans manufacturer in several police raids leading to criminal convictions for the counterfeiters;
- Successfully represented a famous perfume manufacturer in a police raid leading to a criminal conviction for the counterfeiters;
- Successfully caused a trademark of a software giant to be removed from a computer club's outdoor signage;
- Successfully litigated a precedent-setting domain name case for a major international manufacturer of health and beauty products;
- Successfully caused a counterfeiter to cease sales of infringing phone accessories;
- Successfully caused a registrant to transfer a confusingly similar domain name to a major printers manufacturer;
- Successfully litigated and settled a domain name dispute for a major computers manufacturer;
- Caused a website to change its logo that was confusingly similar with a registered trademark of a major communications company;
- Successfully represented a famous sportswear manufacturer in several police raids leading to confiscation of thousands of counterfeit goods;
- Successfully represented a famous sportswear manufacturer in administrative proceedings following confiscation by the customs of several thousands of counterfeit goods;
- Successfully represented a major manufacturer of cell phones in administrative proceedings initiated by the customs following confiscation of a shipment of counterfeit phones, parts and accessories;
- Compelled a cybersquatter to transfer a domain name confusingly similar with a trademark of a major international manufacturer of skin care products;
- Compelled a former licensee to take down all content from a website with an URL confusingly similar to a registered trademark of a German banking hardware and software manufacturer;



- Compelled a fan club of a famous sports car manufacturer to take down infringing content from its website;
- Assisted client in shutting down an operation involving sale of cartridges bearing the client's trademark and refilled without authorization;

### **Trademark Prosecution and Licensing**

- Consulted a major international courier delivery company with respect to obtaining a famous trademark status;
- Drafted a trademark license agreement for a major international perfume manufacturer;
- Drafted a trademark assignment agreement for a major international human resources company;
- Drafted a trademark coexistence agreement for a major vitamins manufacturer;

### **Other Miscellaneous Projects**

- Drafted a franchise agreement for a major Russian oil company;
- Drafted several know-how licensing agreements for a biotech company;
- Drafted several legislative proposals in the field of Russian audiovisual industry, including a proposal regarding a unified system of cinema ticket sales monitoring;
- Drafted a non-disclosure agreement for an outdoor advertising business going through a major restructuring;
- Drafted a confidentiality agreement for a major healthcare products company;
- Reviewed legislative requirements and regulations in respect of production, use and distribution of digital maps and satellite photos for a major multinational internet software corporation;
- Drafted an agreement between an international electronics manufacturer and a Russian training center relating to organization of training for the company's Russian partners as well as for the users of the company's products;
- Caused a Russian confectionery manufacturer to refrain from using an image of the celebrity founder of a skin care products manufacturer;
- Revised and localized an advertising agency agreement for a major international publishing house;
- Successfully caused a Russian ISP to urgently remove an account used to phish confidential data from clients of a major Italian bank.

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## LIST OF PUBLICATIONS:

Below is a list of books and publications by Andrei Mincov:

- **Free? Democratic? Society?**, Canadian Constitution Foundation (2012)
- **Public Art: Monuments to Human Devolution**, Troy Media (2011)
- **In Support of the Abolition of Laws Prohibiting Private Discrimination**, Troy Media (2011)
- **Advertising on Google with your competitor's brand**, with Robert Fleming (2011)
- **Modernization of the Inconceivable**, Mincov.Com (2010)
- **Failed Business Models of the Past, Eh?**, Mincov.Com (2010)
- **Copyright and the Great Socialist Degradation**, The Lawyers Weekly (2010)
- **Why Courts Should Not Allow the Parody Exception to Make a Parody of the Copyright Law**, Mincov.Com (2009)
- **Section of the Civil Code as a Weapon of Mass Destruction**, Intellectual Property - Copyright (2009) [in Russian]
- **Preexisting Domain Names as a Hindrance to Trademark Registration under Part IV of the Russian Civil Code**, with Eugene Arievidh and Denis Khabarov, CIPR White Paper (2007)
- **Bona Fide Trademark Owners and Applicants Do Not Require Hurdles**, with Eugene Arievidh and Denis Khabarov, Patents and Licenses (2007) [in Russian]
- **An In-Depth Look at Russian IP and Domain Name Law**, DomainesInfo.Fr (2006)
- **Domain Name Resolution under UDRP, Book**: WoltersKluwer (2004) [in Russian]
- **Is It Possible to Radically Change Copyright Enforcement Practices in Russia?**, Intellectual Property - Copyright (2003) [in Russian]
- **Copyright and Advertisement**, Intellectual Property - Copyright (2002) [in Russian]
- **...and Now, Domain Names**, Business People (2002) [in Russian]
- **Ten Tips for Creating a Bad Business Agreement [Adapted Translation into Russian]**, Business People (2002) [in Russian]
- **International Protection of Intellectual Property, Book**: Piter Publishing House (2001) [in Russian]
- **Who Needs Intellectual Property in the 21st Century?**, Business People (2001) [in Russian]
- **Real Protection of a Virtual Author**, The Money (2001) [in Russian]
- **Intellectual Property in the Digital Age**, International Law (2001) [in Russian]
- **About Wishful Thinking and Grammar**, SK News (2000) [in Russian]

- **Solution Found?**, Intellectual Property - Copyright (2000) [in Russian]
- **Contract, It Says So Much...**, Intellectual Property - Copyright (2000) [in Russian]
- **Q.E.D.**, SK News (2000) [in Russian]
- **Eiramjan v. Rusin: Contract Drafting is Horrendous**, SK News (2000) [in Russian]
- **Russian Parliament Having a Blast**, SK News (1999) [in Russian]
- **Uniform Cinema Tickets Sales System**, SK News (1999) [in Russian]
- **Agreement or a Time-Bomb?**, SK News (1999) [in Russian]
- **Render It Void**, SK News (1999) [in Russian]
- **The Law Must Be Impeccable**, SK News (1999) [in Russian]
- **What Needs to be Done to get Regulation No. 524 Working**, SK News (1999) [in Russian]
- **Who Owns Our Rights?**, SK News (1998) [in Russian]