

# 2021 SUMMER COURSES IN INTELLECTUAL PROPERTY

**JULY 12-28, 2021**

REMOTE INSTRUCTION  
ATTEND FROM ANYWHERE



[McGill.ca/IntellectualProperty](https://mcgill.ca/IntellectualProperty)



Intellectual Property Institute of Canada  
Institut de la propriété intellectuelle du Canada



**McGill**

School of  
Continuing Studies

# Understanding Trademarks

An Introductory Course: Monday, July 12 to Friday, July 16, 2021

Module 1 (2 days) Basics of Canadian Trademark Prosecution (July 12 - 13)

Module 2 (3 days) Fundamentals of Trademark Management and Contentious Proceedings (July 14 - 16)



*This course is essential for all in-house lawyers in Canada that practice intellectual property.*

**Nicholas Cirino**

Counsel, Commercial and Regulatory  
Air Canada



*The Understanding Trademarks summer program was a professionally delivered course that has served me well in private industry. The class leaders were both interesting and engaging and their presentation contained the right mix of technical material, relevant case studies and personal commentary.*

**Richard Cook**

CA, President Kamik Footwear



*An introductory pre requisite for anyone considering practicing in trademarks. Moreover, why would you learn just from books when you can learn directly from those who wrote many of them and argued the cases contained therein!*

**Jonathon L. Wescott**

B.A. B.Mgt. LL.B

Emery Jamieson LLP



*Well organized, lots of great information! The presenters are top in their fields. Highly recommend this program!*

**Josie Uberg**

Coordinator, Legal Services

Canadian Blood Services



*This course is extremely relevant to current trademark practices. Highly recommend it to anyone who works in trademarks or is interested in working in the IP field.*

**Suzeth Westres**

Trademark assistant

Morency S.E.N.C.R.L.

## IMPROVE YOUR CAREER PROSPECTS

An intensive & practical course providing valuable information from Canadian, American and European practitioners about acquiring, managing & protecting trademark assets, as well as dealing with contentious proceedings.

## KEY BENEFITS

Lectures and workshops cover both theoretical & practical aspects of trademark procurement, portfolio management, and contentious proceedings, together with information and tools on international filing systems, including the Madrid Protocol. With a mix of live and pre-recorded lectures, the course will cover the impact of the changes to the Canadian trademark regime and provide “best practices” advice and tips. Live workshops and Q&A sessions will further enhance the learning experience. There will be a live keynote lecture on managing your IP assets from an in-house perspective, and featured networking events. Lectures on counterfeiting, border enforcement and transactional law will also be included, which bring added value to the course.

## THIS YEAR'S COURSE WILL COVER:

### MODULE 1:

- ▶ Selecting great trademarks
- ▶ Conducting and reporting clearance searches
- ▶ Preparing and filing applications
- ▶ Reporting and responding to Examiners' reports
- ▶ Maintaining trademark rights and best practices
- ▶ In-house perspective for managing portfolios

### MODULE 2:

- ▶ Commercial transactions involving trademarks and due diligence work
- ▶ Opposition proceedings and settlement strategies
- ▶ The European Union and international treaties
- ▶ Anti-counterfeiting investigation and enforcement
- ▶ Trademark litigation in Canada and in the US

## WHO SHOULD ATTEND

**Lawyers, trademark agents, in-house counsels, brand portfolio managers, marketing & brand creation specialists and professionals** seeking a greater understanding of trademark law and practice, **young professionals** considering entering the field of trademarks, **people new to the profession**, and **any professionals seeking to refresh or broaden** their knowledge and skill set can all benefit from the course. Valuable course materials are provided, plus daily workshops with experienced practitioners.

## MONDAY, JULY 12, 2021

### MODULE 1

#### BASICS OF CANADIAN TRADEMARK PROSECUTION

##### Opening Remarks 13:00 - 13:15 EDT **LIVE LECTURE**

Course Director:

**Brigitte Chan** Bereskin & Parr LLP

Assistant Course Director:

**David S. Lipkus** Kestenberg Siegal Lipkus LLP

##### Trademark Applications: Filing Requirements, Madrid and Other Special Applications

13:15 - 16:00 EDT **LIVE LECTURE + Q&A**

**Christian Bolduc** Smart & Biggar LLP

- ▶ Introduction to the Trademarks Office
- ▶ Preparing trademark applications
  - Procedure & forms
  - Information required
  - Priority dates
  - Registrability restrictions
  - Linguistic and other considerations
- ▶ Special applications
  - Certification marks
  - Official marks
  - Mode of packaging/3D marks

##### Workshop:

**Trademark Filing Strategies 16:15 - 17:30 EDT **LIVE WORKSHOP****

**Érika Bergeron-Drolet** MLS Legal Inc.

**Christian Bolduc** Smart & Biggar LLP

**Chantal St. Denis** O'Brien TM Services Inc.

## TUESDAY, JULY 13, 2021

### Examiners' Reports & Responses, Post-Advertisement Matters

13:00 - 15:00 EDT **OPENING REMARKS, LIVE LECTURE + Q&A**

**Meghan Dillon** Bereskin & Parr LLP

- ▶ Technical and substantive objections
- ▶ Responding to Examiners' reports
- ▶ Amendments to applications
- ▶ Voluntary withdrawals and abandonment
- ▶ Approval and advertisement
- ▶ Renewals
- ▶ Other legislation affecting trademarks

### Workshop: Reporting Examiners' Reports

15:30 - 16:45 EDT **LIVE WORKSHOP**

**Suzanne Antal** Benoît & Côté

**François Larose** Bereskin & Parr LLP

**Richard Whissell** Perley-Robertson, Hill & McDougall LLP

**Andrea Kroetch** Stikeman Elliott LLP

**Feature Networking Event 17:00 - 18:00 EDT **LIVE LECTURE****

Featuring **Kenneth Anand** and **Jared Goldstein**, Authors and Co-Founders of **Sneaker Law**

Join us for a live networking session featuring a new and exciting way to learn about trademark law through the niche expertise of two sneakerhead lawyers, Kenneth Anand and Jared Goldstein of Sneaker Law. Mr. Anand is also the co-founder of 3 8 0 Group, a fashion licensing company specializing in the manufacturing and distribution of premium apparel, footwear and fashion accessories. Mr. Goldstein is also Legal Counsel to LiveIntent, an ad-tech and marketing company.

WEDNESDAY, JULY 14, 2021

## MODULE 2

### FUNDAMENTALS OF TRADEMARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS

#### Opposition Proceedings: Overview, Context & Strategy

13:00 - 15:30 EDT OPENING REMARKS, LIVE LECTURE + Q&A

Philip Lapin Smart & Biggar LLP

- ▶ Context
- ▶ Length of oppositions, costs & strategy considerations
- ▶ Procedures & Steps
- ▶ Why oppose?
- ▶ Extensions of time including retroactive extensions
- ▶ Evidence
- ▶ Written arguments and hearings
- ▶ Options for settlement

#### Workshop: Tips and Strategies

in Opposition Proceedings 15:45 - 17:00 EDT LIVE WORKSHOP

Philip Lapin Smart & Biggar LLP

Christian Bolduc Smart & Biggar LLP

Gabriel St-Laurent Robic LLP

THURSDAY, JULY 15, 2021

#### Keynote Lecture

##### Managing Your Assets: An In-House Perspective

13:00 - 14:30 EDT OPENING REMARKS, LIVE LECTURE + Q&A

Geneviève Prévost Molson Coors Brewing Company

- ▶ Strategies for searches, clearance and reporting
- ▶ Managing your IP portfolio to maximize asset value – aligning IP strategy with your business strategy
- ▶ Managing relationships: executives, marketing professionals, agencies and outside counsel
- ▶ Corporate strategies: social media, marks in ads, domains and licensing
- ▶ Monitoring and protecting your IP asset

#### The Basics of Trademark Use in Canada: the Who, What, Where, When, Why, How and Future

14:45 - 15:45 EDT LIVE LECTURE + Q&A

Paula Clancy Clancy PC

- ▶ Concept of use
- ▶ Types of use
- ▶ Time of use
- ▶ Use by whom
- ▶ Location of use
- ▶ Nature of use

#### Workshop: Trademark Searches

and Risk Assessments 16:00 - 17:30 EDT LIVE WORKSHOP

Jonathan Roch MBM Intellectual Property Law

Julie Larouche St. Lawrence Law Firm

#### Social and Q&A with Recorded Lecturers

17:45 - 18:45 EDT LIVE LECTURE

Join us for a casual social to get to know your fellow registrants. The lecturers of the recorded sessions will also be available to answer any questions that you may have from their recorded lectures.

FRIDAY, JULY 16, 2021

#### Overview of Trademark Litigation in Canada – Infringement, Passing Off & Depreciation of Goodwill

13:00 - 14:30 EDT OPENING REMARKS, LIVE LECTURE + Q&A

Christopher J. Pibus Gowling WLG (Canada) LLP

- ▶ Enforcement strategies for registered and common law trademark
- ▶ Causes of actions: infringement, passing-off, depreciation of goodwill
- ▶ Marshalling relevant evidence for proof of infringement
- ▶ Defence strategies to challenge distinctiveness and validity
- ▶ Counterfeiting issues in Canada
- ▶ Remedies (Anton Piller Orders, injunctions, recovery of damages or profits, destructions, customs remedies)

#### Counterfeits in Canada:

##### How to Keep Fakes Out of Physical

and Online Marketplaces 14:45 - 16:15 EDT

LIVE LECTURE + Q&A AND CLOSING REMARKS

David Lipkus Kestenberg Siegal Lipkus LLP

- ▶ Counterfeit goods/rights at issue
- ▶ Identifying the target
- ▶ Investigation
- ▶ Obtaining evidence
- ▶ Online open source searches
- ▶ Civil/criminal/border enforcement
- ▶ Social media
- ▶ Online marketplaces
- ▶ Website enforcement
- ▶ Collaboration with third parties

### RECORDED SESSIONS

Below are pre-recorded sessions that will be available to you for viewing at your own pace. For the best learning experience, please view the recordings before Thursday's Social and Q&A with the Lecturers of the Recorded Sessions.

#### Selecting Great Trademarks

RECORDED

Rob McDonald Bennett Jones LLP

- ▶ Legal considerations
- ▶ Distinctiveness: inherent/acquired
- ▶ Confusion: 3rd party marks on the register vs. in the marketplace
- ▶ Marketing consideration & their impact: visual impact, impact when sounded,
- ▶ And other languages/cultures

#### Life After Registration

RECORDED

Jonathan Roch MBM Intellectual Property Law

- ▶ Registration and renewal
- ▶ Maintenance of registration and proper use
- ▶ Possible expungement by Registrar or third parties
- ▶ Post-registration amendments, assignments and recordal of documents

#### Trademark Litigation in the U.S. – What Practitioners Need to Know for Canadian Clients

RECORDED

Douglas Rettew Finnegan Henderson Farabow

- ▶ Strategies and precautions
- ▶ Forum shopping
- ▶ Jury trial
- ▶ Preliminary & summary proceedings

#### European Union Trademarks and Madrid Protocol

RECORDED

Rebecca Delorey Bardehle Pagenberg

- ▶ Filing strategies; an overview of the EUTM
- ▶ Madrid Protocol (International), and national filing systems
- ▶ EUTM / Madrid Protocol systems: advantages and disadvantages
- ▶ Registration & post-registration issues; enforcement
- ▶ Navigating the Nice classification system

### FEES

#### Understanding Trademarks An Introductory Course

July 12-16, 2021

IPIC member fee.....\$1095  
Regular fee.....\$1195  
Full-time student fee .....\$597.50

#### Module 1

July 12-13, 2021

IPIC member fee.....\$495  
Regular fee.....\$595  
Full-time student fee .....\$297.50

#### Module 2

July 14-16, 2021

IPIC member fee.....\$695  
Regular fee .....\$795  
Full-time student fee .....\$397.50

“

*I was very pleased with the program. The incredible speakers offered a comprehensive overview of the law and process of trademark registration and practice in Canada as well as comparisons with other countries. Overall, the course was invaluable and presented me with information and materials which were essential in preparation for the Trademarks Agent Exam and practice in the area.*

Michael A. Poznanski

Davidson Lawyers LLP

Program chairs:

Natalie Raffoul, Brion Raffoul LLP

Richard Whissell, Perley-Robertson, Hill & McDougall LLP/s.r.l.

REGISTRATION DEADLINE IS JULY 2, 2021



# Understanding Patents

An Introductory Course: Monday, July 19 to Friday, July 23, 2021

Module 1 (3 days) Obtaining and Enforcing a Patent – The Basics and Why They Matter to Your Business (July 19-21)

Module 2 (2 days) Exploiting IP Rights – Strategies re Patent Portfolio Management (July 22-23)



*By the end of the week, the challenge and excitement of establishing a patenting strategy became clear, and I recommend the course to others. Being relatively new to the world of patenting, I found the course tremendously informative and well organized. The format—morning seminars and afternoon small-group workshops—provided ample opportunities for learning, questioning, and reflecting. The speakers and program directors were congenial, knowledgeable, and open to feedback. From a technology commercialization perspective, various relevant concepts are addressed, from patent structure, claim drafting, and office actions, to license negotiation, international filing, and intellectual property enforcement. Thanks to all for a valuable experience!*

**Heather A. Phillips**

Technology Analyst  
Medical & Life Sciences  
(AHFMR ForeFront Intern)  
University Technologies International  
Calgary, Alberta

## GET INTO THE GAME – IMPROVE YOUR CAREER

A five-day intensive, practical course divided into two modules. The first module provides an overview of patents and patenting, as well as enforcing or attacking a patent. These fundamentals are then connected to the business of owning IP. The second module completes the week, building on the fundamentals and offers insights into managing a patent portfolio in conjunction with your business needs.

## KEY BENEFITS

Lectures and workshops deal with the protection of inventions and using the patent system, including the processes for obtaining and maintaining patents in Canada and abroad.

## WHO SHOULD ATTEND

Understanding Patents is a must for **anyone involved in patents and patenting, patent agents in training, lawyers (in-house or external counsel), university technology transfer officers, licensing executives and contract managers** – anybody who encounters patents in their work and needs to have a better understanding of the nature and scope of the patent system, how patents are obtained, and how to manage a patent portfolio.

## THIS YEAR'S COURSE WILL COVER:

### MODULE 1:

- ▶ Patents as an intellectual property right
- ▶ The nature of the patent right
- ▶ The Canadian patent system, EU, China and US compared
- ▶ What can be patented (from life science to software and beyond)
- ▶ Understanding the patent document
- ▶ Drafting patent applications and claims
- ▶ Enforcing patents
- ▶ Trade secrets and designs

### MODULE 2:

- ▶ Managing an international patent portfolio
- ▶ Extracting value from patents in business
- ▶ Corporate IP management
- ▶ Patent valuation
- ▶ Patent licensing

## WORKSHOP LEADERS

- ▶ Patent Claims Drafting:  
**Emma Start** Taiga Motors
- ▶ Prior Art and Freedom to Operate Analysis:  
**Noel Courage** Bereskin & Parr LLP
- ▶ Mock Patent Trial:  
**Beverley Moore** Borden Ladner Gervais LLP
- ▶ International Filing Program:  
**Ilya Kalnish** BCF LLP
- ▶ Simulated Patent License Negotiation:  
**Maya Medeiros** Norton Rose Fulbright Canada LLP

## MONDAY, JULY 19, 2021

### MODULE 1

#### Course Introduction and

**Student Introductions** 13:00-13:45 EDT **LIVE LECTURE**  
Beverley Moore and Emma Start

**Patents: An Overview** 13:45-14:15 EDT **LIVE LECTURE**  
Beverley Moore Borden Ladner Gervais LLP

- ▶ Commercial advantages of patenting
- ▶ What can be patented?
- ▶ Novelty, non-obviousness and subject-matter
- ▶ Inventors and owners

#### Break and Live Q & A

14:15 - 14:30 EDT **WITH RECORDED LECTURERS**

#### Invention Mining and Patent

**Claims Drafting** 14:30 - 15:45 EDT **LIVE WORKSHOP**

Emma Start Taiga Motors  
Christine Genge Smart & Biggar LLP  
Isabelle Pelletier Lavery  
Carole Diop Norton Rose Fulbright Canada LLP

#### Break and Live Q & A

15:45 - 16:00 EDT **WITH RECORDED LECTURERS**

#### FIRESIDE CHAT

**LIVE LECTURE**

**How a Company Captures Innovation and Oversees Claim Drafting** 16:00 - 17:00 EDT

Emma Start Taiga Motors  
in conversation with  
Erin Pisko Cenovus Energy

## RECORDED LECTURES

#### Structure of a Patent Specification **RECORDED**

Tom Zhang Robic LLP  
▶ What is prior art?  
▶ Need for clarity, enablement  
▶ Patent claims

#### From Invention to Patent:

**Preliminary Steps and Time Line** **RECORDED**

Sasha Mandy Norton Rose Fulbright Canada LLP  
▶ Patentability searching  
▶ Patenting time line  
▶ Negotiating with the Patent Office (official actions)  
▶ Amending applications and patents  
▶ Re-examination and reissue

## Effective Inventor Interviewing RECORDED

**Noel Courage** Bereskin & Parr LLP

- ▶ Effective inventor interview techniques for patent preparation and claim drafting

## Designs: An Overview RECORDED

**Christine Genge** Smart & Biggar LLP

- ▶ Registrable design types
- ▶ Interface with patents and copyrights
- ▶ Originality
- ▶ Prosecution in Canada and internationally

## TUESDAY, JULY 20, 2021

### MODULE 1 (CONT'D)

#### Patent Enforcement:

##### Infringement 13:00 - 13:30 EDT LIVE LECTURE

**Jordana Sanft** Norton Rose Fulbright Canada LLP

- ▶ Infringing acts
- ▶ Contributory infringement
- ▶ Exceptions to infringement
- ▶ Awards: damages and lost profits; reasonable royalty
- ▶ Injunction: permanent and temporary

#### Patent Enforcement: Validity

##### 13:30 - 14:15 EDT LIVE LECTURE

**Andrew Shaughnessy** Torsys LLP

- ▶ Obviousness
- ▶ Lack of novelty
- ▶ Other validity challenges

#### Break and Live Q & A

##### 14:15 - 14:30 EDT WITH RECORDED LECTURERS

#### Expert Reports and Cross

##### Examination of a Witness 14:30 - 15:45 EDT LIVE WORKSHOP

**Beverley Moore** Borden Ladner Gervais LLP

**Jordana Sanft** Norton Rose Fulbright Canada LLP

**Andrew Shaughnessy** Torsys LLP

#### Break and Live Q & A

##### 15:45 - 16:00 EDT WITH RECORDED LECTURERS

#### FIRESIDE CHAT LIVE LECTURE

##### How a Company Manages

##### Litigation and Settlement 16:00 - 17:00 EDT

**Beverley Moore** Borden Ladner Gervais LLP

in conversation with

**Dianne Yee** Janssen Pharmaceuticals

## RECORDED LECTURES

#### Cease and Desist Letters RECORDED

**Andrew Shaughnessy** Torsys LLP

- ▶ What to consider when drafting and sending these letters

#### Trade Secrets: An Overview RECORDED

**Beverley Moore** Borden Ladner Gervais LLP

- ▶ Identification and protection of trade secrets
- ▶ Enforcement

#### Track I: Biotechnology and Pharmaceutical Patents RECORDED

**Jennifer Raoul and Chantal Saunders** Borden Ladner Gervais LLP

- ▶ What is patentable?
- ▶ Claiming biotechnology and pharmaceutical inventions
- ▶ Disclosure requirements
- ▶ Sequence listings, biological deposits
- ▶ Review of the regulatory landscape (Patented Medicines (Notice of Compliance) Regulations, Data Protection, Certificate of Supplementary Protection, Patented Medicines Prices Review Board)

## Track II: Business Method

## and Software Patents RECORDED

**Natalie Raffoul** Brion Raffoul LLP

- ▶ What is patentable?
- ▶ Review of the legal landscape & recent court decisions
- ▶ Patent drafting strategies
- ▶ Strategic considerations

## WEDNESDAY, JULY 21, 2021

### MODULE 1 (CONT'D)

#### Keynote Speaker 13:00 - 13:30 EDT LIVE KEYNOTE

**Jim Balsillie** founder of the Balsillie School of International Affairs, the Centre for Digital Rights, Arctic Research Foundation and co-founder of the Council of Canadian Innovators, and former co-CEO of Research In Motion (BlackBerry)

#### Indigenous Knowledge 13:30 - 14:15 EDT LIVE LECTURE

**Merle Alexander** Miller Titerle + Company

#### Break and Live Q & A

##### 14:15 - 14:30 EDT WITH RECORDED LECTURERS

#### Prior Art and Freedom

##### to Operate Strategies 14:30 - 15:45 EDT LIVE WORKSHOP

**Noel Courage** Bereskin & Parr LLP

**Natalie Raffoul** Brion Raffoul LLP

**Jennifer Raoul** Borden Ladner Gervais LLP

**Carmela DeLuca** Bereskin & Parr LLP

#### Break and Live Q & A

##### 15:45 - 16:00 EDT WITH RECORDED LECTURERS

#### FIRESIDE CHAT LIVE LECTURE

##### How a Company Handles Prior Art

##### Searches and FTO Opinions 16:00 - 17:00 EDT

**Emma Start** Taiga Motors

in conversation with

**Daniel Smith** Bombardier Recreational Products

## RECORDED SESSIONS

#### Comparative Overview

#### of U.S. Practice RECORDED

**Carmela DeLuca** Bereskin & Parr LLP

- ▶ Filing provisional and regular applications
- ▶ Continuation and Continuation-in-part applications
- ▶ Prosecution strategies

#### Comparative Overview

#### of European Practice RECORDED

**Tuba Yamac** BCF LLP

- ▶ European Patent Convention and European Patent Office (EPO)
- ▶ EPO's problem-solution approach to examination
- ▶ Post-grant review, oppositions

#### Comparative Overview

#### of Practice in China RECORDED

**Stephen Yang** IP March

- ▶ Chinese Patent Strategy
- ▶ Enforcement



*The program covered all the basics of the various intellectual property domains and the afternoon workshops enabled the attendees to select their topics of interest for which they could dwell deeper into the subject under the guidance of trained and experienced coaches. The course is well balanced to ensure that every student acquires the most knowledge and understanding of IP within a week. This course is a "must" to grasp the big picture of the IP world.*

**James M. Jessop, ing., M.Sc., CLP**

Commercial Relations, Storage and Conversion of Energy, IREQ

## THURSDAY, JULY 22, 2021

### MODULE 2

#### Patents Worldwide: Corporate IP Management 13:00 - 14:15 EDT

LIVE LECTURE

Emma Start Taiga Motors

Reza Yacoob former Sanofi Pasteur

Angela Lyon Queen's University

- Managing patents as a corporate asset
- Alignment of IP strategy with corporate and business strategy

#### Break and Live Q & A

14:15 - 14:30 EDT WITH RECORDED LECTURERS

#### Considerations relating to

#### Funding and Valuation 14:30 - 15:45 EDT

LIVE LECTURE

Lally Rementilla BDC

Max Yam BDC

Sanjay Goorachurn Smart & Biggar LLP

Louis Carboneau Tangible IP

Vigen Nazarian Naprico

#### Break and Live Q & A

15:45 - 16:00 EDT WITH RECORDED LECTURERS

#### International Patent

#### Filing Program 16:00 - 17:00 EDT

LIVE WORKSHOP

Reza Yacoob former Sanofi Pasteur

Angela Lyon Queens University

Noel Courage Bereskin & Parr LLP

Ilya Kalnish BCF LLP

### RECORDED LECTURES

#### Patents Worldwide: Value and Cost Management

RECORDED

Ilya Kalnish BCF LLP

- Filing PCT applications
- Foreign filing strategy and practice
- Global portfolio management strategies
- Techniques to maximize value while balancing costs

#### Basics of

#### Portfolio Valuation

RECORDED

Vigen Nazarian Naprico

- Factors affecting the value of a patent
- Determining value

#### Employment Contracts,

#### Independent Contractors and NDAs

RECORDED

Jean-Sébastien Brière Lawyer and Patent Agent

#### Settlement and

#### Competition Act Considerations

RECORDED

Dominic Thérien McCarthy Tétrault

- Settling a patent case
- What to consider about the Competition Act during settlement

## FRIDAY, JULY 23, 2021

### MODULE 2 (CONT'D)

#### Patent Licensing

#### Realities 13:00 - 14:15 EDT

LIVE LECTURE

Maya Medeiros Norton Rose Fulbright Canada LLP

Michael Crichton Gowling WLG (Canada) LLP

Tracey Stott Irving Shipbuilding

#### Break and Live Q & A

14:15 - 14:30 EDT WITH RECORDED LECTURERS

#### Alternative Patent

#### Leveraging 14:30 - 15:45 EDT

LIVE LECTURE

Sanro Zlobec Smart & Biggar LLP

Bhuvana Rai EY

Paul Gagnon AppDirect

#### Break and Live Q & A

15:45 - 16:00 EDT WITH RECORDED LECTURERS

#### Patent License Negotiation/

#### Purchase and Sale 16:00 - 17:00 EDT

LIVE WORKSHOP

Maya Medeiros Norton Rose Fulbright Canada LLP

### RECORDED LECTURES

#### Anatomy of a License

RECORDED

Michael Crichton Gowling WLG (Canada) LLP

- Overview of the anatomy of a typical license agreement
- Practical licensing considerations and challenges to license out patented technology to commercial entities
- Discussion of exemplary terms and conditions of a license agreement and negotiation items

#### Exploiting IP Rights

RECORDED

Maya Medeiros Norton Rose Fulbright Canada LLP

- Transferring ownership of inventions: assignments and licensing
- Due diligence
- Additional considerations: anti-trust, export controls, working the invention, marking and compulsory licensing

#### Alternative Monetizing

#### Strategies/Licensing Trends

RECORDED

Paul Gagnon App Direct

- Overview of monetization strategies
- Intellectual property and antitrust issues relating to standards and patent pools
- Other licensing trends

#### Tax Considerations

#### Surrounding Patents

RECORDED

Bhuvana Rai EY

- SREDS
- Patent Boxes

## FEES

### Understanding Patents An Introductory Course

#### July 19 - 23, 2021

|                             |        |
|-----------------------------|--------|
| IPIC member fee.....        | \$1095 |
| Regular fee.....            | \$1195 |
| Full-time student fee ..... | \$597  |

#### Module 1

#### July 19 - 21, 2021

|                             |          |
|-----------------------------|----------|
| IPIC member fee.....        | \$695    |
| Regular fee.....            | \$795    |
| Full-time student fee ..... | \$397.50 |

#### Module 2

#### July 22 - 23, 2021

|                             |          |
|-----------------------------|----------|
| IPIC member fee.....        | \$495    |
| Regular fee .....           | \$595    |
| Full-time student fee ..... | \$297.50 |

Program chairs:

Natalie Raffoul, Brion Raffoul LLP

Richard Whissell, Perley-Robertson, Hill & McDougall LLP/s.r.l.

# Copyright Master Class

Monday, July 26 to Wednesday, July 28, 2021



**UPGRADE YOUR SKILLS:** Copyright law has become a key consideration in a large number of areas of our society and economy. At the same time, it is becoming more complex, as legislators, courts, public institutions and businesses all struggle to address the impact of new technologies, new uses and new legal issues. Now you have a chance to learn from some of Canada's copyright experts' valuable practical insights into the impact of these changes and how to deal with them.

**KEY BENEFITS:** In-depth analysis of copyright law with a focus on the changing landscape, including legislative amendments and recent cases. Practical advice from experienced counsel. An opportunity to interact daily with some of the top copyright lawyers in Canada.

**WHO SHOULD ATTEND:** This course will be of great benefit to **in-house counsel, practising lawyers, librarians, intellectual property managers, contract managers, licensing executives and business persons** who deal with copyright issues as part of their responsibilities or practice. The focus is on practical issues and understanding how copyright considerations arise in a variety of business settings. The course will be of greatest benefit to participants who have been previously exposed to copyright issues. The instructors will presume that each participant is reasonably familiar with general copyright concepts.



*I came with high expectations of learning something practical and useful. I was not disappointed. I thank the organizers for their efforts. My time and money were well spent.*

**Jerry Switzer**

Feehely, Gastaldi Law Firm



*IPIC's Copyright Course was a highly rewarding and motivating experience. The guest speakers were all knowledgeable practitioners in their fields of practice relaying their experience and practice-oriented advice. The group was one with diversified interests and a good source of networking and stimulating interchange. A definite must for junior practitioners and those wanting to enhance their knowledge of copyright.*

**Silviu Bursanescu**

Québecor Média Inc.

## PRE-RECORDED SESSIONS

### Setting the Stage RECORDED

**Jessica Zagar** Cassels Brock & Blackwell LLP

- Introduction
- Overview of literary, dramatic, musical and cinematographic works
- Main themes of copyright
- Crown copyright
- Collective societies

### Foundations of Copyright:

#### Defining Copyright RECORDED

**Antonio Turco** CPST Intellectual Property

- Compilations and collective works
- Other protectable subject matter
- Ownership and authorship
- Author's rights
- Registration and Notice
- Copyright in Machine or AI generated works
- Copyright in data

### Foundations of Copyright: Infringement RECORDED

**Erin Finlay** Stohn Hay Cafazzo Dembroski Richmond LLP

- Specific acts of infringement
- Who is an infringer?
- Unconscious copying
- Indirect copying
- Meaning of "substantial part"
- Section 27 (2) and secondary infringement

### Foundations of Copyright: Defences

#### to Infringement and User Rights RECORDED

**John C. Cotter** Osler, Hoskin & Harcourt LLP

- Common defences
- Exceptions to infringement/user rights
- Fair dealing: general principles

### Foundations of Copyright: International Issues

#### and Copyright Treaties RECORDED

**Jay Kerr-Wilson** Fasken Martineau DuMoulin LLP

- International aspects of copyright
- Where does copyright exist?
- Domicile?
- Conventions, NAFTA/CUSMA and treaties
- Which law governs?

## MONDAY, JULY 26, 2021

### Opening Remarks

**and Ice Breaker 13:00 - 13:15 EDT LIVE LECTURE**

Course Director:

**Andrea Kokonis** SOCAN

Assistant Course Director:

**Jessica Zagar** Cassels Brock & Blackwell LLP

### Protection and Enforcement

**of Copyright 13:15 - 14:30 EDT LIVE LECTURE**

**Lorne Lipkus** Kestenberg Siegal Lipkus LLP

- Anton Piller Orders
- Injunctions
- Damages and profits
- Detention of imported copies by customs
- Enforcement of criminal provisions
- Cross-border copyright infringement and the Internet
- Impact of Social networking
- Canadian Anti-Fraud Centre

### Fair Dealing in Law,

**Policy and Action 14:45 - 15:45 EDT LIVE LECTURE**

**Katarina Germani** CBC/SRC

**Daniela Bassan** Stewart McKelvey

- Fair dealing in legislation and caselaw
- Fair dealing in education
- Fair dealing in practice

### Technological Neutrality

**in Copyright 15:45 - 17:00 EDT LIVE LECTURE**

**Casey M. Chisick** Cassels Brock & Blackwell LLP

- Origins and evolution of the principle of technological neutrality
- Media neutrality vs. functional equivalence
- Application to substantive rights and valuation
- International perspectives
- Implications and future directions

### Social and Q&A

**17:15 - 18:15 EDT WITH RECORDED LECTURERS**



TUESDAY, JULY 27, 2021

**Copyright in the**

**Digital World** 13:00 - 14:15 EDT **LIVE LECTURE**

**Érika Bergeron-Drolet** MLS Legal Inc.

**Kristina Milbourn** Rogers Communications

- ▶ Internet legal issues
- ▶ Browsing, linking and caching
- ▶ Downloading / streaming
- ▶ File sharing
- ▶ ISP liability
- ▶ Jurisdiction

**Ready, Set, Block: The Future of the Internet?** 14:15 - 15:45 EDT **LIVE LECTURE**

Obtaining injunctions, including site-blocking and de-indexing orders, against intermediaries, such as internet service providers (ISPs) and search engines, are increasingly becoming a tool of choice for rights holders around the world to help stem online piracy. However, ISPs and search engines often claim that site-blocking and de-indexing orders wrongly target passive intermediaries, offend the principle of free expression on the internet, violate net neutrality, and offend privacy laws.

Moderator **Andrea Kokonis** (SOCAN) will join **Ariel Thomas** (Ariel Thomas Professional Corporation), **Richard Pfohl** (Music Canada), and **Hafeez Rupani** (Motion Picture Association - Canada) for a lively discussion and debate over the merits of site-blocking and de-indexing orders as appropriate tools to combat online piracy.

**Social Media, Virtual Reality, and Computer Games** 16:00 - 17:00 EDT **LIVE LECTURE**

**Catherine Lovrics** Marks & Clerk Canada

- ▶ Enforceability of software, click-wrap and browse-wrap licences
- ▶ Copyright issues in cloud computing and with software as a service (SAAS)
- ▶ Open source software
- ▶ Virtual and augmented reality
- ▶ Social media and user-generated content
- ▶ Copyright in metatags, online games and virtual property

WEDNESDAY, JULY 28, 2021

**Monetization and Exploitation of Copyright: Legal Framework**

13:00 - 14:00 EDT **LIVE LECTURE**

**Kevin Sartorio** Gowling WLG (Canada) LLP

- ▶ Assignments vs. licensing vs. rentals
- ▶ Necessity of writing & signature
- ▶ Registration of assignments & licenses
- ▶ Equitable/beneficial ownership
- ▶ Compulsory licensing
- ▶ Security interest in copyright
- ▶ Considerations before drafting/negotiation - is a license even required?

**Monetization and Exploitation of Copyright: Drafting and Negotiating Contracts**

14:00 - 15:15 EDT **LIVE LECTURE**

**Bernice Karn** Cassels Brock & Blackwell LLP

**Andrew Nunes** Fasken Martineau DuMoulin LLP

- ▶ Key provisions of commercial agreements
- ▶ Types of licenses: sole, exclusive, non-exclusive
- ▶ License scope, restrictions and services
- ▶ Source code escrow
- ▶ Fees or royalties
- ▶ Impact of confidentiality obligations and assignment clauses on licenses
- ▶ Term, transition and survival
- ▶ Copyright in Mergers & Acquisitions and other transactions
- ▶ Due diligence, representations and closing conditions

**Copyright in Practice** 15:30 - 17:00 EDT **LIVE LECTURE**

**Susan Abramovitch** Gowling WLG (Canada) LLP

**Bob Tarantino** Dentons Canada LLP

**Angelika Heim** Stohn Hay Cafazzo Dembroski Richmond LLP

Using an interactive scenario-based approach, practitioners with decades of experience serving clients in the film and television, publishing and music industries will discuss practical applications of copyright in a variety of business settings, and will debate current policy implications of copyright.

**FEES**

**Copyright Master Class**

July 26 - 28, 2021

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All programs are subject to changes.