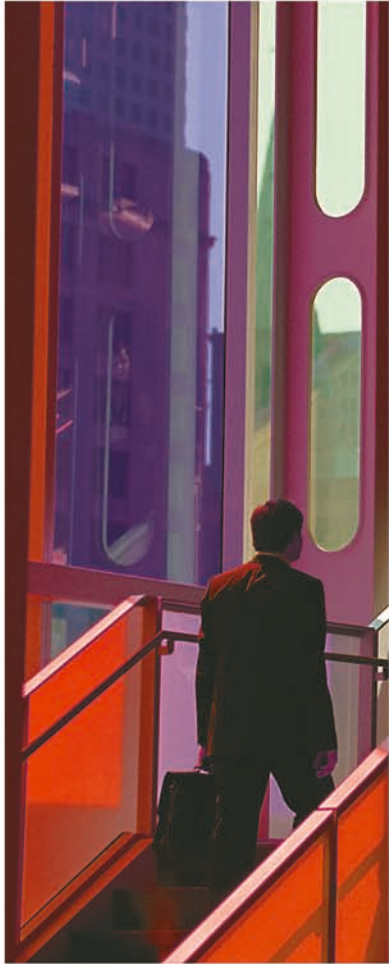


2009

SUMMER  
courses in

# Intellectual PROPERTY



PATENTS | TRADE-MARKS | COPYRIGHT



McGill



INTELLECTUAL PROPERTY INSTITUTE OF CANADA  
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA



Since 1994, the Intellectual Property Institute of Canada and McGill University have gathered some of the **best practitioners in the field** to conduct a series of intensive, practical summer courses in intellectual property. More than 1700 professionals from the business, legal and public sectors have gained valuable insight and hands-on experience by participating in our unique summer program. Our introductory and advanced courses are an excellent opportunity to **network with individuals from diverse backgrounds** who, like you, have an interest in Canadian intellectual property.

## INTELLECTUAL PROPERTY INSTITUTE OF CANADA

IPIC is the only intellectual property association in Canada to which nearly all patent agents, trade-mark agents and lawyers specializing in intellectual property belong.

IPIC Members receive a preferential rate on registration fees for the Summer Courses in Intellectual Property.



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# Mark Your Calendar!

Chart your individual course for success by selecting a comprehensive course or a short, targeted module.

JULY 27 – 31

## Understanding Patents

### Understanding Patents: Module 1 | July 27–28

The Beginning: Obtaining a Patent

### Understanding Patents: Module 2 | July 29 – 31

Exploiting IP Rights: A Worldwide Strategy for Attacking and Defending a Patent

AUGUST 3 – 7

## Understanding Trade-marks

### Understanding Trade-marks: Module 1 | August 3–4

Basics of Canadian Trade-mark Procurement

### Understanding Trade-marks: Module 2 | August 5–7

Fundamentals of Trade-mark Management and Contentious Proceedings

AUGUST 10 – 14

## The Trade-marks Practitioner

### The Trade-marks Practitioner: Module 1 | August 10–11

Licensing and Current Topics in Trade-mark Law

### The Trade-marks Practitioner: Module 2 | August 12–14

Trade-mark Opposition and Litigation

AUGUST 10 – 12

## The Business of Copyright

### Track 1:

Copyright in Entertainment and Publishing

### Track 2:

Copyright in Internet, Technology and Software

**Spaces are Limited – Register Early!**

Please send your completed registration form to McGill University before **June 12, 2009.**

Registrations will be accepted on a first-come, first-served basis. Additional registration forms can be found online at [www.cce.mcgill.ca/ip](http://www.cce.mcgill.ca/ip). After the June 12 deadline, please contact us to inquire about remaining spaces at

**514 398-5454.**



# Understanding Patents

**An Introductory Course: Monday, July 27 to Friday, July 31, 2009**

**Module 1 (2 days)** The Beginning: Obtaining a Patent (July 27-28, 2009)

**Module 2 (3 days)** Exploiting IP Rights: a Worldwide Strategy for Attacking and Defending a Patent (July 29-31, 2009)

*The introductory course to patents allowed me to demystify and familiarize myself with patentability strategies and terminology used by patent agents. The workshops clarified the theory taught in the courses and were a major contributor to understanding the information presented in the course. Finally, this course helped me to distinguish all the grey areas associated with patents. I believe that anyone working with patents would gain from such training.*

**Christine Martens**  
Scientific Information Specialist  
Boehringer Ingelheim

*As a patent agent trainee, I found the course very useful in providing a broad overview of patent drafting and prosecution in Canada as well as giving practical advice relating to strategizing and securing patent rights for clients.*

**Melanie Carpentier, Ph.D.**  
Patent Agent Trainee  
Goudreau Gage Dubuc

## Get into the Game – Improve Your Career Prospects

A five-day intensive, practical course divided in two modules, the first one, two-days long, provides an overview of patents and patenting, while the second module of three days completes the week and offers insights into the strategies relating to establishing and exploiting the patent system, as well as enforcing or attacking a patent.

### Who Should Attend

Understanding Patents is a must for engineers involved in patents and patenting, patent agents in training, new patent agents, lawyers (in-house or corporate counsel) 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, how to manage a patent portfolio.

## Key Benefits

Lectures and workshops deal with the protection of inventions using the patent system, including the processes for obtaining and maintaining patents, in Canada and abroad. The theoretical and practical issues which will be addressed include:

### Module 1:

- > patents as an intellectual property right
- > the nature of the patent right
- > the patent system
- > what can be patented
- > understanding the patent document
- > drafting patent applications and claims

### Module 2:

- > enforcing patents
- > managing an international patent portfolio
- > extracting value from patents in business

## MONDAY, JULY 27, 2009

### Module 1

#### The Beginning: Obtaining a Patent

#### 8:30 Opening remarks

**Annie Gauthier** Davies Ward Phillips & Vineberg  
Program Director

**Pierre Nguyen** Ogilvy Renault  
Assistant Program Director

**Krishna Pathiyal** Research in Motion  
Assistant Program Director

#### 8:50 Patents: An Overview

**James Anglehart** Anglehart et al.

- > Patents as a form of intellectual property
- > What can be patented? Novelty, non-obviousness and subject-matter
- > Meeting the inventor and identifying the invention
- > Decisions to patent

#### 10:15 Patentable Subject Matter and Patent Claims

**Matthew Zischka** Smart & Biggar/Fetherstonhaugh

- > Proper subject matter for patents
- > Nature of patent grant
- > Drafting patent claims
- > Defining the invention

#### 11:30 Structure of a Patent Specification

**Louis-Pierre Gravelle** Robic

- > Need for utility, clarity, enabling description
- > Prior art
- > Summary
- > Description of invention
- > Claims
- > Abstract

#### 2:00 Workshop: Meeting the Inventor and Identifying the Invention

- > Role-playing
- > Group study: patent claims drafting

#### 5:00 Cocktail Reception

## TUESDAY, JULY 28, 2009

### Module 1 (cont'd)

#### 8:30 From Invention to Patent: Part 1 – Preliminary Steps and Time Line

**Jung-Kay Chiu** Ogilvy Renault

- > Novelty searching
- > Indexing of patents
- > Patenting time line
- > Maintenance and renewal fees
- > Types of claims

#### 9:30 From Invention to Patent: Part 2 – Preparing and Prosecuting the Application

**Michel Sofia** BCF

- > Responding to Patent Office official actions
- > Amending applications and patents
- > Importance of time limits
- > Re-examination and reissue

**10:45 U.S. Prosecution Overview and Comparative Discussion with Canadian Prosecution**

**Matthew B. Lowrie** Lowrie, Lando & Anastasi  
**Andrew Hicks** Hicks & Associates

- > Filing provisional applications
- > Duty to disclose
- > U.S. prosecution
- > Continuation-in-part applications
- > Time period to patent
- > Final action hurdle
- > Costs

**2:00 Workshop: Patent Office Procedure and Responses to Patent Office Official Actions**

**WEDNESDAY, JULY 29, 2009**

**Module 2**

**Exploiting IP Rights: A Worldwide Strategy for Attacking and Defending a Patent**

**8:30 Industrial Designs**

**Mark Eisen** Dimock Stratton

- > What is a design?
- > Registrable/unregistrable subject matter
- > Interface with patents and copyrights
- > Originality
- > Proprietorship
- > Application preparation
- > Prosecution
- > Enforcement

**9:30 Exploiting IP Rights**

**Glen Tremblay** Smart & Biggar/Fetherstonhaugh

- > Patents in contrast with other intellectual property rights
- > Confidentiality, trade secrets
- > Copyrights and trade-marks
- > Ownership of inventions; assignment and licensing
- > Additional considerations: anti-trust, export controls, working the invention, marking and compulsory licensing

**10:45 Patents in the Commercial Milieu**

**Douglas McIntyre**

Atomic Energy of Canada Ltd.

- > A practical, commercial perspective on intellectual property licensing
- > Negotiating licences: rights, returns, risks and responsibilities
- > Buying and selling businesses that depend on patent licenses

**2:00 Workshop: Simulated Patent Licence Negotiation or Advanced Claims Drafting**

**5:20 Patents: A Business Experience**

**Laurent Amar** President  
VoiceAge Corporation

**THURSDAY, JULY 30, 2009**

**Module 2 (cont'd)**

**8:30 Patents Worldwide: The Strategy**

**Stephen M. Beney** Bereskin & Parr  
**John R.S. Orange** Blake, Cassels & Graydon

- > Assessment of similarities and differences between the various national and multinational systems including Paris Convention
- > Patent Cooperation Treaty
- > European Patent Convention
- > U.S. system
- > Canadian system

**10:30 Patents Worldwide: The Costs and Value**

**John R.S. Orange** Blake, Cassels & Graydon  
**Emma Saffman** Ogilvy Renault

- > Value and costs of obtaining, using and maintaining patents in various countries/communities
- > Managing patents as a corporate asset

**12:15 Student Lunch**

**Lunch Speaker – Change and Challenge in The Patent World**

**John R.S. Orange** Blake, Cassels & Graydon

**2:00 Workshop: International Filing Program**

**FRIDAY, JULY 31, 2009**

**Module 2 (cont'd)**

**8:30 Patent Enforcement: Infringement**

**Carol Hitchman** Hitchman and Sprigings

- > Nature of infringing act
- > Importance of products of patented processes
- > Mechanical equivalents and means claims
- > Contributory infringement
- > Prior acquisition of invention
- > Alternative dispute resolution
- > Awards: damages and lost profits; reasonable royalty
- > Injunction: permanent and temporary

**10:30 Patent Enforcement: Validity**

**Gordon J. Zimmerman** Borden Ladner Gervais

- > Anticipation
- > Obviousness
- > Claims broader than invention
- > Insufficient description
- > Inutility

**2:00 Workshop: A Moot Court Will Be Held Based on a Case of Patent Infringement**

“ This course was a great way to hone my knowledge of the aspects of patent practice with which I was less familiar. Also, the course allowed me to integrate the commercial aspect of the work I perform as a patent agent in training with the more technical aspects of drafting and prosecuting a patent application. As well as the course being highly informative as a whole, each of the workshops was very enlightening.

I was also surprised at the diversity of the participants. Individuals working in different IP-related fields, with different backgrounds and levels of training, made the workshops much more educational, not to mention much more entertaining! ”

**Catherine Geci**

Lawyer  
Robic

FEES	
<b>Understanding Patents</b>	
<b>An Introductory Course</b>	
<b>July 27-31, 2009</b>	
IPIC member	\$2175
Non-member	\$2375
<b>Module 1</b>	
<b>July 27-28, 2009</b>	
IPIC member	\$1075
Non-member	\$1275
<b>Module 2</b>	
<b>July 29-31, 2009</b>	
IPIC member	\$1475
Non-member	\$1675

# Understanding Trade-marks

**An Introductory Course: Monday, August 3 to Friday, August 7, 2009**

**Module 1 (2 days)** Basics of Canadian Trade-mark Procurement (August 3-4, 2009)

**Module 2 (3 days)** Fundamentals of Trade-mark Management and Contentious Proceedings (August 5-7, 2009)

## Improve Your Career Prospects

An intensive & practical course providing valuable information from both Canadian & American practitioners about acquiring, managing & protecting trade-mark assets, plus dealing with contentious proceedings.

## Who Should Attend

In-house counsels, lawyers, trade-mark/brand portfolio managers (assistants & trainees), plus marketing & brand practitioners

## Key Benefits

Lectures and workshops cover both theoretical & practical aspects of trade-mark procurement, portfolio management, and contentious proceedings; together with comparative reviews of trade-mark law & practice in the U.S. and Europe – vital information for today's world! Issues include:

- | history of trade-marks and their use
- | conducting searches and writing opinions
- | how to select great trade-marks
- | preparing & filing applications
- | responding to Examiners' Reports
- | maintaining registrations & portfolios
- | corporate perspective for managing and exploiting trade-mark assets
- | opposition proceedings
- | litigation overview in Canada and the U.S.
- | trade-mark procurement in the U.S., the European Community and via the international Madrid System

**Plus** daily Workshops with leading IP practitioners:

- | Catherine Bergeron (Robic) | Christian Bolduc (Smart & Biggar/Fetherstonhaugh) | Laurent Carrière (Robic) | Brigitte Chan (Bereskin & Parr) | Catherine Douglas (Rogers Communications Inc.) | Isabelle Jomphe (Goudreau Gage Dubuc) | Philip Lapin (Smart & Biggar/Fetherstonhaugh) | Marie-Josée Lapointe (BCF) | Andrea Pasztor (Shapiro Cohen) | Chantal St.Denis (Shapiro Cohen) | Stella Syrianos (Robic) | Gladys Tibbo Witt (Shapiro Cohen) | Justine Wiebe (Bereskin & Parr)

*"I found the McGill Introductory Course in Understanding Trade-marks to be invaluable. It was jam-packed with excellent information, well organized, and a must for anyone wanting to increase their knowledge and confidence level in dealing with trade-marks whether from a firm or corporate perspective."*

**Laurie Jobb**  
IP Paralegal  
Ballard Power Systems Inc.

*"This is a well structured course that aptly blends trade-marks theory and practice. A good primer for anyone who starts practicing in the field."*

**Sébastien Ares**  
Policy Analyst  
Industry Canada

## MONDAY, AUGUST 3, 2009

### Module 1

#### Basics of Canadian Trade-mark Procurement

#### 8:15 Welcome and Legislative Overview

**Catherine Bergeron** Robic  
Program Director

**Chantal St. Denis** Shapiro Cohen  
Assistant Program Director

#### 8:50 What is a Trade-mark / Why a Trade-mark?

**Sheldon Burshtein** Blake, Cassels & Graydon

- > Philosophy and history of trade-marks
- > Common law trade-marks
- > Interface with trade names
- > Purpose and advantages of registration
- > Pitfalls of non-registration
- > Geographical scope of registration
- > Interplay with copyright and industrial design

#### 10:50 Preparing Trade-mark Applications plus Use and Registrability Opinions

**Christian Bolduc** Smart & Biggar/Fetherstonhaugh

- > Introduction to the Trade-marks Office
- > Preparing trade-mark applications
  - procedure & forms
  - information required in all applications
  - information required in some applications
  - bases of application & priority dates
  - registrability restrictions
  - linguistic and other considerations
- > Types of searches; use/risk assessment; registration; risk factors; follow-up investigations

**1:45 Preparing Trade-mark Applications** (cont'd)

**3:30 Workshop: Trade-mark Filing Strategies**

**5:15 Cocktail Reception**

## TUESDAY, AUGUST 4, 2009

### Module 1 (cont'd)

#### 8:30 Concept of Use

**Sheldon Burshtein** Blake, Cassels & Graydon

- > Recap of Day 1
- > Concept of Use (wares, services, export)

#### 10:45 Concept of Use (cont'd)

#### 11:15 Different Types of Applications, Examiners' Reports & Responses, Post-Advertisement Matters

**Justine Wiebe** Bereskin & Parr

- > Special applications
  - certification marks
  - distinguishing guises
  - official marks
- > Amendments to applications
- > Examiners' reports & responses
- > Other legislation affecting trade-marks
- > Voluntary withdrawal and abandonment
- > Extension of time
- > Advertisement & Allowance

**1:45 Different Types of Applications** (cont'd)

**3:15 Workshop: Responding to Examiners' Reports**

## WEDNESDAY, AUGUST 5, 2009

### Module 2

#### Fundamentals of Trade-mark Management and Contentious Proceedings

#### 8:30 Life after Registration

**Christine Pallotta** Bereskin & Parr

- > Term of registration
- > Renewal & maintenance
- > Guidelines for proper use and marking
- > Summary cancellation due to non-use
- > Expungement based on invalidity
- > Amendments and extensions to registrations
- > Assignments
- > License agreements & security interest agreements
- > Policing & other due diligence steps

#### 10:30 Trade-mark and Domain Names: Two Sides of the Same Coin?

**Michael Erdle** Deeth Williams Wall LLP

- > Domain names versus trade-marks
- > Conflicts & solutions
- > Domain name dispute resolution procedures
- > New international initiatives
- > Case-law overview: domain names versus trade-marks

#### 11:30 Selecting Great Trade-marks

**Jean-Nicolas Delage** BCF

- > Legal considerations
- > Distinctiveness: inherent / acquired
- > Confusion: 3rd party marks on the register vs. in the marketplace
- > Marketing considerations & their impact: visual impact; aural impact, and other languages/cultures

#### 1:45 Managing Trade-mark Assets: An In-House Perspective

**Catherine Douglas** Rogers Communications Inc.

- > Searching and clearing strategies
- > Building & managing trade-mark portfolios (advertising samples & domains)
- > Managing relationships: executives, marketing professionals, agencies and outside counsel
- > Corporate strategies: filing, use and licensing
- > Protecting marks & graphics in domains and advertising

#### 3:15 Workshop: Trade-mark Searches and Risk Assessments

## THURSDAY, AUGUST 6, 2009

### Module 2 (cont'd)

#### 8:30 Opposition Proceedings: Overview & Context

**Philip Lapin** Smart & Biggar/Fetherstonhaugh

- > Context (advertisement and prescribed opposition deadline)
- > Procedures & steps
- > Extensions of time including retroactive extensions
- > Why oppose?
- > Length of oppositions, costs & tactics
- > Options for settlement

#### 10:15 Opposition Proceedings (cont'd)

#### 1:15 Opposition Proceedings (cont'd)

#### 2:30 Workshop: Tips and Strategies in Opposition Proceedings

## FRIDAY, AUGUST 7, 2009

### Module 2 (cont'd)

#### 8:00 The Community Trade-mark (CTM) and the Madrid Protocol

**Mark Hiddleston** Elkington & Fife LLP

- > Filing strategies; an overview of the CTM, Madrid Protocol (International), and national filing systems
- > CTM / Madrid Protocol systems: advantages and disadvantages
- > Registration & post-registration issues; enforcement

#### 10:00 U.S. & Canadian Trade-mark Prosecution: A Comparative Analysis

**Michael Lasky** Altera Law Group LLC

- > Preparation and filing of U.S. applications: different types of applications, classification of goods & services, class fees
- > U.S.P.T.O. procedures
- > Brief overview of opposition & cancellation proceedings
- > U.S. trade-mark searching
  - federal registers (Principal & Supplemental)
  - state registers
  - common law
- > Post registration issues
  - Sections 8 & 15 Affidavits
  - renewals
  - amendments
- > Assignments

#### 2:00 Overview of Trade-mark Litigation in Canada – Infringement, Passing Off & Depreciation of Goodwill

**Christopher J. Pibus** Gowling Lafleur Henderson

- > Litigation strategies
- > Causes of action
  - infringement
  - passing-off
  - depreciation of goodwill
- > Defences
- > Non-infringement
- > Invalidity
- > Counterfeiting in Canada
- > Experts & Survey Evidence
- > Remedies (Anton Piller Orders, injunctions, recovery of damages or profits, destruction, customs remedies)

#### 3:45 Trade-mark Litigation in the U.S. – What Practitioners Need to Know for Canadian Clients

**Douglas Rettew**

Finnegan Henderson Farabow Garrett & Dunner LLP

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

“A necessary step to understanding the what, why and how of trade-marks. The lectures were well presented, complete and interesting. The guest speakers were leading figures in their field and made the attendees realize how interesting and exciting trade-marks can be!”

**Natasha Lavoie**

Péloquin Kattan S.E.N.C.

### FEES

#### Understanding Trade-marks

#### An Introductory Course August 3-7, 2009

IPIC member	\$2175
Non-member	\$2375

#### Module 1

#### August 3-4, 2009

IPIC member	\$1075
Non-member	\$1275

#### Module 2

#### August 5-7, 2009

IPIC member	\$1475
Non-member	\$1675



# The Trade-marks Practitioner

**An Advanced Course: Monday, August 10 to Friday, August 14, 2009**

**Module 1 (2 days)** Licensing and Current Topics in Trade-mark Laws (August 10-11, 2009)

**Module 2 (3 days)** Trade-mark Opposition and Litigation (August 12-14, 2009)

## Get into the Game – Improve Your Career Prospects

A five-day, intensive, practical, hands-on course and modules. The Trade-marks Practitioner offers you the opportunity to attend a mock cross-examination and a mock oral hearing with experienced practitioners, including a member of the Trade-marks Opposition Board and a Federal Court judge.

## Who Should Attend

A must for anyone working at the leading edge of the trade-mark field. The Trade-marks Practitioner is designed specifically for experienced trade-mark agents, in-house trade-mark managers, in-house counsels, and lawyers who specialize in the trade-mark area, whether in private or corporate practice, with at least 3 to 5 years experience in the area of trade-mark law.

## Key Benefits

This course addresses advanced issues that are faced by the trade-mark practitioner on a regular basis. Some of the important topics examined include:

### Module 1:

- > all aspects of licence agreements

### Module 2:

- > opposition and summary expungement proceedings
- > factual and expert evidence
- > affidavit evidence
- > cross examinations and written submissions

“Trade-marks II is an excellent course for anyone working in the trade-mark field. The topics covered included excellent and up-to-date information which were presented by very knowledgeable, fun and engaging speakers. You will find yourself opening the reference material provided long after returning to the office!”

Jo-Ann Heikkila  
Iovate Health Sciences  
Research Inc.

## MONDAY, AUGUST 10, 2009

### Module 1

#### Licensing and Current Topics in Trade-mark Law

#### 8:30 Opening Remarks

**Allen D. Israel** Lapointe Rosenstein LLP  
Program Director

**Geneviève M. Prévost**  
Smart & Biggar/Fetherstonhaugh  
Assistant Program Director

#### 8:45 History & Purpose of License

**Lee Webster** Osler, Hoskin & Harcourt  
**Frank Politano**  
Kirkpatrick & Lockhart Preston Gates Ellis

- > Overview of history of licensing
- > Requirements of the Trade-marks Act

#### 9:45 Specifics about Terms and Conditions and Negotiating and Structuring License

**Lee Webster** Osler, Hoskin & Harcourt  
**Frank Politano**  
Kirkpatrick & Lockhart Preston Gates Ellis

- > Defining the licensing rights
- > Exclusive, non-exclusive, sole license
- > Specific provisions
- > Negotiation strategies
- > Post-licensing issues
- > Remedies and enforcement

#### 10:45 Specifics about Terms and Conditions and Negotiating and Structuring License (cont'd)

**Lee Webster** Osler, Hoskin & Harcourt  
**Frank Politano**  
Kirkpatrick & Lockhart Preston Gates Ellis

- > Negotiating strategies
- > Anticipating post-licensing issues, such as additional trade-marks, bankruptcy, remedies and enforcement

#### 1:15 Specifics about Terms and Conditions and Negotiating and Structuring License (cont'd)

#### 3:00 Interactive Workshop on Licensing Negotiations

**Lee Webster** Osler, Hoskin & Harcourt

**Frank Politano**  
Kirkpatrick & Lockhart Preston Gates Ellis

**Sanjay D. Goorachurn**  
Smart & Biggar/Fetherstonhaugh

**Marie Mandeville** McGill University

- > Points of view of both the licensee and licensor
- > Assess the issues, recommend the fairest position or compromise

#### 6:00 Cocktail Reception

## TUESDAY, AUGUST 11, 2009

### Module 1 (cont'd)

#### 8:30 Interplay of Trade-marks, Domain Names and the Internet

**Eric Macramalla** Gowling Lafleur Henderson

- > Understanding the jargon
- > Passive and active web sites
- > Cybersquatting and other infringing activities
- > Domain name registration
- > Dispute resolution using ICANN and CIRA

#### 10:15 Interactive Comparative Discussion of U.S. and Canadian Trade-mark Prosecution Practice

**Geneviève M. Prévost**  
Smart & Biggar/Fetherstonhaugh

**Julie C. Jennings** Senniger Powers

- > Searching
- > Preparation and filing of different types of applications
- > U.S. Patent and Trademark Office fees and procedures
- > Overview of opposition and cancellation proceedings
- > Post-registration issues
- > Interacting with U.S. counsel
- > Madrid Protocol from a U.S. Perspective
- > Question and answer period

**2:00 Non-Conventional Trade-marks**

- Colleen Morrison** Marks & Clerk
- Gary Partington** Marks & Clerk
- > Distinguishing guise
- > Two and three-dimensional marks
- > Colour
- > Animated moving-image marks
- > Sounds and scents
- > Official marks
- > Famous marks

**WEDNESDAY, AUGUST 12, 2009**

**Module 2**

**Trade-mark Opposition and Litigation**

**8:30 Difficulties in Opposition Proceedings and Preparation of Evidence**

- Cynthia Rowden** Bereskin & Parr
- > Review of opposition proceedings
- > Advanced issues of pleading
- > Evidentiary issues
- > Practical issues in drafting affidavits

**10:45 Expert Evidence**

- Alain Dussault** Fasken Martineau DuMoulin LLP
- > Selection and use of expert evidence in oppositions, cancellation proceedings and litigation

**1:30 Review of Section 45 Proceedings – Proving Use or Non-Use of a Trade-mark**

- Cynthia Rowden** Bereskin & Parr
- > Review of Section 45 proceedings
- > Comparison of Section 45 and abandonment issues
- > Evidentiary requirements in Section 45 cases

**3:45- Workshop on Opposition Proceedings**

- 6:00 Cynthia Rowden** Bereskin & Parr
- Céline Tremblay** Trade-marks Opposition Board
- > Drafting affidavit evidence in opposition and Section 45 proceedings
- > Question and answer forum with member of Trade-marks Opposition Board

**THURSDAY, AUGUST 13, 2009**

**Module 2 (cont'd)**

**8:30 Cross Examinations**

- Robert MacDonald** Gowling Lafleur Henderson
- Gordon Zimmerman** Borden Ladner Gervais
- > To cross-examine or not
- > Scope of cross-examination
- > Preparation
- > Do's and don'ts

**9:30 Written Submissions**

- Elizabeth G. Elliott** Moffat & Co. /Macera & Jarzyna, LLP
- > Format and content
- > Typical submissions
- > Practical examples

**10:45 Preparation for Oral Hearing**

- Elizabeth G. Elliott** Moffat & Co. /Macera & Jarzyna, LLP
- > When is a hearing appropriate
- > Preparation and participation

**12:00 Student Luncheon**

**1:30 Mock Cross-Examination of Affiant on Evidence Filed**

- Robert MacDonald** Gowling Lafleur Henderson
- Gordon Zimmerman** Borden Ladner Gervais
- Robert Gould** recently retired from Smart & Biggar/Fetherstonhaugh
- > The good, the bad and all that

**3:15- Mock Oral Hearing**

- 6:00 Robert MacDonald** Gowling Lafleur Henderson
- Gordon Zimmerman** Borden Ladner Gervais
- Jean Carrière** Trade-marks Opposition Board
- > Oral submissions by experienced practitioners
- > Comments from member of the Trade-marks Opposition Board

**FRIDAY, AUGUST 14, 2009**

**Module 2 (cont'd)**

**8:30 Appeal of Decisions in Section 45 Proceedings, Opposition Proceedings and Prosecution**

- Mr. Justice Roger T. Hughes** Federal Court of Canada
- > Procedures and evidence in appeal from Trade-marks Office decisions after prosecution, Section 45 decisions and opposition proceedings decisions

**9:30 Infringement and Remedies**

- Mr. Justice Roger T. Hughes** Federal Court of Canada
- > What constitutes infringement
- > Defences to an infringement action
- > Passing off
- > Defences to a passing off action
- > Remedies
- > Grey marketing

**11:00 Practical Approach to Co-existence and Other Settlement Agreements**

- Daniel Drapeau** Smart & Biggar/Fetherstonhaugh
- > Should we settle?
- > Assessing strengths and weaknesses
- > Developing strategies and considering alternatives
- > Review of agreement
- > Avoiding the pitfalls

**2:00 Mock Trial with Oral Testimony**

- Madam Justice Elizabeth Heneghan** Federal Court of Canada
- François Guay** Smart & Biggar/Fetherstonhaugh
- Glen Bloom** Osler, Hoskin & Harcourt
- Ruth Corbin** Corbin Partners Inc.
- > Court dramatization
- > Attorneys conduct examination, cross examination and make submissions
- > Comments from the judge

“ I was extremely impressed with the speakers and topics offered at the Advanced Trade-mark Course. The materials for the course have been useful to my practice; the course was well organized and insightful. ”

**Janine MacNeil**  
Fasken Martineau DuMoulin

FEES	
<b>The Trade-marks Practitioner</b>	
<b>An Advanced Course August 10-14, 2009</b>	
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IPIC member	\$1075
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<b>Module 2 August 12-14, 2009</b>	
IPIC member	\$1475
Non-member	\$1675



# The Business of Copyright

Monday, August 10, 2009 to Wednesday, August 12, 2009

Track 1 (3 days) Copyright in Entertainment and Publishing (August 10-12, 2009)

Track 2 (3 days) Copyright in Internet, Technology and Software (August 10-12, 2009)

## MONDAY, AUGUST 10, 2009

### 8:15 Opening Remarks

**Sylvie Charron** Copyright Board  
Program Director

**Benoît Clemont** Productions J.  
Assistant Program Director

### 8:30 Setting the Stage

**Benoît Clemont** Productions J.

- > Main themes of copyright
- > Pressures caused by technology advances
- > Balance between users rights and authors rights

### 9:00 What Works Are Protected

**Carys Craig** Osgoode Hall Law School  
York University

- > Traditional categories of works
- > Unprotected works (unexpressed ideas)
- > Fixation

### 10:30 Exclusive and Moral Rights

**Louis Gratton** Ogilvy Renault

- > Author is presumed owner
- > Employee and independent contractors
- > Basic components of economic rights:  
produce, reproduce, perform, publish,  
authorize
- > Subsidiary rights
- > Moral rights

### 1:15 Exempt Activities

**Diane Cornish** Osler Hoskin & Harcourt

- > Research, study, criticism, reviews, news
- > Educational institutions
- > Libraries, archives & museums
- > Parodies
- > Comparison with fair use in U.S. schemes
- > Practical advice

### 2:30 Terms and Formalities

**Peter Wells** Lang Michener

- > General term rule
- > Special rules for certain types of works
- > Registration of copyright
- > Comparison with U.S. law

### 3:30 Assignment and Licensing

**David Ayleen** Gowling Lafleur Henderson

- > Necessity for writing
- > Implied assignment/licensing
- > Recordal of assignments and licences
- > Compulsory licences
- > Beneficial equitable ownership
- > Security agreements

### 4:45 Introduction to Copyright Valuation Workshop

**Dr. Ruth Corbin** Corbin Partners Inc.

**Gilles McDougall** Copyright Board

### 5:15 Cocktail Reception

## TUESDAY, AUGUST 11, 2009

### 8:30 Primary and Secondary Infringement

**Hugues Richard** Robic

- > Specific acts of infringement
- > Who is an infringer?
- > Unconscious copying
- > Indirect copying
- > Meaning of "substantial art"
- > In-depth discussion of Section 27 (2)
- > Innocent infringers

### 10:30 Enforcement

**Mark Evans** Smart & Biggar/Fetherstonhaugh

- > Interlocutory injunctions
- > Anton Piller orders
- > Injunctions
- > Damages and profits
- > Detention of imported copies by customs
- > Enforcement of criminal provisions

### 12:00 Lunch Speaker: Perspective from the Chair

**Mr. Justice William J. Vancise**  
Chair, Copyright Board of Canada

### 1:15 The Copyright Board of Canada

**Sylvie Charron** Copyright Board Member

- > Copyright Board
- > Mandate, structure, hearings and procedure
- > Collective administration, retransmission, private copying, internet

### 2:15 Copyright Reform and Copyright Policy

Representatives of both Industry Canada and Canadian Heritage

**Gerald Kerr-Wilson**

Fasken Martineau DuMoulin, moderator

**Barbara Motzney** Canadian Heritage

**Albert Cloutier** Industry Canada

### 3:15 Copyright Valuation

**Gilles McDougall** Copyright Board

**Dr. Ruth Corbin** Corbin Partners Inc.

### 4:15 Copyright Valuation Workshop

**Dr. Ruth Corbin** Corbin Partners Inc.

**Gilles McDougall** Copyright Board

“The course provides an excellent overview of all aspects of copyright law, and offers a great balance for both beginners and those more experienced in the subject. Perhaps most noticeable is the level of engagement of the students – it really speaks to the quality of the program and the approachability of the speakers when people participate with that level of enthusiasm.”

**Kathleen Simmons**  
Legal Counsel  
Canadian Association  
of Broadcasters

The third day of the program allows participants to choose one of two tracks focusing on either entertainment and publishing or internet technology and software.

WEDNESDAY, AUGUST 12, 2009



### Track 1

#### Copyright in Entertainment and Publishing

##### 8:30 Focus on Publishing

**Brian O'Donnell** Access Copyright

- > How does copyright generate revenue in book publishing?
- > Discussion of re-occurring copyright problems/issues
- > Business of publishing and perspective on Ebooks/epublishing

##### 9:30 Music Copyright

**Susan Abramovitch** Gowling Lafleur Henderson

- > Music industry issues
- > Technological innovations including podcasting
- > Lessons from other media
- > Practical advice

##### 10:45 Copyright Clearance

**Tanya Woods** Copyright Consultant

- > Copyright clearance and collective societies
- > Music edition and major record labels
- > New markets, royalties and copyright clearance: webcasting, simulcasting and video on demand services
- > Unlocatable copyright owners

##### 1:30 Creative Commons Issues

**Alfred Macchione** McCarthy Tétrault

- > Copyright or Copyleft?
- > Risks and rewards of these licensing schemes

##### 2:30 Film and Television Issues

**Stephen Zolf** Heenan Blaikie

- > Structuring copyright issues in film and television
- > Clearance practices and policies
- > Current perspective on collective agreements
- > Challenges of new electronic distribution models

##### 3:45 Merchandising

**Steven Fowler** The Licensing Shop

- > Selecting content and business partners for merchandising program
- > Key contractual terms and conditions
- > Managing a merchandising program

### Track 2

#### Copyright in Internet, Technology and Software

##### 8:30 Using Copyright in Business and Industrial Settings

**Daniel Drapeau** Smart & Biggar/Fetherstonhaugh

- > Application of copyright law to logos, promotional material, plans, designs, machines, industrial equipment
- > Strategies to maximize effectiveness of copyright protection
- > Overlap between copyright and industrial design protection

##### 9:45 Software Copyright

**Sunny Handa** McGill University  
Blake, Cassels & Graydon

- > Application of substantive areas of copyright law to computer programs
- > Tests for infringement in light of Delrina case
- > Understanding source code, data files and Structures

##### 11:00 Open Source Issues

**Alfred Macchione** McCarthy Tétrault

- > Copyright or Copyleft?
- > Pitfalls and rewards of these licensing schemes

##### 1:30 Copyright Protection for Games

**Susan Abramovitch** Gowling Lafleur Henderson

- > Structuring software gaming transactions
- > Key copyright issues
- > Online games, virtual property

##### 2:30 Copyright and the Internet

**Mark Hayes** Blake, Cassels & Graydon

- > Applying copyright to computer networks and websites
- > Liability of intermediaries
- > Cross-border copyright infringement and the Internet

##### 3:45 Licensing Issues for Software and Other Works

**Lisa K. Abe** Fasken Martineau DuMoulin

- > Key contractual issues relating to development by others and licensing of software and other content
- > Dealing with source material
- > Escrow issues

“Excellent overview of copyright law – Well worth it – Very good speakers.”

**Diane Chartrand**

Executive Director and General Counsel  
Canadian Artists and Producers Professional Relations Tribunal

### FEES

#### The Business of Copyright

##### Track 1

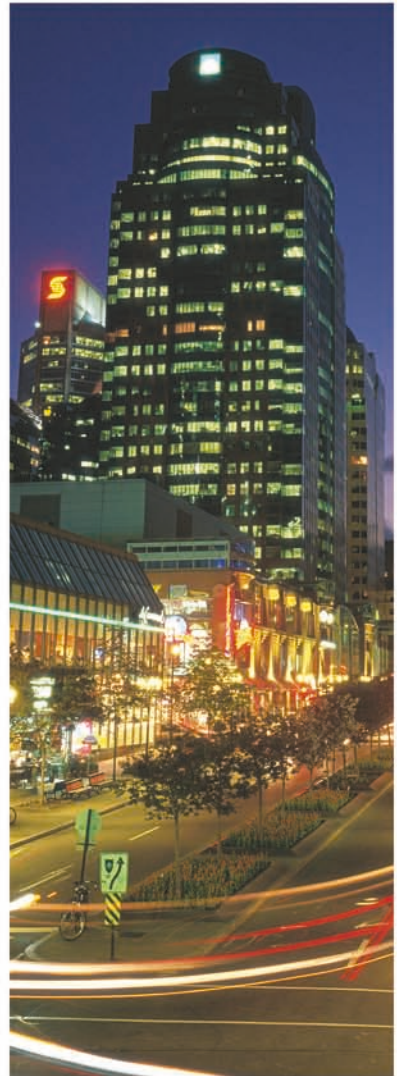
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##### August 10-12, 2009

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