

2010

SUMMER
courses in

Intellectual PROPERTY



PATENTS | TRADE-MARKS | COPYRIGHT



McGill

Centre for Continuing Education



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 1,800 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.



Become an IPIC Member today! www.ipic.ca

Mark Your Calendar!

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

JULY 26 – 30

Understanding Patents

Understanding Patents: Module 1 | July 26–27

The Beginning: Obtaining a Patent

Understanding Patents: Module 2 | July 28 – 30

Exploiting IP Rights: A Worldwide Strategy

AUGUST 2 – 6

Understanding Trade-marks

Understanding Trade-marks: Module 1 | August 2–3

Basics of Canadian Trade-mark Procurement

Understanding Trade-marks: Module 2 | August 4–6

Fundamentals of Trade-mark Management and Contentious Proceedings

AUGUST 9 – 13

The Trade-marks Practitioner

The Trade-marks Practitioner: Module 1 | August 9–10

Licensing and Current Topics in Trade-mark Law

The Trade-marks Practitioner: Module 2 | August 11–13

Trade-mark Opposition and Litigation

AUGUST 9 – 11

The Business of Copyright

Track 1:

Copyright in Entertainment and Publishing

Track 2:

Copyright in Internet, Technology and Software

**NEW THIS YEAR
Register Online!**

Spaces are Limited

– Register Early!

To register, visit our Web site at www.mcgill.ca/conted/prodep/intel

Registration deadline is

June 11, 2010.

Registrations will be accepted on a first-come, first-served basis.

After June 11th, please contact us to inquire about remaining spaces at 514 398-5454.



Understanding Patents

An Introductory Course: Monday, July 26 to Friday, July 30, 2010

Module 1 (2 days) The Beginning: Obtaining a Patent (July 26-27)

Module 2 (3 days) Exploiting IP Rights: A Worldwide Strategy for Attacking and Defending a Patent (July 28-30)

“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, as well as interacting and networking with other participants. 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

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 26, 2010

Module 1

The Beginning: Obtaining a Patent

8:30- Opening Remarks

- 8:50 Pierre T. Nguyen** Ogilvy Renault LLP
Program Director
Krishna K. Pathiyal Research In Motion Limited
Assistant Program Director
David St-Martin Bereskin & Parr LLP
Assistant Program Director

8:50- Patents: An Overview

- 10:00 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

10:00- Coffee Break

10:15

10:15- Patent Claims

- 11:30 Matthew Zischka**
Smart & Biggar/Fetherstonhaugh
- > Nature of patent grant
 - > Drafting patent claims
 - > Defining the invention

11:30- Structure of a Patent Specification

- 12:30 Louis-Pierre Gravelle** ROBIC LLP
- > Need for utility, clarity, enabling description
 - > Prior art
 - > Summary
 - > Description of invention
 - > Abstract

2:00- An Effective Inventor Interview

- 2:15 Daniel Hanson** Research In Motion Limited
- > Video presentation on an inventor interview

2:15- Workshop: Meeting the Inventor and Identifying the Invention

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

5:00- Cocktail Reception

7:00

TUESDAY, JULY 27, 2010

Module 1 (cont'd)

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

- 9:30 Jung-Kay Chiu** Ogilvy Renault LLP
- > Novelty searching
 - > Indexing of patents
 - > Patenting time line
 - > Maintenance and renewal fees

9:30- From Invention to Patent: Part 2 – Prosecuting the Application

- 10:30 Michel Sofia** BCF LLP
- > Responding to Patent Office official actions
 - > Amending applications and patents
 - > Importance of time limits
 - > Re-examination and reissue

10:30- Coffee Break

10:45

**10:45- U.S. Prosecution Overview and Comparative
12:30 Discussion with Canadian Prosecution**

Matthew B. Lowrie Foley & Lardner LLP
Andrew Hicks Hicks & Associates

- > Filing provisional applications
- > Duty to disclose
- > Continuation-in-part applications
- > Final action hurdle
- > Costs
- > Special programs

**2:00- Workshop: Patent Office Procedure and
5:00 Responses to Patent Office Official Actions**

5:00- Industrial Designs

6:00 Mark Eisen Dimock Stratton LLP

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

WEDNESDAY, JULY 28, 2010

Module 2

**Exploiting IP Rights:
A Worldwide Strategy**

8:30- The Value of a Patent

9:15 Pierre T. Nguyen Ogilvy Renault LLP

- > Factors affecting the value of a patent
- > Methods for determining the value

9:15- Exploiting IP Rights

10:15 Annie Gauthier

Davies Ward Phillips & Vineberg LLP

- > 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

10:15- Coffee Break

10:30

10:30- Standards and Patents Pools

11:30 Jean-Nicolas Delage

Fasken Martineau DuMoulin LLP

- > Overview of the standardization process
- > What is a patent pool and how is it structured
- > Intellectual property and antitrust issues relating to standards and patent pools
- > Why join a patent pool

11:30- Patents In the Commercial Milieu

12:30 Doug McIntyre Atomic Energy of Canada Limited

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

2:00- Workshop: Simulated Patent License

5:00 Negotiation or Advanced Claims Drafting

THURSDAY, JULY 29, 2010

Module 2 (CONT'D)

8:30- Patents Worldwide: Global Systems

9:30 Stephen M. Beney Bereskin & Parr LLP

- > Patent Cooperation Treaty
- > European Patent Convention

**9:30- Patents Worldwide: Value and Cost
10:30 Management**

Krishna K. Pathiyal Research In Motion Limited

- > Filing strategies
- > Techniques to maximize value while balancing costs
- > Overview of procurement and enforcement cost of patents

10:30- Coffee Break

10:45

10:45- Patents Worldwide: Corporate IP

12:00 Management

Emma Saffman Ogilvy Renault LLP

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

12:00- Student Lunch

2:00 Change and Challenge in the Patent World

2:00- Workshop: International Filing Program

5:00

FRIDAY, JULY 30, 2010

Module 2 (CONT'D)

8:30- Patent Enforcement: Infringement

10:15 Carol Hitchman Gardiner Roberts LLP

- > 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

10:15- Coffee Break

10:30

10:30- Patent Enforcement: Validity

12:00 Gordon J. Zimmerman

Borden Ladner Gervais LLP

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

**1:30- Workshop: A Moot Court Will Be Held
4:00 Based on a Case of Patent Infringement**

“By covering every stage of a patent’s life from the drafting of the application to the enforcement of patent rights, this course allowed me to gain a better understanding of what is at stake behind each one my daily tasks as a patent agent trainee. Thanks to the expert guidance of the experienced tutors, I now feel that my practice has improved tremendously.”

Olivier Provost-Cao

Technical Adviser

Fasken Martineau DuMoulin LLP

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Understanding Patents

**An Introductory Course
July 26-30, 2010**

IPIC member	\$2175
Non-member	\$2375

**Module 1
July 26-27, 2010**

IPIC member	\$1075
Non-member	\$1275

**Module 2
July 28-30, 2010**

IPIC member	\$1475
Non-member	\$1675

Understanding Trade-marks

An Introductory Course: Monday, August 2 to Friday, August 6, 2010

Module 1 (2 days) Basics of Canadian Trade-mark Procurement (August 2-3)

Module 2 (3 days) Fundamentals of Trade-mark Management and Contentious Proceedings (August 4-6)

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 LLP) > Christian Bolduc (Smart & Biggar/Fetherstonhaugh) > Laurent Carrière (ROBIC LLP)
- > Brigitte Chan (Bereskin & Parr LLP) > Frédéric Dionne (BCF LLP) > Catherine Douglas (Rogers Communications Inc.)
- > Isabelle Jomphe (Goudreau Gage Dubuc) > Philip Lapin (Smart & Biggar/Fetherstonhaugh) > Marie-Josée Lapointe (BCF LLP)
- > François Larose (Bereskin & Parr LLP) > Jean-Philippe Mikus (Fasken Martineau DuMoulin LLP)
- > Chantal St.Denis (Shapiro Cohen) > Stella Syrianos (ROBIC LLP) > Gladys Tibbo Witt (Shapiro Cohen)

This was an invaluable course in key aspects of IPR legal practice, tailored for all levels of experience and very well delivered by industry experts. Strongly recommended.

David Gray
Legal Counsel
The Canadian Real Estate Association

The McGill/IPIC Introductory to Trade-mark Course I attended in August 2009 was a very insightful and rewarding experience and one which I am sure I will rely back on during my career. I gained much knowledge from the various speakers who I found to be extremely informative and helpful. I was very impressed with the level of organization and information made available to us and consider myself fortunate to have been given the opportunity to be part of this course.

Sandy Barbieri
Law Clerk
Apotex Inc.

MONDAY, AUGUST 2, 2010

Module 1

Basics of Canadian Trade-mark Procurement

8:30- Welcome Remarks

8:50 Chantal St. Denis Shapiro Cohen
Program Director

Marie-Josée Lapointe BCF LLP
Assistant Program Director

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

10:35 Sheldon Burshtein Blake, Cassels & Graydon LLP

- > 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 and

12:30 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- 3:30 Preparing Trade-mark Applications (CONT'D)

3:30- 5:15 Workshop: Trade-mark Filing Strategies

5:15 Cocktail Reception

TUESDAY, AUGUST 3, 2010

Module 1 (CONT'D)

8:30- Concept of Use

10:30 Sheldon Burshtein Blake, Cassels & Graydon LLP

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

10:45- Concept of Use (CONT'D)

11:15

11:15- Different Types of Applications, Examiners'

12:30 Reports & Responses, Post-Advertisement Matters

Justine Wiebe Bereskin & Parr LLP

- > 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- 3:15 Different Types of Applications (CONT'D)

3:15- 5:00 Workshop: Responding to Examiners' Reports

WEDNESDAY, AUGUST 4, 2010

Module 2

Fundamentals of Trade-mark Management and Contentious Proceedings

8:30- Life after Registration

10:00 **Christine Pallotta** Bereskin & Parr LLP

- > 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

10:15- Trade-mark and Domain Names:

11:45 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

11:45- Selecting Great Trade-marks

12:45 **Jean-Philippe Mikus**

Fasken Martineau DuMoulin LLP

- > 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

2:00- Managing Trade-mark Assets:

3:15 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

5:00 Assessments

THURSDAY, AUGUST 5, 2010

Module 2 (CONT'D)

8:30- Opposition Proceedings:

10:00 Overview, Context & Strategy

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)

12:00

1:15- Opposition Proceedings (CONT'D)

2:30

2:30- Workshop: Tips and Strategies in

5:00 Opposition Proceedings

FRIDAY, AUGUST 6, 2010

Module 2 (CONT'D)

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

9:45 **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:

12:00 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

12:00- Student Lunch: The Secrets of Becoming a Great Trademark Attorney

2:00 **Michael Lasky** Altera Law Group LLC

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

3:45 **Christopher J. Pibus** Gowling Lafleur Henderson LLP

- > 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

“The program is simply exceptional - it offers participants practical guidance and valuable knowledge by recognised experts in the area. Truly, not to be missed.”

John Yiokaris

Partner
Sotos LLP

“I was very happy with the one week Trade-marks course I attended at McGill this past summer. I found the course to be informative, relevant and comprehensive. I would definitely recommend the intro to Trade-marks course to people looking to develop their skills in the area. Next year I hope to attend the advanced session!”

Q. Ryan Hanna

Papazian | Heisey | Myers,
Barristers & Solicitors

FEES

Understanding Trade-marks

An Introductory Course August 2-6, 2010

IPIC member	\$2175
Non-member	\$2375

Module 1

August 2-3, 2010

IPIC member	\$1075
Non-member	\$1275

Module 2

August 4-6, 2010

IPIC member	\$1475
Non-member	\$1675



The Trade-marks Practitioner

An Advanced Course: Monday, August 9 to Friday, August 13, 2010

Module 1 (2 days) Licensing and Current Topics in Trade-mark Law (August 9-10)

Module 2 (3 days) Trade-mark Opposition and Litigation (August 11-13)

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 license 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 9, 2010

Module 1

Licensing and Current Topics in Trade-mark Law

8:30 Opening Remarks

Geneviève M. Prévost

Smart & Biggar/Fetherstonhaugh
Program Director

Daphne L. Maravei

Blake, Cassels & Graydon LLP
Assistant Program Director

8:45- History & Purpose of License

9:45 **Lee Webster** Osler, Hoskin & Harcourt LLP

Frank Politano

Kirkpatrick & Lockhart Preston Gates Ellis LLP

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

9:45- Specifics about Terms and Conditions and

10:30 Negotiating and Structuring License

Lee Webster Osler, Hoskin & Harcourt LLP

Frank Politano

Kirkpatrick & Lockhart Preston Gates Ellis LLP

- > 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

12:30 Negotiating and Structuring License (cont'd)

Lee Webster Osler, Hoskin & Harcourt LLP

Frank Politano

Kirkpatrick & Lockhart Preston Gates Ellis LLP

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

1:30- Interactive Workshop on Licensing 3:00 Negotiations

Lee Webster Osler, Hoskin & Harcourt LLP

Frank Politano

Kirkpatrick & Lockhart Preston Gates Ellis LLP

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

3:15- Interactive Comparative Discussion of U.S. and 5:00 Canadian Trade-mark Prosecution Practice

Geneviève M. Prévost

Smart & Biggar/Fetherstonhaugh

Julie C. Jennings Senniger Powers LLP

- > 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
- > Madrid Protocol from a U.S. Perspective
- > Question and answer period

6:00 Cocktail Reception

TUESDAY, AUGUST 10, 2010

Module 1 (cont'd)

8:30- Interplay of Trade-marks, Domain Names 10:00 and the Internet

Eric Macramalla Gowling Lafleur Henderson LLP

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

- 10:30- Non-Conventional Trade-marks**
12:00 Wendy Riel Fraser Milner Casgrain LLP
Jennifer McKay Gowling Lafleur Henderson LLP
- > Distinguishing guise
 - > Two and three-dimensional marks
 - > Colour
 - > Animated moving-image marks
 - > Sounds and scents
 - > Official marks
 - > Famous marks
- 1:30- Non-Conventional Trade-marks (CONT'D)**
3:00 Wendy Riel Fraser Milner Casgrain LLP
Jennifer McKay Gowling Lafleur Henderson LLP
- 3:15- Anti-Counterfeiting Issues**
5:00 Brian P. Isaac Smart & Biggar/Fetherstonhaugh
- > Criminal enforcement issues and best practises
 - > Civil enforcement issues and best practises
 - > Legislative reform efforts and outlook
 - > International outlook

WEDNESDAY, AUGUST 11, 2010

Module 2

Trade-mark Opposition and Litigation

- 8:30- Difficulties in Opposition Proceedings**
10:15 and Preparation of Evidence
Jonathan Colombo Bereskin & Parr LLP
- > Review of opposition proceedings
 - > Advanced issues of pleading
 - > Evidentiary issues
 - > Practical issues in drafting affidavits
- 10:45- Expert Evidence**
12:00 Anthony Prenol Blake, Cassels & Graydon LLP
- > Selection and use of expert evidence in oppositions, cancellation proceedings and litigation
- 1:30- Review of Section 45 Proceedings –**
3:30 Proving Use or Non-Use of a Trade-mark
Jonathan Colombo Bereskin & Parr LLP
- > 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 Jonathan Colombo Bereskin & Parr LLP
Céline Tremblay Trade-marks Opposition Board
- > Drafting affidavit evidence in opposition and Section 45 proceedings
 - > Practice Notices – opposition and Section 45 proceedings
 - > Practical tips
 - > Question and answer period

THURSDAY, AUGUST 12, 2010

Module 2 (CONT'D)

- 8:30- Cross-Examinations**
9:30 Robert MacDonald Gowling Lafleur Henderson LLP
Gordon Zimmerman Borden Ladner Gervais LLP
- > To cross-examine or not
 - > Scope of cross-examination
 - > Preparation
 - > Do's and don'ts

- 9:30- Written Submissions**
10:30 Janet Fuhrer Ridout & Maybee LLP
- > Format and content
 - > Typical submissions
 - > Practical examples
- 10:45- Preparation for Oral Hearing**
11:45 Janet Fuhrer Ridout & Maybee LLP
- > When is a hearing appropriate
 - > Preparation and participation
- 12:00 Student Luncheon**
1:30- Mock Cross-Examination of Affiant on
3:00 Evidence Filed
Robert MacDonald Gowling Lafleur Henderson LLP
Gordon Zimmerman Borden Ladner Gervais LLP
Allen D. Israel Lapointe Rosenstein LLP
- > The good, the bad and all that
- 3:15- Mock Oral Hearing**
5:00 Robert MacDonald Gowling Lafleur Henderson LLP
Gordon Zimmerman Borden Ladner Gervais LLP
Jean Carrière Trade-marks Opposition Board
- > Oral submissions by experienced practitioners
 - > Comments from member of the Trade-marks Opposition Board

FRIDAY, AUGUST 13, 2010

Module 2 (CONT'D)

- 8:30- Appeal of Decisions in Section 45 Proceedings,**
9:30 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
 - > Opposition proceedings decisions
- 9:30- Infringement and Remedies**
10:45 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**
12:00 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**
5:00 Madam Justice Elizabeth Heneghan
 Federal Court of Canada
François Guay Smart & Biggar/Fetherstonhaugh
Glen Bloom Osler, Hoskin & Harcourt LLP
Ruth Corbin CorbinPartners 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 LLP

FEES

The Trade-marks Practitioner

An Advanced Course August 9-13, 2010

IPIIC member	\$2175
Non-member	\$2375

Module 1

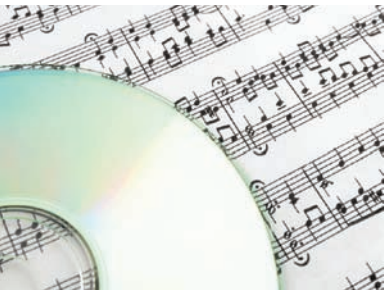
August 9-10, 2010

IPIIC member	\$1075
Non-member	\$1275

Module 2

August 11-13, 2010

IPIIC member	\$1475
Non-member	\$1675



The Business of Copyright

Monday, August 9 to Wednesday, August 11, 2010

Track 1 (3 days) Copyright in Entertainment and Publishing (August 9-11)

Track 2 (3 days) Copyright in Internet, Technology and Software (August 9-11)

MONDAY, AUGUST 9, 2010

Introduction

8:15- **Opening Remarks**

8:30 **Benoit Clermont** Productions J
Program Co-Director

Mark Hayes Hayes eLaw LLP
Program Co-Director

8:30- **Setting the Stage**

9:00 **Mark Hayes** Hayes eLaw LLP
> Main themes of copyright
> Pressures caused by technology advances
> Balance between user rights and authors rights

Morning Panel

9:00- **The Basics of Copyright – 1 (Types of Works, Conditions and Term of Protection, Authorship and Originality)**

Carys Craig Osgoode Hall Law School

Peter Wells Lang Michener LLP

- > Traditional categories of works
- > Unprotected works (unexpressed ideas)
- > Fixation
- > Author is presumed owner
- > General term rule
- > Copyright terms for different types of works and authors
- > Registration of copyright
- > Employee and independent contractors
- > Basic components of economic rights: produce, reproduce, perform, publish, authorize
- > Subsidiary rights
- > Moral rights

10:15- **Coffee Break**

10:30

12:30 **Lunch**

Afternoon Panel

1:30- **The Basics of Copyright – 2 (Exclusive and Moral Rights, to Exemptions and User Rights, Primary and Secondary Infringement)**

Louis Gratton Ogilvy Renault LLP

Sunny Handa Blake, Cassels & Graydon LLP

- > Specific acts of infringement
- > Who is an infringer?
- > Unconscious copying
- > Indirect copying
- > Meaning of “substantial part”
- > Section 27 (2) and secondary infringement
- > Innocent infringers
- > Fair dealing: research, study, criticism, reviews, news
- > Comparison of fair dealing and US fair use
- > Educational institutions
- > Libraries, archives & museums
- > Parodies

3:00- **Coffee Break**

3:15

4:45- **Introduction to Valuation Workshop**

5:15 **Ruth Corbin** CorbinPartners, Inc.

TUESDAY, AUGUST 10, 2010

Morning Panel 1

8:30- **Applying the Basics (Assignment and Licensing – Copyright and Transactions – Litigation and Remedies)**

11:00 **David Aaylen** Gowling Laffleur Henderson LLP

Mark Evans Smart & Biggar/Fetherstonhaugh

- > Necessity for writing
- > Implied assignment/licensing
- > Recordal of assignments and licenses
- > Compulsory licenses
- > Beneficial equitable ownership
- > Security agreements
- > IP due diligence for transactions
- > Interlocutory injunctions
- > Anton Piller orders
- > Injunctions
- > Damages and profits
- > Detention of imported copies by customs
- > Enforcement of criminal provisions

10:00- **Coffee Break**

10:15

Morning Panel 2

11:15- **Copyright Reform – Where Are We Now and Where Are We Going?**

Moderator: **Gerald Kerr-Wilson**

Fasken Martineau DuMoulin LLP

12:15 **Lunch**

The Hon. William Vancise

Chair, Copyright Board of Canada

Afternoon Panel

1:30- **Copyright Collective System (Introduction to the Copyright Board – the Future of Collective Management – Views from Users, Collectives and the Board)**

3:15 **Mario Bouchard** Copyright Board of Canada

Gilles Daigle Gowling Laffleur Henderson LLP

Gerald Kerr-Wilson Fasken Martineau DuMoulin LLP

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

3:30- **Copyright Valuation Workshop**

5:30 **Ruth Corbin** CorbinPartners, Inc. and panelists to be confirmed

“The Business of Copyright course provides an excellent opportunity for experienced practitioners as well as for beginners to review the fundamentals of copyright, and to get more familiar with specialized aspects of copyright law, such as entertainment or technology.”

France Lafleur
SOCAN

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 11, 2010

Industry Focus



Track 1

Entertainment and Publishing

8:45- Copyright and Publishing

9:45 **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

9:45- Music Copyright

10:45 **Susan Abramovitch**

Gowling Lafleur Henderson LLP

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

10:45- Coffee Break

11:00

11:00- Copyright Clearance

12:00 **Tanya Woods** Copyright Consultant

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

12:30 Lunch

1:30- Film and Television Issues

2:30 **Stephen Zolf** Heenan Blaikie LLP

Robert Tarantino Heenan Blaikie LLP

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

2:30- Merchandising

3:30 **Steven Fowler** The Licensing Shop

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

3:30- Coffee Break

3:45

Track 2

Internet, Technology and Software

8:45- Software Copyright

9:45 **Sunny Handa** Blake Cassels & Graydon LLP

- > 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

9:45- Copyright Protection for Online and

10:45 **Computer Games**

Stéphane Gilker Fasken Martineau DuMoulin LLP

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

10:45- Coffee Break

11:00

11:00- Copyright and the Internet

12:00 **Jacob Glick** Google Canada Inc.

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

12:00 Lunch

1:30- Licensing Issues for Software and

2:30 **Other Works**

Lisa Abe Fasken Martineau DuMoulin LLP

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

2:30- Open Source Issues

3:30 **Alfred Macchione** McCarthy Tétrault LLP

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

3:30- Coffee Break

3:45

3:45- Joint Concluding Panel: Online Distribution for Entertainment Content

Dany Melou

Astral Broadcasting Group Inc.

“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

Fasken Martineau DuMoulin LLP

FEES

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Track 1

August 9-11, 2010

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