

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

41ST Spring Meeting



Towards the “Triple-E” IP Practice:
Ethical, Educated and Effective

March 26-27, 2007

HILTON LAC LEAMY
GATINEAU, QUEBEC





Towards the "Triple-E" IP Practice: Ethical, Educated and Effective

IP Practitioners strive to achieve a Triple-E practice on a daily basis. This year's spring meeting will offer tips and tools to make that task easier. Learn to develop effective strategies for obtaining business method patents and explore how to effectively approach patent and trade-mark searching strategies. Participate in educational roundtable discussions with CIPO senior examiners and policy advisors from the Patent, Trade-mark and Industrial Design branches. Increase your knowledge of ethical management and marketing of your practice and review the past year's developments in Patent, Trade-mark and Copyright law.

Monday, March 26, 2007

9:00 - 9:10 a.m.

OPENING REMARKS

R. Scott MacKendrick *Ogilvy Renault LLP/S.E.N.C.R.L., s.r.l. (Toronto)*
Program Chair

9:10 - 9:25 a.m.

PRESIDENT'S REMARKS

Michael Erdle *Deeth Williams Wall LLP (Toronto)*

9:25 - 10:05 a.m.

KEYNOTE SPEAKER

The Honourable Allan F. Lutfy
Chief Justice, Federal Court (Ottawa)

10:05 - 10:25 a.m.

BREAK

Concurrent Sessions

~ PATENTS ~

10:25 - 11:30 a.m.

STRATEGIES FOR OBTAINING BUSINESS METHOD PATENTS

Moderator
Isabelle Chabot *Ogilvy Renault LLP/S.E.N.C.R.L., s.r.l. (Québec)*

Mark Eisen *Dimock Stratton LLP (Toronto)*
Adrian Samuels *Frank B. Dehn & Co. (London, U.K.)*
Lisa Norton *DLA Piper (Reston, Virginia)*

- Getting your software-related invention through the Canadian and European Patent Offices, in addition to

the USPTO

- Are there ways to patent a business method in Canada, Europe and the U.S.?
- Day-to-day practice tips for obtaining the broadest possible scope of protection for software-related inventions

11:30 a.m. - 12:30 p.m.

VALIDITY ATTACKS: WHAT'S NEW IN ANTICIPATION/OBVIOUSNESS/CLAIMS BROADER/GOOD FAITH

Moderator

Andrew Bernstein *Torys LLP (Toronto)*

Jennifer Wilkie *Gowling Lafleur Henderson LLP (Ottawa)*
Dominique Hussey *Bennett Jones LLP (Toronto)*
Conor McCourt *Torys LLP (Toronto)*
Bob Sotiriadis *Léger Robic Richard LLP (Montreal)*

- Is "inherency" part of Canadian law?
- What makes a "public" disclosure?
- Are obviousness, anticipation and double-patenting subsumed within the law of selection patents?
- When can an infringer rely on bad faith?

~ TRADE-MARKS ~

10:25 - 11:30 a.m.

EXPUNGEMENT ACTIONS: AN IN-DEPTH LOOK AT HOW TO SUCCEED

Moderator

Nicki Hunt *Hunt Biggs LLP (Ottawa)*

Philip Lapin *Smart & Biggar/Fetherstonhaugh (Ottawa)*
Richard Levy *De Grandpré Chait (Montreal)*

- Are Hearing Officers predisposed in favour of the Registrant?: have s. 45 decisions changed the concepts of use and the trade-mark "as registered" and what are special circumstances anyway?
- It's all in the timing: the pitfalls of arguing against

a blocking registration and how to counter-claim for expungement in an infringement action

- Summarily? Not so fast!: when it's worth using the many extra tools permitted by the s. 57 expungement remedy

11:30 a.m. - 12:30 p.m.

PROTECTING YOUR TRADE-MARK RIGHTS ON THE INTERNET

Moderator

Catherine Douglas *Rogers Communications Inc. (Toronto)*

Peter Giddens *Lang Michener LLP (Toronto)*

Eric Macramalla *Gowling Lafleur Henderson LLP (Ottawa)*

- New online developments such as keyword ads, logos and notices
- Non-traditional domain name registries and domain solicitations
- Domain name taste-testing and trade-mark use

12:30 - 1:45 p.m.

LUNCH

1:45 - 2:30 p.m.

INDUSTRIAL DESIGN BRANCH ROUNDTABLE

Moderator

Theresa Astles *Ogilvy Renault LLP/S.E.N.C.R.L., s.r.l. (Ottawa)*

Rita Carreau *Manager, Technical Policy*

Monique Laurin *Director*

Marthe Savoie *Manager, Business Operations*

Kathleen Bracci *Supervisor, Industrial Design Examination*

Concurrent Sessions

~PATENTS~

2:30 - 3:40 p.m.

PATENT BRANCH ROUNDTABLE

Moderator

David Schwartz *Smart & Biggar/Fetherstonhaugh (Ottawa)*

CIPO Panel TBA

3:40 - 3:55 p.m.

BREAK

3:55 - 5:00 p.m.

EFFECTIVE PATENT SEARCHING STRATEGIES

Moderator

Sanro Zlobec *Smart & Biggar/Fetherstonhaugh (Montreal)*

James Beyer *Dinsmore & Shohl LLP (Dayton, OH)*

Dr. Kazimierz T. Kaminski *InfoSciTech (Ottawa)*

Matthew Zischka *Smart & Biggar/Fetherstonhaugh (Toronto)*

- Importance of the search as a basis for downstream conclusions

- Contrasting patentability, validity and infringement searching
- Sources of patent and non-patent literature
- Perspectives on Canadian and U.S. patent searching

~TRADE-MARKS~

2:30 - 3:40 p.m.

TRADE-MARKS BRANCH ROUNDTABLE

Moderator

Cynthia Rowden *Bereskin & Parr (Toronto)*

Geneviève Côté-Halverson *Head, Technical Policy and Training*

Cameron Tiesma *Senior Examiner*

Jeremy Peck *Senior Examiner*

Céline Tremblay *A/Chair, Trade-marks Opposition Board*

3:40 - 3:55 p.m.

BREAK

3:55 - 5:00 p.m.

EFFECTIVE TRADE-MARK SEARCHING STRATEGIES

Moderator

Janice Bereskin *Bereskin & Parr (Toronto)*

Andrew S. Ehard *Merchant & Gould (Minneapolis, MN)*

Justine Wiebe *Bereskin & Parr (Toronto)*

- From preliminary to full searches — understanding how Canadian and U.S. searches differ
- The spectrum of distinctiveness and the impact on the cost to clear, register and enforce marks
- Critical language considerations in assessing registrability
- Special considerations when clearing design marks and pharmaceutical marks

5:15 p.m.

COCKTAILS

Le Baccara, Casino Lac Leamy

6:00 p.m.

DINNER (OPTIONAL)

Le Baccara, Casino Lac Leamy

Tuesday, March 27, 2007

7:30 - 9:00 a.m.

INCORPORATING YOUR PRACTICE — ADD-ON SEMINAR

Moderator

Andrea Rutty *Ledgley Law (Toronto)*

Miriam Paton *Integral Intellectual Property Inc. (Toronto)*

Bruce Ball *BDO Dunwoody LLP (Toronto)*

- Can we incorporate?
- Personal and professional liability
- Who holds liability insurance?
- Costs of incorporation
- What are the legal ramifications of incorporating?

9:00 - 10:15 a.m.

THE ETHICS OF FIRING YOUR CLIENT

Moderator

Janet Fuhrer *Ridout & Maybee LLP (Ottawa)*

Ken Hanna *Ridout & Maybee LLP (Toronto)*

Carol Hitchman *Hitchman & Sprigings (Toronto)*

John Evans *Osler, Hoskin & Harcourt LLP (Toronto)*

- Warning signs — when to consider firing the client
- Notice to the client — what form
- Timing — minimizing prejudice
- Transferring the file — what to keep
- The solicitor's lien — how far you can go
- The duty of the successor lawyer — rights and obligations

10:15 - 11:00 a.m.

IPIC AND CIPO UPDATES

IPIC President

Michael Erdle *Deeth Williams Wall LLP (Toronto)*

Guest Speaker

David Tobin

*Commissioner of Patents, Registrar of Trade-marks and CEO
CIPO (Gatineau)*

11:00 - 11:20 a.m.

BREAK

11:20 a.m. - 12:30 p.m.

MARKETING YOUR PRACTICE TO COMPETE WITH NON-RESIDENTS

Moderator

John Lee *Fraser Milner Casgrain LLP (Ottawa)*

Gary Daniel *Blake, Cassels & Graydon LLP (Toronto)*

Lesley Rapaport *GeneNews (Toronto)*

Cory Furman *Furman & Kallio (Regina, SK)*

- What types of IP work is being exported from Canada?

- What influences Canadian businesses to work directly with law firms outside of Canada?
- Where are the marketing opportunities to capture this work?
- What changes to Canadian IP practice should be considered?

12:30 - 2:00 p.m.

LUNCH & COMMITTEE MEETINGS

2:00 - 4:45 p.m.

THE YEAR IN REVIEW IN LESS THAN THREE HOURS: ALL YOU NEED TO KNOW

Moderator

Adrian Zahl *Ridout & Maybee LLP (Ottawa)*

2:00 - 3:05 p.m.

COPYRIGHT UPDATE

Glen Bloom *Osler Hoskin & Harcourt LLP (Ottawa)*

Sheldon Burshtein *Blake Cassels & Graydon LLP (Toronto)*

3:05 - 3:55 p.m.

TRADE-MARK UPDATE

Daniel Bereskin *Bereskin & Parr (Toronto)*

Robert MacDonald *Gowling Lafleur Henderson LLP (Ottawa)*

3:55 - 4:45 p.m.

PATENT UPDATE

David Morrow *Smart & Biggar/Fetherstonhaugh (Ottawa)*

Donald MacOdrum *Lang Michener LLP (Toronto)*

*IPIC Council wishes to thank members of the Forums and Seminars
Committee for the development of the Spring Meeting program:*

Scott MacKendrick
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Coby Anna Britton Schneider

Elliott Simcoe

Bruce Stratton

Christopher Van Barr

Adrian Zahl

CLE

*Program accredited by the New York CLE Board as both
transitional and non transitional.*

*Financial aid may be available to attend this activity.
Information: 613-234-0516*

PROGRAM SUBJECT TO CHANGE

IPIC 41st Spring Meeting

HILTON LAC LEAMY - GATINEAU, QUEBEC

March 26-27, 2007 **EARLY REGISTRATION REBATE**
Register before February 23, 2007 and receive a \$50 rebate



IPIC

1 DELEGATE Dr. / Mr. / Mrs. / Miss / Ms. *Please print*

Surname _____ First Name _____
Firm/company name _____
Firm/company address _____
City _____ Province _____ Postal Code _____
Tel _____ Facsimile _____
E-mail _____

2 REGISTRATION FEES (GST# R122871148)

RATES (PLUS GST)	DAILY	MARCH 26 AND 27
Member	\$395	\$690
Non member	\$495	\$890
Government and Universities	\$395	\$690

March 26th Dinner: Le Baccara (optional) **\$90**
Add-on seminar: No additional charge for Spring Meeting registrants. **\$50** for non-registrants.

3 I WILL ATTEND: MARCH 26 ONLY MARCH 27 ONLY MARCH 26 AND 27
 ADD-ON SEMINAR ONLY

Registration fee \$ _____
Less early registration \$50 rebate (before February 23) \$ _____
SUBTOTAL (FEE) \$ _____
Plus March 26th dinner: Le Baccara \$90 x _____ person(s)* \$ _____
SUBTOTAL \$ _____
Add-on seminar \$50 for non-registrants \$ _____
PLUS GST (6%) \$ _____
TOTAL \$ _____

*Name(s) of dinner guest(s) accompanying the delegate _____

4 ADD-ON SEMINAR — INCORPORATING YOUR PRACTICE

Tuesday, March 27, 7:30 - 9:00 a.m.

I will attend I will not attend

5 METHOD OF PAYMENT (Please check)

CREDIT CARD CHEQUE (made payable to IPIC)

VISA MASTERCARD

AMERICAN EXPRESS

Expiry Date _____ / _____

Cardholder's Name (Please print) _____

Signature _____

HOW TO REGISTER

On-line:

Visit the IPIC website at www.ipic.ca.
E-commerce and cardholder financial information is collected by IATS, a third-party e-commerce service provider, in a secure server.

Fax:

Fax registration form to (613) 234-0671.

Mail:

Mail registration form and payment to:

IPIC

606-60 Queen Street

Ottawa, ON K1P 5Y7

Telephone and e-mail registrations not accepted.

REGISTRATION DEADLINE: MARCH 16, 2007

CANCELLATION POLICY

Registration fees must be pre-paid. A \$50 cancellation fee will apply to cancellations received before March 16, 2007. Refunds will not be issued after March 16 but substitutions will be accepted.

HOTEL ACCOMMODATION

A block of rooms has been set aside at the Hilton Lac Leamy at the group rate of \$185/night plus tax. Please call 866-488-7888 or (819) 790-6444 and identify yourself as attending the IPIC meeting, or visit www.ipic.ca to book your accommodations on-line.

ROOM BLOCK RELEASE DATE: FEB. 26, 2007

INQUIRIES

Tel: 613-234-0516 E-mail: education@ipic.ca

6 DIETARY REQUIREMENTS / ALLERGIES

7 I prefer that IPIC not provide my coordinates to the meeting sponsors to receive promotional information.