

2011 Summer Courses in
Intellectual Property

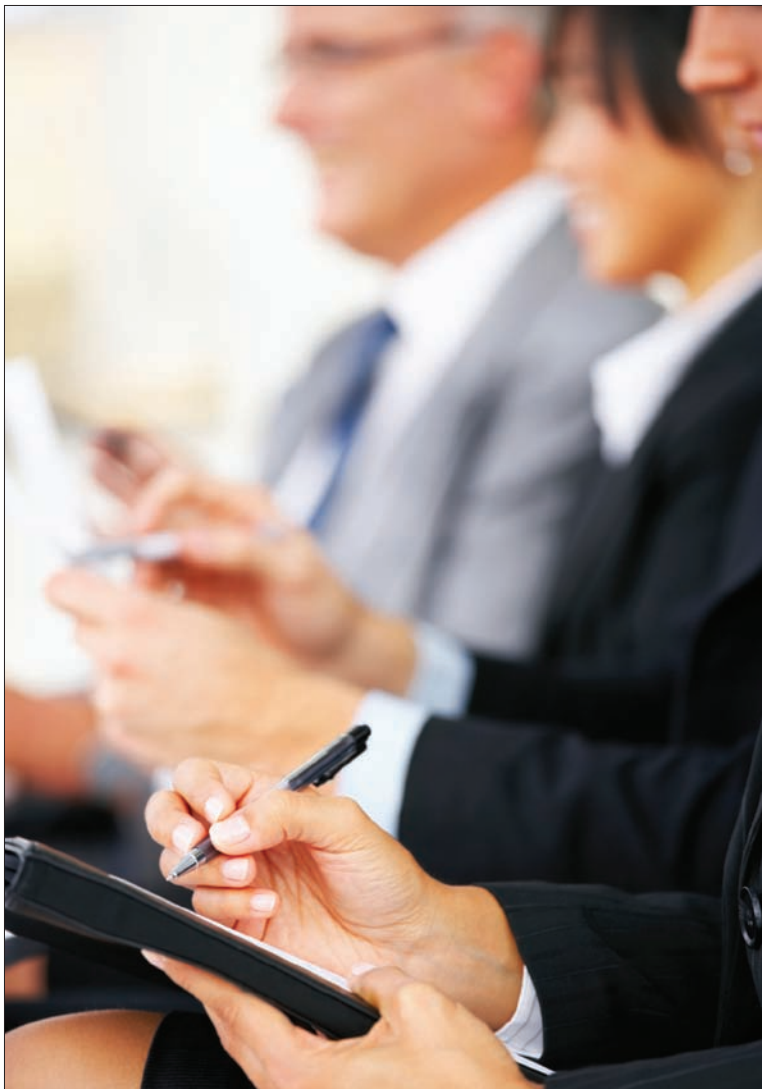


INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA



McGill

Centre for Continuing Education



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 2,000 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.

Continuing Professional Development (CPD)

Please visit www.mcgill.ca/conted/prodep/intel/

for details on course accreditation by professional bodies and law societies.



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 25 – 29

Understanding Patents

- Learn how to protect inventions using the patent system.
- Obtain a patent and manage a patent portfolio.
- Establish a patenting, licensing & enforcement strategy.

AUGUST 1 – 5

Understanding Trade-marks

- Select and protect valuable trade-marks.
- Manage a trade-mark portfolio efficiently.
- Obtain protection abroad.

AUGUST 8 – 10

Managing Trade-mark Disputes

- Defend contentious proceedings before the Trade-marks Office.
- Understand litigation before the courts.
- Manage disputes involving the Internet.

AUGUST 8 – 10

Copyright Master Class

- Secure and enforce copyright.
- Navigate through key issues in the entertainment and publishing fields.
- Gain in-depth knowledge on copyright in information technology.

**REGISTER
ONLINE NOW!**

Register Early!

Register before May 30, 2011

to receive a \$100 discount on any registration for a Complete Course. Discount does not apply to registrations for individual Modules.

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

Registration deadline is July 11, 2011.

Spaces are limited.



Understanding Patents

An Introductory Course: Monday, July 25 to Friday, July 29, 2011

Module 1 (2 days) The Beginning: Obtaining a Patent (July 25-26)

Module 2 (3 days) Exploiting IP Rights: A Worldwide Strategy (July 27-29)

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), 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, 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:

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

Workshop Leaders

- > Claim Drafting: Sorel Bosan, Research In Motion Limited
- > Office Action: Marc Gagnon, Smart & Biggar
- > Foreign Filing: Robert Liang, Research In Motion Limited
- > Simulated Patent License Negotiation: Alexandre Paris, National Research Council Canada
- > Advanced Claim Drafting: Robert Guay, Research In Motion Limited
- > Moot Patent Trial: Elliott Gold, Ridout & Maybee

“Having practiced in the field of technology management and licensing for a few years, I was hesitant to register to a course entitled “An Introductory Course...”. But the level of both the speakers and the participants made this a very informative and valuable experience. The lecture sessions do start with the basics, but also dive in the intricate details of patent law, court cases, commercial practices, etc. And, most important, since the speakers are active practitioners themselves, are up to date with latest changes and trends. The afternoon workshops, held in smaller groups, are specially efficient at tailoring the training to the individual needs and put in practice what was learned in the morning sessions. Without hesitation, I recommend this course to new comers and experienced practitioners in the field of IP protection and commercialisation.”

Alexandre Paris

Business Development Officer
Advanced Materials Design
Industrial Materials Institute
National Research Council Canada
Government of Canada

MONDAY, JULY 25, 2011

Module 1

The Beginning: Obtaining a Patent

Opening Remarks | 8:30 - 8:50

Krishna K. Pathiyal Research In Motion Limited,
Program Director

Emma Saffman Ogilvy Renault LLP

Elliott Gold Ridout & Maybee
Assistant Directors

Patents: An Overview | 8:50 - 10:00

Elliott Gold Ridout & Maybee LLP

- > Patents as a form of intellectual property
- > What can be patented? Novelty, non-obviousness and subject-matter

Patent Claims | 10:15 - 11:30

Matthew Zischka
Smart & Biggar/Fetherstonhaugh

- > Nature of patent grant
- > Drafting patent claims
- > Defining the invention

Structure of a Patent Specification | 11:30 - 12:30

Louis-Pierre Gravelle Robic LLP

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

Effective Inventor Interviewing | 2:00 - 2:30

Sorel Bosan Research In Motion Limited

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

Workshop: Meeting the Inventor and Identifying the Invention | 2:30 - 5:00

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

Cocktail Reception | 5:00 - 7:00

TUESDAY, JULY 26, 2011

Module 1 (CONT'D)

From Invention to Patent: Part 1 – Preliminary Steps and Time Line | 8:15 - 9:15

Jung-Kay Chiu Ogilvy Renault LLP

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

From Invention to Patent: Part 2 – Prosecuting the Application | 9:15 - 10:15

Pierre Nguyen Ogilvy Renault LLP

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

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

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 accelerated programs

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

Track I: Industrial Designs | 5:00 - 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

Track II: Biotechnology and Pharmaceutical Patents | 5:00 - 6:00

Emma Saffman Ogilvy Renault LLP

- > What is patentable?
- > Drafting claims for biotechnology and pharmaceutical inventions
- > Disclosure requirements
- > Sequence listings, biological deposits
- > Diagnostics

WEDNESDAY, JULY 27, 2011

Module 2

Exploiting IP Rights: A Worldwide Strategy

Patents Worldwide:

Global Systems | 8:30 - 9:45

Stephen M. Beney Bereskin & Parr LLP

- > Patent Cooperation Treaty
- > European Patent Convention

Patents Worldwide:

Value and Cost Management | 9:45 - 10:45

Krishna K. Pathiyal Research In Motion Limited

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

Patents Worldwide:

Corporate IP Management | 11:15 - 12:00

Emma Saffman Ogilvy Renault LLP

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

Lunch and Keynote Speaker:

Gary Mousseau BlackBerry Co-Inventor | 12:00 - 2:00

Workshop: International

Filing Program | 2:00 - 5:00

THURSDAY, JULY 28, 2011

Module 2 (CONT'D)

Introduction to Patent

Valuation Methods | 8:15 - 9:15

Krishna K. Pathiyal Research In Motion Limited

Alexandre Paris National Research Council Canada

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

Exploiting IP Rights | 9:15 - 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

Standards and Patents Pools | 10:30 - 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

Patent Considerations in Technology

Licensing Programs | 11:30 - 12:30

Scott Inwood University of Waterloo

- > Academic institution approach to using intellectual property as a basis for creating a start-up company
- > 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

Workshop: Simulated Patent License Negotiation

or Advanced Claims Drafting | 2:00 - 5:00

FRIDAY, JULY 29, 2011

Module 2 (CONT'D)

Patent Enforcement: Infringement | 8:30 - 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

Patent Enforcement: Validity | 10:30 - 12:00

Gordon J. Zimmerman Borden Ladner Gervais LLP

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

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

“I enrolled in the McGill IP Summer Course 2010 with low expectations of what I would gain from such class. But I must admit that I was agreeably pleased by the professionalism and knowledge of the speakers and the overall ambiance of the venue. 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

FEES

Understanding Patents

An Introductory Course
July 25-29, 2011

IPIC member	\$2175
Non-member	\$2375
\$100 discount for registrations received before May 30!	

Module 1

July 25-26, 2011

IPIC member	\$1075
Non-member	\$1275

Module 2

July 27-29, 2011

IPIC member	\$1475
Non-member	\$1675

Understanding Trade-marks

An Introductory Course: Monday, August 1 to Friday, August 5, 2011

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

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

Improve Your Career Prospects

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

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 Union and via the international Madrid System

Who Should Attend

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

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.)
- > Philip Lapin (Smart & Biggar/Fetherstonhaugh)
- > Marie-Josée Lapointe (BCF LLP)
- > François Larose (Bereskin & Parr LLP)
- > Alison Lester (Gilbert's LLP)
- > Jean-Philippe Mikus (Fasken Martineau DuMoulin LLP)
- > Jean-François Nadon (Research In Motion Limited)
- > Chantal St.Denis (Shapiro Cohen)
- > Stella Syrianos (Robic LLP)

The Understanding Trade-marks 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 prerequisite for anyone considering practicing in Trade-marks. 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

MONDAY, AUGUST 1, 2011

Module 1 Basics of Canadian Trade-mark Procurement

Welcome Remarks | 8:30 - 8:50

Marie-Josée Lapointe BCF LLP
Program Director

Jean-François Nadon Research In Motion Limited,
Assistant Program Director

An Introduction to Trade-mark Law in Canada | 8:50 - 10:35

Sheldon Burshtein Blake, Cassels & Graydon LLP

- > Purpose and history of trade-mark law
- > What is a trade-mark
- > International character of trade-marks
- > Registration of trade-marks
- > Relationship to other intellectual property rights, domain names and competition law

Preparing Trade-mark Applications and Use and Registrability Opinions | 10:50 - 12:30

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

Preparing Trade-mark Applications (CONT'D) | 1:45 - 3:30

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

Cocktail Reception | 5:15 - 7:00

TUESDAY, AUGUST 2, 2011

Module 1 (CONT'D)

The Basics of Trade-mark Use in Canada: the Who, What, Where, When, Why, How and Future | 8:30 - 10:30

Sheldon Burshtein Blake, Cassels & Graydon LLP

- > Recap of Day 1
- > Why: Concept of use
- > How: Types of use
- > When: Time of use
- > Who: Use by whom
- > Where: Location of use
- > What: Nature of use
- > Future: Effects on use of new treaties

The Basics of Trade-mark Use in Canada (CONT'D) | 10:45 - 11:15

Different Types of Applications, Examiners' Reports & Responses, Post-Advertisement Matters | 11:15 - 12:30

Justine Wiebe Borden Ladner Gervais LLP

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

Different Types of Applications (CONT'D) | 1:45 - 3:15

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

WEDNESDAY, AUGUST 3, 2011

Module 2

Fundamentals of Trade-mark Management and Contentious Proceedings

Selecting Great Trade-marks | 8:30 - 9:30

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

Life after Registration | 9:45 - 11:15

Christine Pallotta Borden Ladner Gervais 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

Trade-mark and Domain Names:

Two Sides of the Same Coin? | 11:15 - 12:45

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

Managing Your Assets: An In-House

Perspective | 2:00 - 3:15

Catherine Douglas Rogers Communications Inc.

- > Searching for strategies, clearing and reporting
- > Managing IP portfolios (advertising samples, domains and audits)
- > Managing relationships: executives, marketing professionals, agencies and outside counsel
- > Corporate strategies: social media, marks in ads, domains and licensing
- > Protecting your IP assets online and in print

Workshop: Trade-mark Searches and Risk

Assessments | 3:15 - 5:00

THURSDAY, AUGUST 4, 2011

Module 2 (CONT'D)

Opposition Proceedings:

Overview, Context & Strategy | 8:30 - 10:00

Philip Lapin Smart & Biggar/Fetherstonhaugh

- > 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

Opposition Proceedings (CONT'D) | 10:15 - 12:00

Opposition Proceedings (CONT'D) | 1:15 - 2:30

Workshop: Tips and Strategies in Opposition

Proceedings | 2:30 - 5:00

FRIDAY, AUGUST 5, 2011

Module 2 (CONT'D)

U.S. Trade-mark Law and Prosecution, from a Canadian Perspective | 8:00 - 10:00

Michael Lasky Altera Law Group LLC

- > Preparation and filing of U.S. applications: different types of applications, classification of goods & services, class fees
- > USPTO procedures
- > Key differences between U.S. and Canadian systems
- > High risk areas for Canadian practitioners
- > Understanding the interplay between common law, state and federal systems
- > Fraud issues
- > U.S. trade-mark searching
- > Post registration issues: Sections 8 & 15 Affidavits, renewals, amendments
- > Brief overview of opposition & cancellation proceedings
- > Assignments

The Community Trade-mark (CTM) and the Madrid Protocol | 10:15 - 12:00

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

Lunch: The Secrets of Becoming a Great Trade-mark Agent | 12:15 - 2:00

Michael Lasky Altera Law Group LLC

What your clients want to accomplish is often very different from what they tell you they want. Learn how to be a much more effective trade-mark agent by gaining the insight needed to understand your client's challenges and know how to help solve them. This highly entertaining multimedia program has been presented around the world to over 5,000 company CEOs with a consistent response: I wish my trade-mark agent knew what you just showed us.

Overview of Trade-mark Litigation in Canada – Infringement, Passing Off & Depreciation of Goodwill | 2:00 - 3:45

Christopher J. Pibus Gowling Lafleur Henderson LLP

- > Enforcement strategies for registered and common law trade-marks
- > 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, destruction, custom remedies)

Trade-mark Litigation in the U.S. – What Practitioners Need to Know for Canadian Clients | 3:45 - 5:00

Douglas Rettew

Finnegan Henderson Farabow Garrett & Dunner LLP

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

“ I was very pleased with the program. The incredible speakers offered a comprehensive overview of the law and process of trade-mark 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 Trade-mark agent exam and practice in the area. ”

Michael A. Poznanski

Davidson Lawyers LLP

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Understanding Trade-marks

An Introductory Course

August 1-5, 2011

IPIC member \$2175

Non-member \$2375

\$100 discount for registrations received before May 30!

Module 1

August 1-2, 2011

IPIC member \$1075

Non-member \$1275

Module 2

August 3-5, 2011

IPIC member \$1475

Non-member \$1675

Managing Trade-mark Disputes

Monday, August 8 to Wednesday, August 10, 2011



“This course was very informative and well organized – I enjoyed each of the speakers and learned so much from the sessions. I certainly recommend it to my friends and colleagues in the trade-mark field – it is well worth the time away from the office.”

Deborah Komarnisky

Team Leader
Trade-marks Examination Branch
Canadian Intellectual Property
Office

Get into the Game – Improve Your Career Prospects

A three-day, intensive, practical and hands-on course. Managing Trade-mark Disputes 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. Managing Trade-mark Disputes is designed specifically for **trade-mark agents, in-house trade-mark managers, in-house counsel, lawyers and executives** who specialize in the trade-mark area, whether in private or corporate practice, with some 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:

- > opposition and summary expungement proceedings
- > factual and expert evidence
- > affidavit evidence
- > cross examinations and written submissions
- > social media issues
- > settlement strategies

MONDAY, AUGUST 8, 2011

Welcome Remarks | 8:30 - 8:40

Daphne Maravei Blake, Cassels & Graydon LLP
Program Director

Terry Edwards Bereskin & Parr LLP
Assistant Program Director

Navigating Opposition Proceedings and Preparation of Evidence | 8:40 - 10:15

Jonathan Colombo Bereskin & Parr LLP

- > Review of opposition proceedings
- > Advanced issues of pleading
- > Evidentiary issues
- > Practical issues in drafting affidavits

Using Expert Evidence –

Proving Your Case | 10:45 - 12:00

Anthony Prenol Blake, Cassels & Graydon LLP

- > Selection and use of expert evidence in oppositions, cancellation proceedings and litigation

Review of Section 45 Proceedings – Proving Use or Non-Use of a Trade-mark | 1:30 - 3:15

Jonathan Colombo Bereskin & Parr LLP

- > Review of Section 45 proceedings
- > Comparison of Section 45 and abandonment issues
- > Evidentiary requirements in Section 45 cases

Workshop on Opposition Proceedings | 3:45 - 6:00

Jonathan Colombo Bereskin & Parr LLP

Celine 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

Cocktail Reception | 6:00 - 7:30

TUESDAY, AUGUST 9, 2011

Exploiting Cross-Examination | 8:30 - 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

Preparing Written Submissions | 9:30 - 10:30

Janet Fuhrer Ridout & Maybee LLP

- > Format and content
- > Typical submissions
- > Practical examples

Pursuing An Oral Hearing | 10:45 - 12:00

Janet Fuhrer Ridout & Maybee LLP

- > When is a hearing appropriate
- > Preparation and participation

Lunch | 12:00 - 2:00

Mr. Justice **Roger T. Hughes** Federal Court of Canada

- > Use, misuse and abuse of copyright in the Federal Court

Mock Cross-Examination | 2:00 - 3:15

Robert MacDonald Gowling Lafleur Henderson LLP

Gordon Zimmerman Borden Ladner Gervais LLP

Genevieve M. Prevost

Smart & Biggar/Fetherstonhaugh

- > The good, the bad and all that

Mock Oral Hearing | 3:30 - 5:15

Robert MacDonald Gowling Lafleur Henderson LLP

Gordon Zimmerman Borden Ladner Gervais LLP

Jean Carriere Trade-marks Opposition Board

- > Oral submissions by experienced practitioners
- > Comments from member of the Trade-marks Opposition Board

WEDNESDAY, AUGUST 10, 2011

Back to the Drawing Board - Appeal of Decisions in Section 45 and Opposition Proceedings and Prosecution | 8:30 - 9:30

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

See You in Court - Infringement and Remedies | 9:30 - 10:30

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

Exploring Co-Existence and Other Settlement Agreements | 10:45 - 12:00

Daniel Drapeau Smart & Biggar/Fetherstonhaugh

- > Should we settle?
- > Assessing strengths and weaknesses
- > Developing strategies and considering alternatives
- > Review of agreement
- > Avoiding the pitfalls

Interplay of Trade-marks, Domain Names and the Internet | 2:00 - 3:15

Eric Macramalla Gowling Lafleur Henderson LLP

- > Understanding the jargon
- > Domain name registrations
- > Cybersquatting and online infringing activities
- > Dispute resolution using ICANN and CIRA

Party On with Social Media | 3:30 - 5:00

John F. Lee Research In Motion Limited

Eric Macramalla Gowling Lafleur Henderson LLP

- > New rules for trade-marks in Social Media?
- > Developing and enforcing corporate branding guidelines
- > Follow Me: Use of trade-marks on social media sites
- > Trade-mark use and abuse on 'Fan Sites'
- > Proactive ways to protect brands on Twitter, Facebook, etc...

“ This 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.

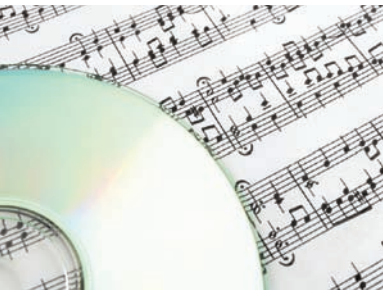
FEES

Managing Trade-mark Disputes

August 8-10, 2011

IPIC member	\$1475
Non-member	\$1675

\$100 discount for registrations received before May 30!



Copyright Master Class

Monday, August 8 to Wednesday, August 10, 2011

“Only one thing is impossible for God: To find any sense in any copyright law on the planet.” - Mark Twain

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 recent developments. Practical advice from experienced counsel. An opportunity to interact daily with a wide variety of the top copyright lawyers in Canada.

Who Should Attend:

This course will be of great benefit to **in-house counsel, practising lawyers, 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 works 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.

“*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

MONDAY, AUGUST 8, 2011

Introduction/Opening Remarks | 8:15 - 8:30

Mark Hayes Hayes eLaw LLP

Program Co-Director

Margot Patterson Fraser Milner Casgrain LLP

Program Co-Director

Setting the Stage | 8:30 - 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 - 1:00

Issues relating to the foundations of copyright - Part 1 (types of works, conditions and term of protection, authorship and originality)

Carys Craig Osgoode Hall Law School

Sheldon Burshtein Blake, Cassels & Graydon 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

Afternoon Panel | 2:00 - 5:00

Issues relating to the foundations of copyright – Part 2 (exclusive and moral rights, 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

Cocktail Reception | 5:00 - 7:00

TUESDAY, AUGUST 9, 2011

Morning Panel 1 | 8:30 - 10:45

Monetizing and Protecting Copyright Resources (assignment and licensing – copyright and transactions – litigation and remedies)

Kevin Sartorio Gowling Lafleur Henderson LLP

Daniel S. Drapeau Smart & Biggar/Fetherstonhaugh

- > Necessity for writing
- > Implied assignment/licensing
- > Recordal of assignments and licences
- > Compulsory licences
- > 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

Morning Panel 2 | 11:00 - 12:00

Copyright reform – Where are we now and where are we going?

Gerald Kerr-Wilson Fasken Martineau DuMoulin LLP

Lunch | 12:00 - 2:00

Mr. Justice **Roger T. Hughes** Federal Court of Canada

- > Use, misuse and abuse of copyright in the Federal Court

Afternoon Panel 1 | 2:00 - 3:30

Music Copyright

Susan Abramovitch Gowling Lafleur Henderson LLP

Sundeep Chauhan Gilbert's LLP

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

Afternoon Panel 2 | 3:45 - 5:00

Copyright Collective System (introduction to the Copyright Board – the future of collective management – views from users, collectives and the Board)

Mario Bouchard Copyright Board of Canada

Gilles Daigle Gowling Lafleur Henderson LLP

Gerald Kerr-Wilson Fasken Martineau DuMoulin LLP

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

Split Programs

Note: participants may attend any of the split programs

Track 1 – Entertainment and Publishing

Copyright and Publishing | 10:15 - 11:30

Speaker to be confirmed

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

Copyright Clearance | 11:30 - 12:45

Stéphane Caron Gowling Lafleur Henderson LLP

- > 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

Film and Television Issues | 2:00 - 3:30

Stephen Zolf Heenan Blaikie LLP

Bob 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

Track 2 – Internet, Technology and Software

Software Copyright | 10:15 - 11:30

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

Copyright Protection for Online and Computer Games | 11:30 - 12:45

Stéphane Gilker Fasken Martineau DuMoulin LLP

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

Copyright and the Internet | 2:00 - 3:30

Alfred Macchione McCarthy Tétrault LLP

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

Concluding Panel: Online Distribution Models for Copyright Content – What Is Working and What Isn't and Why? | 3:45 - 5:00

Jacob Glick Google Canada Inc.

Stéphane Gilker Fasken Martineau DuMoulin LLP

“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

Copyright Master Class

August 8-10, 2011

IPIC member \$1475
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WEDNESDAY, AUGUST 10, 2011

Business And Industry Focus

Morning Panel | 8:30 - 10:00

Drafting Licence Agreements for Copyright Content

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
- > Common mistakes in the licensing process and how to avoid them



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