

2023 SUMMER COURSES IN INTELLECTUAL PROPERTY

JULY 10-26, 2023



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



McGill

School of
Continuing Studies



IPIC-McGill Summer Program in Intellectual Property 2023

Join Professionals from Across the Country to Learn from Leading Practitioners in the Field of IP

Since 1994, the Intellectual Property Institute of Canada and McGill University have gathered some of the top practitioners in the field of intellectual property to conduct a series of intensive, practical summer courses in intellectual property. More than 2,500 professionals from the business, legal, and public sectors have gained valuable insight and hands-on experience by participating in our unique summer program. Our courses are also an excellent opportunity to network with individuals from diverse backgrounds who have an interest in Canadian intellectual property.

Each year, the program offers a comprehensive suite of pragmatic courses to help practitioners in the legal, business, and government sectors keep up to date on the latest in intellectual property. Taught by seasoned IP professionals, the program is made up of three specialized courses in the areas of patents, trademarks, and copyright. Participants can sign up for individual modules, full courses, or enrol in the entire program to gain knowledge of a specific aspect of IP, acquire the insights needed to protect a portfolio of intellectual property, or advance their careers in the area of IP law.

Understanding Trademarks

An Introductory Course: Monday, July 10, 2023 to Friday, July 14, 2023

Module 1 (2 days) Basics of Canadian Trademark Prosecution (July 10-11)

Module 2 (3 days) Fundamentals of Trademark Management and Contentious Proceedings (July 12-14)



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

Nicholas Cirino

Counsel, Commercial and Regulatory
Air Canada



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

Josie Uberg

Coordinator, Legal Services
Canadian Blood Services



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

Richard Cook

CA, President Kamik Footwear



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

Jonathon L. Wescott

B.A. B.Mgt. LL.B
Emery Jamieson LLP



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

Suzeth Westres

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

STAY ON TOP OF THE LATEST ISSUES

The trademark landscape in Canada has drastically changed over the last few years, and this course is designed to help educate you on how to protect a brand's most valuable asset. It is more important than ever to learn the nuances associated with the many different ways to distinguish a brand's goods and services from others, learn what you can and cannot register, and respond to Examiners' reports, opposition proceedings and enforcement/litigation issues post-registration. Learn valuable insights from Canada's leading practitioners in workshops and interactive lectures.

INTERACT WITH EXPERIENCED PROFESSIONALS

The in-person format with integrated social and networking events, provides a great opportunity for you to interact with the speakers, workshop leaders, participants and professionals from diverse backgrounds. Take advantage of these events to stay on top of practice and trends and create meaningful working connections and relationships than can last your entire career. Lectures and workshops cover both theoretical & practical aspects of trademark prosecution, portfolio management, contentious proceedings, together with information and tools on international filing systems, including the Madrid Protocol. With live lectures and workshops, the course will cover all aspects of the Canadian trademark regime and provide "best practices" advice and tips.

MONDAY, JULY 10, 2023

9:00 a.m. – 4:00 p.m. EDT

MODULE 1

BASICS OF CANADIAN TRADEMARK PROSECUTION

Opening Remarks 8:45 a.m. to 9:00 a.m.

Course Director:

David S. Lipkus Lipkus Law LLP

Assistant Course Director:

Andrea Kroetch Stikeman Elliott LLP

Selecting Great Trademarks 9:00 a.m. to 10:30 a.m.

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, impact when sounded, and other languages/cultures

Trademark Applications: Filing Requirements and Special Types of Applications

10:30 a.m. to 11:30 a.m.

1:00 p.m. to 3:00 p.m.

Christian Bolduc Smart & Biggar LLP

- ▶ Introduction to the Trademarks Office
- ▶ Preparing trademark applications
- ▶ Procedure & forms
- ▶ Information required
- ▶ Priority dates
- ▶ Registrability restrictions
- ▶ Linguistic and other considerations

THIS YEAR'S COURSE WILL COVER:

- ▶ Selecting great trademarks
- ▶ Preparing and filing Canadian and Madrid applications
- ▶ Conducting and reporting clearance searches
- ▶ Reporting and responding to Examiners' reports
- ▶ Maintaining trademark rights and best practices
- ▶ In-house perspective for managing portfolios
- ▶ Opposition proceedings and settlement strategies
- ▶ Anti-counterfeiting investigation and enforcement
- ▶ Trademark litigation in Canada and in the US

WHO SHOULD ATTEND

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

- ▶ Special applications
- ▶ Certification marks
- ▶ Official marks
- ▶ Mode of packaging/3D marks

Workshop: Trademark Filing Strategies

3:00 p.m. to 4:00 p.m.

Social/networking

4:00 p.m. to 5:00 p.m.

TUESDAY, JULY 11, 2023

9:00 a.m. – 4:00 p.m. EDT

International (Madrid) Trademark Applications: Filing Requirements and Maintenance 9:00 a.m. to 10:00 a.m. **Richard Whissell** Perley-Robertson, Hill & McDougall LLP

- ▶ Filing strategies; an overview of Madrid (International) applications
- ▶ Madrid Protocol systems: advantages and disadvantages
- ▶ Registration & post-registration issues; enforcement

The Basics of Trademarks Use in Canada: The Who, What, Where, When, Why, How and Future 10:00 a.m. to 11:30 a.m.

Paula Clancy Gowling WLG (Canada) LLP

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

Clearance Searches, Examiners' Reports & Responses, Post-Advertisement Matters 1:00 p.m. to 3:00 p.m.

Meghan Dillon Bereskin & Parr LLP

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

Workshop: Reporting Examiners' Reports

3:00 p.m. to 4:00 p.m.

WEDNESDAY, JULY 12, 2023

9:00 a.m. – 4:00 p.m. EDT

MODULE 2

FUNDAMENTALS OF TRADEMARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS

Opposition Proceedings: Overview, Context & Strategy

9:00 a.m. to 11:30 a.m. - 1:00 p.m. to 3:00 p.m.

Philip Lapin Smart & Biggar LLP

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

Workshop: Tips and Strategies in Opposition Proceedings

3:00 p.m. to 4:00 p.m.

THURSDAY, JULY 13, 2023

9:00 a.m. – 4:00 p.m. EDT

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

9:00 a.m. to 11:00 a.m.

Amrita V. Singh Marks & Clerk Canada

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

LUNCH & LEARN 11:30 a.m. to 1:00 p.m.

2023 TRADEMARK WOES: Licensing + Collabs and its Impacts on Brand Image

Beth Henries Henries PLLC

Life After Registration 1:00 p.m. to 3:00 p.m.

Henry Lue Wilson Lue LLP

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

Workshop: Trademark Clearance Searches and Risk Assessments 3:00 p.m. to 4:00 p.m.

FRIDAY, JULY 14, 2023

9:00 A.M. – 2:00 P.M. EDT

Managing Your Assets: An In-House Perspective

9:00 a.m. to 10:00 a.m.

Geneviève Prévost Molson Coors Brewing Company

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

Trademark Litigation in the U.S. – What Practitioners

Need to Know for Canadian Clients 10:00 a.m. to 11:15 a.m.

Douglas Rettew Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

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

Counterfeits in Canada: How to Keep Fakes Out of Physical and Online Marketplaces 12:00 p.m. to 2:00 p.m.

David Lipkus Lipkus Law LLP

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

Workshop Leaders:

Brigitte Chan Bereskin & Parr LLP

Suzanne Antal Lavery de Billy LLP

Christian Bolduc Smart & Biggar LLP

Paula Clancy Gowling WLG (Canada) LLP

Catherine Daigle Norton Rose Fulbright Canada LLP

Meghan Dillon Bereskin & Parr LLP

Andrea Kroetch Stikeman Elliott LLP

François Larose Bereskin & Parr LLP

Philip Lapin Smart & Biggar LLP

Julie Larouche St. Lawrence Law Firm LLP

Chantal St. Denis O'Brien TM Services Inc.

Gabriel St-Laurent Robic LLP

Richard Whissell Perley-Robertson, Hill & McDougall LLP

FEES

Understanding Trademarks An Introductory Course

July 10 - 14, 2023

IPIC member fee.....	\$2295
Regular fee.....	\$2495
Full-time student fee	\$1247.50

Module 1

July 10 - 11, 2023

IPIC member fee.....	\$1140
Regular fee.....	\$1340
Full-time student fee	\$670

Module 2

July 12 - 14, 2023

IPIC member fee.....	\$1560
Regular fee	\$1760
Full-time student fee	\$880

Lunch & Learn

Included with the purchase of the full course or Module 2. Can be purchased as a stand alone for the public.

IPIC member / McGill Alumni.....	\$75
Regular fee	\$95
Full-time student fee	\$50



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

Michael A. Poznanski
Davidson Lawyers LLP

Understanding Patents

An Introductory Course: Monday, July 17, 2023 to Friday, July 21, 2023

Module 1 (3 days) Obtaining and Enforcing a Patent – The Basics and Why They Matter to Your Business (July 17-19)

Module 2 (2 days) Exploiting IP Rights – Strategies re Patent Portfolio Management (July 20-21)



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

Heather A. Phillips

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

GET INTO THE GAME – IMPROVE YOUR CAREER

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

KEY BENEFITS

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

WHO SHOULD ATTEND

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

THIS YEAR'S COURSE WILL COVER:

MODULE 1:

- ▶ Patents as an intellectual property right
- ▶ The nature of the patent right
- ▶ The Canadian patent system, EU, China and US compared
- ▶ What can be patented (from life science to software and beyond)

- ▶ Understanding the patent document
- ▶ Drafting patent applications and claims
- ▶ Enforcing patents
- ▶ Trade secrets, designs, and Indigenous knowledge

This year will once again include engaging Fireside Chats with people from industry to provide practical advice regarding how their business works in connection with patents.

MODULE 2:

- ▶ Managing an international patent portfolio
- ▶ Extracting value from patents in business
- ▶ Corporate IP management
- ▶ Patent valuation
- ▶ Patent licensing
- ▶ Tax considerations
- ▶ Competition and settlement considerations

WORKSHOP LEADERS

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

MONDAY, JULY 17, 2023

8:30 a.m. – 5:30 p.m. EDT

MODULE 1

OBTAINING AND ENFORCING A PATENT

Course Introduction and Student

Introductions 8:30 a.m. to 9:00 a.m.

Course Director:

Emma Start Taiga Motors Inc.

Assistant Course Director:

Maya Medeiros Norton Rose Fulbright Canada LLP

Patents: An Overview 9:00 a.m. to 9:45 a.m.

Amy Dam Sheertex

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

Structure of a Patent Specification

10:00 a.m. to 10:45 a.m.

Justin Freedin Robic LLP

- ▶ What is prior art?
- ▶ Need for clarity, enablement
- ▶ Patent claims

From Invention to Patent: Preliminary Steps and Timeline 10:45 a.m. to 11:45 a.m.

Sasha Mandy Carbon Engineering Ltd.

- ▶ Patentability searching
- ▶ Patenting timeline
- ▶ Negotiating with the Patent Office (official actions)
- ▶ Amending applications and patents
- ▶ Re-examination and reissue

Designs: An Overview 12:00 a.m. to 12:30 p.m.

Christine Genge Smart & Biggar LLP

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

Workshop – Invention Mining and Patent Claims Drafting 2:00 p.m. to 3:15 p.m.

FIRESIDE CHAT 3:30 p.m. to 4:30 p.m.

How a Company Captures Innovation and Oversees Patent Preparation

Emma Start Taiga Motors Inc

in conversation with

Erin Pisko IAC

Cocktail Reception 4:30 p.m. to 5:30 p.m.

TUESDAY, JULY 18, 2023

8:30 a.m. – 4:30 p.m. EDT

MODULE 1 (CONT'D)

Patent Enforcement: Infringement

8:30 a.m. to 9:30 a.m.

Andrew Moeser Lenczner Slaght

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

Cease and Desist Letters 9:45 a.m. to 10:15 a.m.

Andrew Shaughnessy Torsys LLP

- ▶ What to consider when drafting and sending these letters

Patent Enforcement: Validity 10:15 a.m. to 11:00 a.m.

Andrew Shaughnessy Torsys LLP

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

REGISTRATION DEADLINE IS JULY 13, 2023

Program chairs: **Noel Courage** Bereskin & Parr LLP **Richard Whissell**, Perley-Robertson, Hill & McDougall LLP

BREAKOUT SESSIONS

Track I: Biotechnology and Pharmaceutical Patents

11:15 a.m. to 12:15 p.m.

Chantal Saunders Borden Ladner Gervais LLP

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

Track II: Business Method and Software Patents

Natalie Raffoul Brion Raffoul LLP

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

Mock Trial : Expert Reports and Cross-examination of a witness 1:45 p.m. to 3:15 p.m.

Maya Medeiros Norton Rose Fulbright

Andrew Shaughnessy Torsys LLP

Andrew Moeser Lenczner Slaght

FIRESIDE CHAT 3:30 p.m. to 4:30 p.m.

How a Company Manages Litigation and

Settlement Maya Medeiros Norton Rose Fulbright

Canada LLP Brian Daley Norton Rose Fulbright Canada LLP

WEDNESDAY, JULY 19, 2023

8:30 a.m. – 4:30 p.m. EDT

MODULE 1 (CONT'D)

Trade Secrets: An Overview 8:30 a.m. to 9:00 a.m.

Noel Courage Bereskin & Parr LLP

- ▶ Identification and protection of trade secrets
- ▶ Enforcement

IP Ecosystem in Canada

9:00 a.m. to 9:30 a.m.

Mike McLean CEO of the Innovation Asset Collective (IAC)

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

Comparative Panel on US, European and Chinese Practice

9:45 a.m. to 11:00 a.m.

Tuba Yamac BCF LLP

Carmela De Luca Bereskin & Parr LLP

Stephen Yang IP March

Indigenous Knowledge 11:15 a.m. to 12:15 p.m.

Scott Robertson Nahwegahbow Corbiere

LUNCH & LEARN 12:15 p.m. to 2:00 p.m.

Keynote Speaker: Kieran Moore Lululemon

Workshop - Prior Art and Freedom to Operate Strategies

2:00 p.m. to 3:15 p.m.

FIRESIDE CHAT 3:30 p.m. to 4:30 p.m.

Patent Searching and Freedom to Operate

Emma Start Taiga Motors Inc.

in conversation with

Daniel Smith Bombardier Recreational Products

THURSDAY, JULY 20, 2023

8:30 a.m. – 4:30 p.m. EDT

MODULE 2

Patents Worldwide: Value and Cost Management

8:30 a.m. to 9:30 a.m.

Ilya Kalnish BCF

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

Employment Contracts, Independent Contractors and NDAs

9:45 a.m. to 10:45 a.m.

Jean-Sébastien Brière BCF

- ▶ Ensuring your company owns the IP it creates
- ▶ Confidentiality considerations

Workshop - International Patent Filing Program

11:00 a.m. to 12:15 p.m.

Settlement and Competition Act Considerations

1:45 p.m. to 2:15 p.m.

Dominic Thérien McCarthy Tétrault LLP

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

Panel - Patents Worldwide: Corporate IP Management

2:15 p.m. to 3:15 p.m.

Emma Start Taiga Motors Inc., Olivia Novac McGill,

Marie-Hélène Rochon Lallemand

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

Panel - Considerations Relating to Funding and Valuation

3:30 p.m. to 4:30 p.m.

Lally Rementilla BDC, Max Yam BDC,

Louis Carbonneau Tangible IP,

Sanro Zlobec Smart & Biggar LLP

FRIDAY, JULY 21, 2023

8:30 a.m. – 4:30 p.m. EDT

MODULE 2 (CONT'D)

Anatomy of a License 8:30 a.m. to 9:15 a.m.

Michael Crichton Gowling WLG (Canada) LLP

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

Exploiting IP Rights 9:15 a.m. to 10:00 a.m.

Justine Gauthier MILA

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

Tax considerations surrounding Patents 10:15 a.m. to 11:00 a.m.

Bhuvana Rai Mors & Tribute P.C.

- ▶ SREDS ▶ Patent Boxes

Alternative monetizing strategies/licensing trends

11:00 a.m. to 11:30 a.m.

Misha Benjamin Sama

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

Workshop - Patent License Negotiation/Purchase and Sale 11:45 a.m. to 12:45 p.m.

Panel - Patent Licensing Realities 2:15 p.m. to 3:15 p.m.

Maya Medeiros Norton Rose Fulbright Canada LLP, Michael Crichton Gowling WLG (Canada) LLP, Tracey Stott Sandoz Canada

Panel - Alternative Patent Leveraging 3:30 p.m. to 4:30 p.m.

Bhuvana Rai Mors & Tribute

Misha Benjamin Sama

Martin Tremblay Smart & Biggar LLP

Justine Gauthier MILA

FEES

Understanding Patents An Introductory Course

July 17 - 21, 2023

IPIC member fee.....\$2295

Regular fee.....\$2495

Full-time student fee\$1247.50

Module 1

July 17 - 19, 2023

IPIC member fee.....\$1560

Regular fee.....\$1760

Full-time student fee\$880

Module 2

July 20 - 21, 2023

IPIC member fee.....\$1140

Regular fee\$1340

Full-time student fee\$670

Lunch & Learn - Fireside Chat

Included with the purchase of the full course or Module 1. Can be purchased as a stand alone for the public.

IPIC member / McGill Alumni.....\$75

Regular fee\$95

Full-time student fee\$50



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

REGISTRATION DEADLINE IS JULY 13, 2023

Program chairs: Noel Courage Bereskin & Parr LLP Richard Whissell, Perley-Robertson, Hill & McDougall LLP

Copyright Master Class

Monday, July 24 – Wednesday July 26, 2023



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

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

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



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

Jerry Switzer

Feehely, Gastaldi Law Firm



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

Silviu Bursanescu

Québecor Média Inc.

MONDAY, JULY 24, 2023

9:30 a.m. – 4:45 p.m. EDT

Opening Remarks and Ice Breaker

9:30 a.m. to 9:45 a.m.

Course Director:

Kristina Milbourn Rogers Communications

Assistant Course Director:

Daniela Bassan Stewart McKelvey

Setting the Stage and Foundations:

Defining Copyright

9:45 a.m. to 10:45 a.m.

Break

11:00 a.m. to 11:30 a.m.

Jessica Zagar Cassels Brock & Blackwell LLP

- ▶ Introduction
- ▶ Literary, dramatic, musical, and artistic works
- ▶ Other protectable subject matter
- ▶ Authorship and ownership
- ▶ Registration
- ▶ Crown copyright
- ▶ Collective societies
- ▶ Main themes of copyright

LUNCH & LEARN 11:45 a.m. to 1:15 p.m.

Ethical and IP implications of Generative AI Technologies

Keynote Speaker: Stephanie Kelley AI and Ethics researcher at Ivey School of Business

- ▶ What is generative AI?
- ▶ Types of generative AI
- ▶ Business applications of generative AI
- ▶ Ethical implications
- ▶ IP implications
- ▶ Governance of generative AI

Foundations of Copyright: Infringement

1:30 p.m. to 2:30 p.m.

Erin Finlay Stohn Hay Cafazzo Dembroski Heim Finlay LLP

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

Foundations of Copyright:

Defences to Infringement and Users Rights

2:30 p.m. to 3:30 p.m.

Jean-Philippe Mikus Fasken Martineau DuMoulin LLP

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

Break

3:30 p.m. to 3:45 p.m.

Technological Neutrality in Copyright

3:45 p.m. to 4:45 p.m.

Casey Chisick Cassels Brock & Blackwell LLP

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

TUESDAY, JULY 25, 2023

9:30 a.m. – 4:15 p.m. EDT

VIRTUAL SESSION 9:30 a.m. to 10:30 a.m.

Protection and Enforcement of Copyright

Lorne Lipkus Law LLP

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

Foundations of Copyright: International Issues and Copyright Treaties

10:30 a.m. to 11:30 a.m.

Jay Kerr-Wilson Fasken Martineau DuMoulin LLP

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

Lunch

11:30 a.m. to 1:00 p.m.

Fair Dealing in Law, Policy and Action

1:00 p.m. to 2:00 p.m.

Daniela Bassan Stewart McKelvey

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

Panel: Copyright Litigation and Procedural Journey from Tip to Tail

2:00 p.m. to 3:00 p.m.

Ken Clark Aird & Berli

Camille Aubin Robic

Learn about the nuts and bolts of prosecuting or defending a copyright case in Canada, whether in a provincial superior court or the Federal Courts. This session will consider sample claims and defences in copyright litigation, different forms of proceedings (including class proceedings), jurisdictional issues related to copyright cases, typical or atypical motion procedures, and expert qualifications and reports.

Break

3:00 p.m. to 3:15 p.m.

Copyright in the Digital World

3:15 p.m. to 4:15 p.m.

Kristina Milbourn Rogers Communications

- ▶ Downloading, streaming and making available
- ▶ Browsing, linking and caching
- ▶ Notice and Takedown / Notice and Notice
- ▶ Site-blocking orders
- ▶ ISP liability and exceptions
- ▶ Technological protection measures
- ▶ Emerging issues (Eg. NFTs, Blockchain)

Cocktail Reception

5:30 p.m. to 6:30 p.m.

WEDNESDAY, JULY 26, 2023

9:30 a.m. – 4:15 p.m. EDT

Social Media, Virtual Reality, and Computer Games

9:30 a.m. to 10:30 a.m.

Catherine Lovrics Marks & Clerk Canada

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

Monetization and Exploitation of Copyright:

Legal Framework

10:30 a.m. to 11:30 a.m.

Kevin Sartorio Gowling WLG (Canada) LLP

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

Lunch

11:30 a.m. to 1:00 p.m.

Monetization and Exploitation of Copyright:

Drafting and Negotiating Contracts

1:00 p.m. to 2:00 p.m.

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

Panel: Copyright in Practice

2:00 p.m. to 3:00 p.m.

Susan Abramovitch Gowling WLG (Canada) LLP

Bob Tarantino Dentons Canada LLP

Angelika Heim Stohn Hay Cafazzo Dembroski Heim Finlay LLP

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

Break

3:00 p.m. to 3:15 p.m.

Copyright in an Educational Setting

3:15 p.m. to 4:15 p.m.

Sana Halwani Lenczner Slaght LLP

- ▶ Libraries and licensing
- ▶ Dissemination, digitization, and digital locks
- ▶ Fair dealing and other educational exceptions to copyright
- ▶ Public domain, open access and creative commons
- ▶ Balancing the interests of creators, owners, and users

FEES

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Program chairs: **Noel Courage** Bereskin & Parr LLP **Richard Whissell**, Perley-Robertson, Hill & McDougall LLP

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