2018 SUMMER COURSES IN
INTELLECTUAL PROPERTY
JULY 16 - AUGUST 1, 2018
Understanding Patents

An Introductory Course: Monday, July 16 to Friday, July 20, 2018

Module 1 (3 days) | Obtaining and Enforcing a Patent (July 16-18)
Module 2 (2 days) | Exploiting IP Rights: A Worldwide Strategy (July 19-20)

Get into the Game – Improve Your Career Prospects
A five-day intensive, practical course divided in two modules, the first one provides an overview of patents and patenting, as well as enforcing or attacking a patent, while the second module completes the week and offers insights into the strategies relating to establishing a strategy for exploiting the patent system.

Who Should Attend
Understanding Patents is a must for scientists and 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:

- Patents: An Overview 8:45 - 9:30
- Designs: An Overview 9:30 – 10:15
- Structure of a Patent Specification 10:30 - 11:30
- Preliminary Steps and Timeline 8:30 - 10:00
- From Invention to Patent: Preliminary Steps and Time Line 8:30 - 10:00
- The Canadian patent system, EU and US compared
- Patents as a form of intellectual property
- Commercial advantages of patenting
- What can be patented?
- Novelty, non-obviousness and subject-matter
- Amending applications and patents
- Prosecution in Canada and internationally
- Structure of a Patent Specification
- Re-examination and reissue

Monday, July 16, 2018

Module 1
Obtaining and Enforcing a Patent

Opening Remarks 8:30 - 8:45
Course Director:
Natalie Raffoul Clancy P.C. + Brion Raffoul
Assistant Course Director:
Noel Courage Bereskin & Parr LLP
Patents: An Overview 8:45 - 9:30
Emma Start Bombardier Aerospace
F Patents as a form of intellectual property
F Commercial advantages of patenting
F What can be patented?
F Novelty, non-obviousness and subject-matter
F Inventors and owners
Designs: An Overview 9:30 – 10:15
Julien Lacheré BCF LLP
F What is a design?
F Registrable subject matter
F Interface with patents and copyrights
F Originality
F Prosecution in Canada and internationally
Structure of a Patent Specification 10:30 - 11:30
Louis-Pierre Gravelle Robic, LLP
F What is prior art?
F Need for utility, clarity, enablement
F Detailed description of invention and variants

Module 1:
F patents as an intellectual property right
F the nature of the patent right
F the Canadian patent system, EU and US compared
F what can be patented (from life science to software and beyond)
F understanding the patent document
F drafting patent applications and claims
F enforcing patents
F trade secrets and designs

Module 2:
F managing an international patent portfolio
F extracting value from patents in business
F corporate IP management
F patent valuation
F patent licensing

Workshop Leaders
F Patent Claims Drafting: Sorel Bosan AMD
F Prior Art and Freedom to Operate Analysis: Noel Courage Bereskin Parr LLP
F International Filing Program: Natalie Raffoul Clancy P.C. + Brion Raffoul
F Simulated Patent License Negotiation: Krishna Pathiyal Cisco Systems
F Mock Patent Trial: Beverley Moore Borden Ladner Gervais LLP

Supporting the Invention Patent Claims 11:30 - 12:30
Matthew Zischka Smart & Biggar/Fetherstonhaugh
F Scope of patent grant
F Drafting patent claims
F Defining the invention
Effective Inventor Interviewing 2:00 - 2:30
Sorel Bosan AMD
F Effective inventor interview techniques for patent preparation and claim drafting
Workshop: Invention Mining and Patent Claims Drafting 2:45 - 5:00
F Meeting the Inventor and identifying the invention
F Patent claims drafting
Cocktail Reception 5:00 - 7:00

Tuesday, July 17, 2018

Module 1 (cont’d)
From Invention to Patent: Preliminary Steps and Time Line 8:30 - 10:00
Pierre Nguyen Norton Rose Fullbright Canada LLP
F Patentability searching
F Patenting time line
F Responding to Patent Office official actions
F Amending applications and patents
F Re-examination and reissue

Heather A. Phillips
Technology Analyst
Medical & Life Sciences
(AHFMR ForeFront Intern)
University Technologies International
Calgary, Alberta
THURSDAY, JULY 19, 2018

MODULE 2

EXPLOITING IP RIGHTS: A WORLDWIDE STRATEGY

Patents Worldwide: Value and Cost Management  8:30 - 10:30
Ilya Kalnish BCF LLP
F Filing PCT applications
F Global portfolio management strategies

Patents Worldwide: Corporate IP
Management Panel 10:45 - 12:00
Emma Saffman BCF LLP
Geoffrey Gow Husky Injection Molding Systems Ltd.
Varghese Baby Gena
Véronique Bougie Mperia Therapeutics
F Managing patents as a corporate asset
F Alignment of IP strategy with corporate and business strategy

Lunch and Learn 12:15 - 2:15

Keynote Speaker: Matthias Ulrich
Director IP Protection & Compliance, Dolby Germany GmbH

Workshop: International Patent Filing Program  2:30 - 5:00

FRIDAY, JULY 20, 2018

MODULE 2 (CONT’D)

Introduction to Patent Valuation Methods  8:30 - 9:30
Krishna Pathiyal Cisco Systems
F Factors affecting the value of a patent
F Methods for determining value

Exploiting IP Rights 9:30 - 10:30
Maya Medeiros Norton Rose Fulbright Canada LLP
F Transferring ownership of inventions: assignments and licensing
F Due diligence
F Additional considerations: anti-trust, export controls, working the invention, marking and compulsory licensing

Anatomy of a License and Patent / Considerations in Technology Licensing Programs  10:45 - 12:15
Scott Inwood University of Waterloo
F Review of the legal landscape & recent court decisions (Amazon, Apple, Samsung)
F Patent drafting strategies
F Strategic considerations

Workshop: Prior Art and Freedom to Operate Analysis  4:00 - 6:00
Noel Courage Bereskin & Parr LLP
F Overview of prior art and freedom to operate goals and strategies

WEDNESDAY, JULY 18, 2018

MODULE 1 (CONT’D)

Trade Secrets  8:30 - 9:30
Beverley Moore Borden Ladner Gervais LLP
F Identification and protection of trade secrets
F Enforcement

Patent Enforcement: Infringement  9:30 - 10:30
Jordana Sanft Norton Rose Fulbright Canada LLP
F Infringing acts
F Contributory infringement
F Exceptions to infringement
F Awarding damages and lost profits; reasonable royalty
F Injunction: permanent and temporary
F Alternative dispute resolution

Patent Enforcement: Validity 10:45 - 11:45
Andrew Shaughnessy Bereskin & Parr LLP
F Inutility
F Anticipation
F Obviousness

Workshop: Patent Enforcement - A Mock Trial Will Be Held Based on a Case of Alleged Patent Infringement  1:00 - 4:00

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 “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

Register before Thursday, May 31 to receive a $100 discount on any registration for a complete course.
Discount does not apply for the full-time student fee, or to registrations for individual modules.

Understanding Patents
An Introductory Course

July 16 - 20, 2018
IPIC member fee .................. $2175
Regular fee ....................... $2375
Full-time student fee ........ $1187
*Lunch & Learn included in the course fee

Module 1

July 16 - 18, 2018
IPIC member fee .................. $1475
Regular fee ....................... $1675
Full-time student fee ........ $837
*Lunch & Learn NOT included in the course fee

Module 2

July 19 - 20, 2018
IPIC member fee .................. $1075
Regular fee ....................... $1275
Full-time student fee ........ $637
*Lunch & Learn included in the course fee

Lunch & Learn

July 19, 2018
IPIC member fee .................. $75
Regular fee ....................... $95
Full-time student fee ........ $50
*Lunch & Learn can be purchased separately
An introductory prerequisite 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!

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 prerequisite 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

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Understanding Trademarks

An Introductory Course: Monday, July 23 to Friday, July 27, 2018

Module 1 (2 days) Basics of Canadian Trademark Procurement (July 23-24)

Module 2 (3 days) Fundamentals of Trademark Management and Contentious Proceedings (July 25-27)

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**Key Benefits**

Lectures and workshops cover both theoretical & practical aspects of trademark procurement, portfolio management, and contentious proceedings, together with information and tools on international filing systems including the Madrid Protocol. Lecturers will discuss the impact of the coming changes to the Canadian trademark regime and provide “best practices” advice and tips. There will be a compelling keynote on Brands, the Web & Social Media and we are pleased to bring back last year’s lecture on counterfeiting and border enforcement which was a great success and are adding a new lecture on transactional law which we think will bring great added value to the course.

This year’s course will cover:

- F concepts of use of trademarks
- F conducting searches and writing opinions
- F how to select great trademarks
- F preparing & filing applications
- F responding to Examiners’ Reports
- F maintaining trademark rights and best practices
- F in-house perspective for managing portfolios
- F commercial transactions involving trademarks and due diligence work
- F opposition proceedings and settlement strategies

**MONDAY, JULY 23, 2018**

**MODULE 1**

**BASICS OF CANADIAN TRADEMARK PROCUREMENT**

**Opening Remarks** 8:30 - 8:50

Course Director:

**Richard Whissell** MacRae & Co.

Assistant Course Director:

**Ekaterina Tsimberis** Smart & Biggar/Fetherstonhaugh

**Selecting Great Trademarks** 8:50 - 10:35

**Rob McDonald** Dentsons Canada LLP

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

**Preparing Trademark Applications and Use and Registrability Opinions** 10:50 - 12:30

**Christian Bolduc** Smart & Biggar/Fetherstonhaugh

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

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**TUESDAY, JULY 24, 2018**

**MODULE 1 (CONT’D)**

**The Basics of Trademark Use in Canada: the Who, What, Where, When, Why, and Future** 8:30 - 10:30

**Paula Clancy** ClancyPC + Brion Raffoul

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

**Different Types of Applications, Examiners’ Reports & Responses, Post-Advertisement Matters** 10:45 - 12:30

**Brigitte Chan** Bereskin & Parr LLP

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

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**REGISTRATION DEADLINE IS JULY 6, 2018**
MODULE 2 (CONT’D)
FUNDAMENTALS OF TRADEMARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS
Opposition Proceedings: Overview, Context & Strategy 8:30 - 12:00
Philip Lapin Smart & Biggar/Fetherstonhaugh
F Context
F Length of oppositions, costs & strategy considerations
F Procedures & steps
F Why oppose?
F Extensions of time including retroactive extensions
F Evidence
F Written arguments and hearings
F Options for settlement
Lunch and Learn 12:15 – 2:15
Brands, the Web & Social Media
Eric Macramalla Gowling WLG (Canada) LLP
Eric will highlight key concepts for brand protection in the context of social media, provide insight into enforcement strategies that work, and pass along some cautionary tales about brand protection gone wrong on Web 2.0.
Opposition Proceedings (CON’T) 2:30 – 3:30
Workshop: Tips and Strategies in Opposition Proceedings 3:30 – 5:30
THURSDAY, JULY 26, 2018
MODULE 2 (CONT’D)
Life After Registration 8:30 - 10:00
Jonathan Roch MBM Intellectual Property Law
F Registration and renewal
F Maintenance of registration and proper use
F Possible expungement by Registrar or third parties
F Post-registration amendments, assignments and recordal of documents
Trademark Issues Related to Domain Names 10:15 - 11:45
Eric Macramalla Gowling WLG (Canada) LLP
F Overview of the domain name system
F Conflicts between domain names and trademarks
F New gTLDs
F Rights protection mechanisms: TMCH, CDRP, UDRP, URS
F Online tools, databases, forms and tips
Managing Your Assets: An In-House Perspective 12:45 - 2:00
Megan Weait Coca-Cola Ltd. (Canada)
F Strategies for searches, clearance and reporting
F Managing your IP portfolio to maximize asset value – aligning IP strategy with your business strategy
F Managing relationships: executives, marketing professionals, agencies and outside counsel
F Corporate strategies: social media, marks in ads, domains and licensing
F Monitoring and protecting your IP asset
Transactional Matters in Trademark Law 2:00 - 3:00
Kathleen Lemieux Borden Ladner Gervais LLP
F Due diligence
F Types of deals that involve trademarks
F Trademark transactions, including license agreements, transfer agreements and development agreements
Workshop: Trademark Searches and Risk Assessments 3:15 - 5:00
FRIDAY, JULY 27, 2018
MODULE 2 (CONT’D)
The European Union Trade marks (EUTM) and Madrid Protocol 8:00 - 9:45
Mark Hiddleston Hiddleston Trade Marks
F Filing strategies: an overview of the EUTM
F Madrid Protocol (International), and national filing systems
F EUTM/Madrid Protocols: advantages and disadvantages
F Registration & post-registration issues; enforcement
F Navigating the NICE classification system
Counterfeits in Canada: how to keep fakes out of physical and online marketplaces 10:00 - 11:45
David Lipkus Kestenberg Siegal Lippkus LLP
F Counterfeit goods/rights at issue
F Identifying the target
F Investigations
F Obtaining evidence
F Online open source searches
F Civil/criminal/border enforcement
F Social media
F Online marketplaces
F Website enforcement
F Collaboration with third parties
Overview of Trademark Litigation in Canada – Infringement, Passing Off & Depreciation of Goodwill 1:00 - 2:45
Christopher J. Pibus Gowling WLG (Canada) LLP
F Enforcement strategies for registered and common law trademarks
F Causes of actions: infringement, passing-off, depreciation of goodwill
F Marshalling relevant evidence for proof of infringement
F Defence strategies to challenge distinctiveness and validity
F Counterfeiting issues in Canada
F Remedies (Anton Piller Orders, injunctions, recovery of damages or profits, destruction, custom remedies)
Trademark Litigation in the U.S. – What Practitioners Need to Know for Canadian Clients 3:00 - 4:15
Douglas Retnew Finnegan Henderson Farabow
F Strategies and precautions
F Forum shopping
F Jury trial
F Preliminary & summary proceedings
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

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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

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

The Business of Copyright course will provide an in-depth analysis of copyright law with a focus on the changing landscape, including the 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, 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.

MONDAY, JULY 30, 2018
Opening Remarks and Setting the Stage 8:30 - 8:45
Course Director:
Erin Finlay Chief Legal Officer, Canadian Media
Producers Association (CMPA)
Assistant Course Directors:
Jon Festinger, QC Festinger Law & Strategy
Bob Tarantino Dentons LLP
F Introduction
F Main themes of copyright
F Impact of technological advances
Foundations of Copyright - Part 1:
Defining Copyright 8:45 - 10:15
Antonio Turco Blake, Cassels & Graydon LLP
Note: Students will be expected to have read Sheldon Burshtein, "Copyright: The Who, What, When, Where, and How", and viewed the accompanying video podcast. Both will be included in the course materials
F What is copyright?
F What law and statutory framework governs copyright?
F What works and other subject matter are protected?
F Overview of literary, dramatic, musical, artistic and cinematographic works
F What are the conditions for copyright?
F Ownership and authorship
F Exclusive rights of copyright owner
F Term of copyright
Foundations of Copyright - Part 2: Infringement 10:30-12:00
Erin Finlay Chief Legal Officer, Canadian Media
Producers Association
F Specific acts of infringement
F Who is an infringer?
F Unconscious copying
F Direct copying
F Meaning of “substantial part”
F Section 27 (2) and secondary infringement
Foundations of Copyright - Part 3: Defences to Infringement and User Rights 1:00 - 2:30
John C. Cotter Osler, Hoskin & Harcourt LLP
F Innocent infringers
F Defences and invalidity
F Exceptions to infringement: Fair dealing, personal uses, education, computer programs
F Comparison of fair dealing and U.S. fair use
Collective Administration 2:45 - 3:15
Madeline Lamotho-Samson MLS Legal
F Collective societies
F Tariffs, arbitrations, and negotiated licences
F Copyright Board of Canada
F Judicial review of Copyright Board decisions
F “Orphan works”

TUESDAY, JULY 31, 2018
International Issues and Copyright Treaties 3:30-4:30
Jay Kerr-Wilson Fasken Martineau DuMoulin LLP
F International aspects of copyright
F Where does copyright exist?
F Domicile?
F Conventions, NAFTA and treaties
F Which law governs?
Networking 4:30 - 6:30

Protection and Enforcement of Copyright 8:30 - 10:00
Lorne Lipkus Kestenberg Siegal Lipkus LLP
F Anton Piller Orders
F Injunctions
F Damages and profits
F Enforcement of criminal provisions
F File sharing
F Virtualization
F Browsing, linking and caching
F Internet legal issues
F Jurisdiction
F ISP liability
F Application to substantive rights and valuation
F Implications and future directions
F International perspectives
F Implications and future directions
Lunch and Learn 12:00 - 1:45
In Conversation: The Hon. Marshall Rothstein, QC.
Over the course of a distinguished 23-year career on the bench, former Supreme Court of Canada Justice Marshall Rothstein played a leading role in the evolution of modern Canadian copyright law and its application to new and emerging technologies. Join Mr. Justice Rothstein “in conversation” with Casey Chisick, as he reflects on some of the key copyright issues and developments that crossed his docket during those pivotal years.

Copyright in the Digital World 2:00-3:15
Stéphane Giller Barrister & Solicitor
F Internet legal issues
F Browsing, linking and caching
F Downloading / streaming
F Virtualization
F File sharing
F Copyright Board decisions
F Jurisdiction

REGISTRATION DEADLINE IS JULY 6, 2018
Social Media, Virtual Reality, and Computer Games 3:30 - 5:00
Catherine Lovrics, Bereskin & Parr LLP
- Enforceability of software, click-wrap and browse-wrap licences
- Copyright issues in cloud computing and with software as a service (SaaS)
- Open source software
- The “Law of Google”
- Virtual and augmented reality
- Social media and user-generated content
- Copyright in metatags, online games and virtual property

WEDNESDAY, AUGUST 1, 2018
Monetization and Exploitation of Copyright - Part 1:
The Legal Framework 8:30 - 10:00
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?

Monetization and Exploitation of Copyright - Part 2:
Drafting and Negotiating Contracts 10:15 - 12:00
Bernice Karn, Cassels Brock & Blackwell LLP
- Key provisions of commercial agreements
- Types of licences: 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

Education, Libraries and Public Sector Copyright 1:00 - 2:00
Jess Zagar, Access Copyright
- Crown copyright
- Fair dealing for education

Copyright in Practice and Policy 2:00-4:15
Moderated by Bob Tarantino, Dentons LLP
Susan Abramovitch, Gowling WLG (Canada) LLP
Angelika Heim Stohn, Hay Cafazzo Dembroski, Richmond 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.

Closing and Surveys 4:15 - 4:30

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.

**FEES**

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Discount does not apply for the full-time student fee.

**Copyright Master Class**

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*Lunch & Learn included in the course fee

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**Lunch & Learn**

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All programs are subject to changes.