

Summer IP Courses

PATENTS TRADE-MARKS COPYRIGHT

1-DAY TO 5-DAY COURSES

Choose a course that fits your profession,
upgrade your skills, or simply expand your areas of interest



IPIC

 **McGill**

Summer IP Courses



Presented by

INTELLECTUAL PROPERTY INSTITUTE OF CANADA

and

McGILL UNIVERSITY

A series of intensive, practical courses in the field of intellectual property that offer valuable insights and strategies regarding patents, trade-marks and copyright. These lectures and workshops are designed to respond to the needs of professionals in the legal sector as well as concerned members of the business community, therefore offering, in addition to learning opportunities, great networking ones.

Chart Your Individual Course For Success

Upgrade your skills and expand your areas of interest. The flexible format allows you to focus your training by attending only the Module(s) that interest you, or choose a more comprehensive, three to five-day series of lectures and workshops.

A Partnership Dedicated To Your Success

Since 1994, the Intellectual Property Institute of Canada (IPIC) and McGill University have gathered some of the best minds in intellectual property to conduct successful, targeted and practical courses in patents, trade-marks and copyright. In August 2005, they bring their proven formula to bear on the following courses:

Understanding Patents AN INTRODUCTORY COURSE (*Montreal, August 1-5, 2005*)

Understanding Trade-marks AN INTRODUCTORY COURSE (*Montreal, August 8-12, 2005*)

MODULE I (2-DAY) – *Basics of Canadian Trade-mark Procurement (August 8-9, 2005)*

MODULE II (3-DAY) – *Fundamentals of Trade-mark Management and Contentious Proceedings (August 10-12, 2005)*

The Trade-marks Practitioner AN ADVANCED COURSE (*Montreal, August 15-19, 2005*)

MODULE I (1-DAY) – *Trade-mark Licensing (August 15, 2005)*

MODULE II (2-DAY) – *Trade-mark Opposition Proceedings (August 16-17, 2005)*

Understanding the Business of Copyright (*Toronto, August 22-24, 2005*)

NEW 3-DAY FORMAT / NEW LOCATION

www.ipic.ca

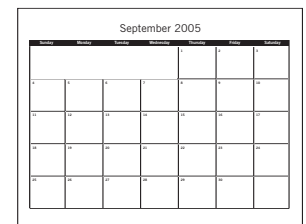
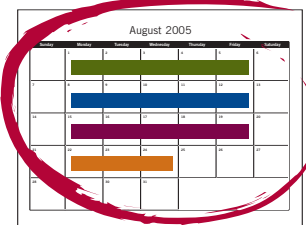
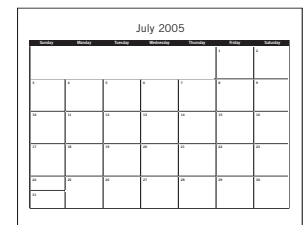
www.cce.mcgill.ca/ip



This Summer, Schedule in a Course That Fits Your Career

August 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
	UNDERSTANDING PATENTS					
7	8	9	10	11	12	13
	UNDERSTANDING TRADE-MARKS					
	Module I: Basics of Canadian Trade-mark Procurement		Module II: Fundamentals of Trade-mark Management and Contentious Proceedings			
14	15	16	17	18	19	20
	THE TRADE-MARKS PRACTITIONER					
	Module I: Licensing	Module II: Opposition Proceedings				
21	22	23	24	25	26	27
	UNDERSTANDING THE BUSINESS OF COPYRIGHT					
28	29	30	31			

It's closer than you think!



Registration

A detailed schedule indicating coffee/networking and lunch breaks will be provided upon registration. Participation is limited. Registrations will be accepted on a first-come, first-serve basis. Completed registration form, with payment, must be received no later than June 15, 2005. Please consult the enclosed registration form for complete details. Additional registration forms may be found on McGill University's website at www.cce.mcgill.ca/ip.

Cancellation Policy

Written cancellations will be accepted until June 30, 2005 with a \$100 cancellation fee. No refunds will be issued after this date. Those who fail to attend are liable for the full course fee. Pre-approved substitutions will be permitted.

Understanding Patents



AN INTRODUCTORY COURSE

Monday, August 1 to Friday, August 5, 2005

MCGILL UNIVERSITY, MONTREAL (QC)

Get Into The Game – Improve Your Career Prospects

A five-day intensive, practical course, which provides an overview of patents and patenting, and offers insights into the strategies relating to establishing and exploiting the patent system.

Who Should Attend

Understanding Patents is a must for engineers involved in patents and patenting, patent agents in training, new patent agents, lawyers (in-house or corporate counsel) and contract managers – anybody who encounters patents in their work and needs to have a better understanding of the nature and scope of the patent system, how patents are obtained, how to manage a patent portfolio.

“As the person responsible for technology related agreements, this course was very useful, as it provided me with a more in-depth view of the patent system, along with some valuable insights into the practical aspects of securing patent rights, and the issues associated with patents in license agreements.”

MARIE MANDEVILLE
LEGAL COUNSEL
MCGILL UNIVERSITY

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

MONDAY, AUGUST 1, 2005

- 8:30 OPENING REMARKS**
Jeffrey Astle *Pratt & Whitney Canada Corp. Program Director*
Christian Cawthorn *Ogilvy Renault Assistant Program Director*
- 8:50 PATENTS: AN OVERVIEW**
Joan M. Van Zant *Ogilvy Renault*
 - Patents as a form of intellectual property
 - What can be patented? Novelty, non-obviousness and subject-matter
 - Meeting the inventor and identifying the invention
 - Decisions to patent
- 10:15 PATENTABLE SUBJECT MATTER AND PATENT CLAIMS**
John Bochnovic *Smart & Biggar/Fetherstonhaugh*
Matthew Zischka *Smart & Biggar/Fetherstonhaugh*
 - Proper subject matter for patents
 - Nature of patent grant
 - Drafting patent claims
 - Defining the invention
 - Types of claims
- 2:00 WORKSHOP: MEETING THE INVENTOR AND IDENTIFYING THE INVENTION**
 - Role-playing
 - Group study: patent claims drafting

5:00-7:00 OPENING RECEPTION: INFORMAL GET-TOGETHER

7:30-9:30 CLAIMS DRAFTING (optional)

TUESDAY, AUGUST 2, 2005

- 8:30 FROM INVENTION TO PATENT: PART I**
James Anglehart *Bereskin & Parr*
Joan M. Van Zant *Ogilvy Renault*
 - Novelty searching
 - Indexing of patents
 - Patenting time line
 - Maintenance and renewal fees
- 10:30 FROM INVENTION TO PATENT: PART 2 - PREPARING AND PROSECUTING THE APPLICATION**
Andrew Hicks *Hicks & Penman Ltd.*
Michel Sofia *Goudreau Gage Dubuc*
 - Need for utility, clarity, enabling description, abstract
 - Structure of patent specifications
 - Responding to Patent Office official actions
 - Amending applications and patents
 - Importance of time limits
 - Re-examination and reissue
- 2:00 WORKSHOP: PATENT OFFICE PROCEDURE AND RESPONSES TO PATENT OFFICE OFFICIAL ACTIONS**

WEDNESDAY, AUGUST 3, 2005

- 8:30 PATENT ENFORCEMENT: INFRINGEMENT**
Warren Sprigings *Hitchman and Sprigings*
Douglas N. Deeth *Deeth Williams Wall LLP*
- Nature of infringing act
 - Importance of products of patented processes
 - Mechanical equivalents and means claims
 - Contributory infringement
 - Prior acquisition of invention
 - Alternative dispute resolution
 - Awards: damages and lost profits; reasonable royalty
 - Injunction: permanent and temporary
- 10:30 PATENT ENFORCEMENT: VALIDITY**
Douglas N. Deeth *Deeth Williams Wall LLP*
Gordon J. Zimmerman *Borden Ladner Gervais LLP*
- Anticipation
 - Obviousness
 - Claims broader than invention
 - Insufficient description
 - Inutility
- 2:00-5:00 WORKSHOP: A MOOT COURT WILL BE HELD BASED ON A CASE OF PATENT INFRINGEMENT**
- 5:20-6:20 AN INVENTOR'S BUSINESS EXPERIENCE**
Speaker TBD

THURSDAY, AUGUST 4, 2005

- 8:30 PATENTS WORLDWIDE: THE STRATEGY**
Stephen M. Beney *Bereskin & Parr*
John R.S. Orange *Blake, Cassels & Graydon LLP*
- Assessment of similarities and differences between the various national and multi-national systems including Paris Convention
 - Patent Cooperation Treaty
 - European Patent Convention
 - U.S. system
 - Canadian system
- 10:30 PATENTS WORLDWIDE: THE COSTS AND VALUE**
John R.S. Orange *Blake, Cassels & Graydon LLP*
Speaker TBD
- Value and costs of obtaining, using and maintaining patents in various countries/communities
 - Managing patents as a corporate asset
- 12:15 STUDENT LUNCH**
- LUNCH SPEAKER - CHANGE AND CHALLENGE IN THE PATENT WORLD**
John R.S. Orange *Blake, Cassels & Graydon LLP*
- 2:00-5:00 WORKSHOP: STUDENTS WILL DEVELOP A FILING PROGRAM BASED ON AN ASSIGNED BUDGET, COST INFORMATION, DEMOGRAPHICS, ETC.**

FRIDAY, AUGUST 5, 2005

- 8:30 INDUSTRIAL DESIGNS**
Robert Storey *Bereskin & Parr*
- What is a design?
 - Registrable/unregistrable subject matter
 - Interface with patents and copyrights
 - Originality
 - Proprietorship
 - Application preparation
 - Prosecution
 - Enforcement
- 9:30 EXPLOITING INTELLECTUAL PROPERTY RIGHTS**
Glen Tremblay *Smart & Biggar/Fetherstonhaugh*
- Patents in contrast with other intellectual property rights
 - Confidentiality, trade secrets
 - Copyrights and trade-marks
 - Ownership of inventions; assignment and licensing
 - Additional considerations: anti-trust, export controls, working the invention, marking and compulsory licensing
- 10:45 PATENTS IN THE COMMERCIAL MILIEU**
Douglas McIntyre *QNX Software Systems Ltd.*
- A practical, commercial perspective on intellectual property licensing
 - Negotiating licences: rights, returns, risks and responsibilities
 - Buying and selling businesses that depend on patent licences
- 2:00-5:00 WORKSHOP: SIMULATED PATENT LICENCE NEGOTIATION**

FEES:

An Introductory Course
AUGUST 1-5, 2005
IPIC MEMBER \$2,100
NON-MEMBER \$2,300

LOCATION:

MCGILL UNIVERSITY, MONTREAL

"As a patent agent trainee, I found the course very useful in providing a broad overview of patent drafting and prosecution in Canada as well as giving practical advice relating to strategizing and securing patent rights for clients."

MÉLANIE CARPENTIER, PH.D.

PATENT AGENT TRAINEE

GOUDREAU GAGE DUBUC

Understanding Trade-marks



AN INTRODUCTORY COURSE

Monday, August 8 to Friday, August 12, 2005

MODULE I (2-DAY) BASICS OF CANADIAN TRADE-MARK PROCUREMENT August 8 AND 9, 2005

MODULE II (3-DAY) FUNDAMENTALS OF TRADE-MARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS
August 10 to 12, 2005

MCGILL UNIVERSITY, MONTREAL (QC)

Get Into The Game – Improve Your Career Prospects

A five-day intensive, practical course that will cover Trade-mark procurement, management and contentious proceedings in Canada and abroad.

Who Should Attend

A must for beginners and/or those with an interest in the trade-mark field, including trade-mark agent trainees, trade-mark agents, trade-mark managers and lawyers, whether in private or corporate practice as well as advertising agency employees.

“I thoroughly enjoyed the course, and in fact, it exceeded my expectations. I found it very helpful and entertaining at the same time, and it got better over the 5 days. The instructors were all very approachable and knowledgeable. I would recommend it to anyone starting out in the trade-mark field.”

CHRISTINE WALO

TRADE-MARK CLERK

CASSELS BROCK & BLACKWELL

Key Benefits

The lectures and workshops cover the theoretical and practical aspects of Canadian trade-mark procurement, trade-mark management and contentious proceedings. Among the issues to be addressed are:

- ~ origins of trade-marks and their selection
- ~ registrability and availability opinions (Module I)
- ~ responses to office actions (Module I)
- ~ trade-mark maintenance, management and valuation
- ~ opposition proceedings
- ~ written pleadings and evidence in oppositions (Module II)
- ~ overview of litigation in Canada and the US
- ~ overview of trade-mark procurement in the United States, the European Community and through the Madrid System

MONDAY, AUGUST 8, 2005

MODULE I – BASICS OF CANADIAN TRADE-MARK PROCUREMENT

- 8:30 OPENING REMARKS**
Christian Bolduc *Smart & Biggar/Fetherstonhaugh Program Director*
Justine Wiebe *Bereskin & Parr Assistant Course Director*
- 8:45 WHAT IS A TRADE-MARK/WHY A TRADE-MARK?**
Sheldon Burshtein *Blake, Cassels & Graydon LLP*
Philosophy and history of trade-marks; international character of trade-marks; what is a trade-mark; common law trade-marks; trade names; purpose of registration; advantages of registration; pitfalls of non-registration/reliance on the common law; geographical scope of protection; interplay with copyright and industrial design.
- 10:45 PREPARING A TRADE-MARK APPLICATION, USE AND REGISTRABILITY OPINIONS**
Christian Bolduc *Smart & Biggar/Fetherstonhaugh*
Introduction to the Trade-marks Office; procedure in applying for registration; forms and their applicability; general and specific information required in applications; identification of applicant; bases of application; restrictions on registrability; disclaimers; available priority dates; description of wares and services; claims of colour; specimens and drawings; linguistic considerations; firm names; advertising; types of searches; follow-up investigation; registrability opinions; risk factors.
- 1:45 PREPARING A TRADE-MARK APPLICATION (cont'd)**

3:00 WORKSHOP: USE AND REGISTRABILITY OPINIONS

Johanne Auger *BCF LLP*
Jean-Nicolas Delage *BCF LLP*
Stella Syrianos *Léger, Robic, Richard/Robic, G.P.*
Allen D. Israel *Lapointe Rosenstein*
Beth Trister *Smart & Biggar/Fetherstonhaugh*
Justine Wiebe *Bereskin & Parr*

5:00-6:00 OPENING RECEPTION

TUESDAY, AUGUST 9, 2005

MODULE I – BASICS OF CANADIAN TRADE-MARK PROCUREMENT (cont'd)

- 8:30 CONCEPT OF USE**
Sheldon Burshtein *Blake, Cassels & Graydon LLP*
Recap of Day 1; concept of use; use with respect to wares; export; use with respect to services.
- 10:45 CONCEPT OF USE (cont'd)**
- 11:15 DIFFERENT TYPES OF APPLICATIONS, OFFICE ACTIONS AND RESPONSES, POST-ADVERTISEMENT MATTERS**
Justine Wiebe *Bereskin & Parr*
Special trade-mark applications, certification marks, distinguishing guises, official marks; amendments and extensions to registrations; amendments to applications; voluntary withdrawal and abandonment; extensions of time; office actions and responses; appeal from Registrar's decision; advertisement; other legislation affecting trade-marks; allowance; declaration of use and/or registration fee.

1:45 DIFFERENT TYPES OF APPLICATIONS (cont'd)

3:00-5:00 WORKSHOP: RESPONSES TO OFFICE ACTIONS

Johanne Auger BCF LLP
Jean-Nicolas Delage BCF LLP
Justine Wiebe Bereskin & Parr
Isabelle Jomphe Goudreau Gage Dubuc
Jean-François Nadon Léger, Robic, Richard/Robic, G.P.
Christian Bolduc Smart & Biggar/Fetherstonhaugh
Allen D. Israel Lapointe Rosenstein

WEDNESDAY, AUGUST 10, 2005

MODULE II – FUNDAMENTALS OF TRADE-MARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS

8:30 LIFE AFTER REGISTRATION

Jonathan Colombo Bereskin & Parr
Term of registration; renewal; maintenance of a registered trade-mark; marking and use; expungement of trade-mark registrations; non-use of the trade-mark and non-use of the trade-mark as registered; proceedings bringing into question the validity of the registration; recording licence agreements or document terminating licence agreements; recording security interest agreements or notice of discharge of security agreements; assignments; due diligence.

10:15 SELECTING GREAT TRADE-MARKS

Bayo Odutola Odutola Law Chambers
Desirable qualities and characteristics when selecting a trade-mark, how trade-mark legal rights arise; scope of legal protection of a trade-mark; notion of confusion; impacts of their selection on searching, protection and enforcement.

11:15 CORPORATE PERSPECTIVE

Pascale Mercier BCE Intellectual Property Group
Dealing with outside counsel; what do in-house counsel hate/like their outside counsel to do? Searching and filing strategies; management of trade-mark portfolios; how to educate in house marketing departments about proper trade-mark use; use of oppositions and other types of proceedings as a corporate strategy.

2:00 TRADE-MARK VALUATION

Scott Davidson Cole & Partners
Basic valuation principles and approaches and how they apply to trade-mark valuation, measuring the economic benefits associated with IP and converting that benefit to a capital sum. Reference will also be made to related financial issues in the context of trade-mark infringement.

3:30 TRADE-MARKS AND DOMAIN NAMES: TWO SIDES OF THE SAME COIN?

Michael Erdle Deeth Williams Wall LLP
The operation of domain names and their contrast with the operation of domestic trade-mark laws; conflicts and solutions; guidelines concerning dispute resolution and their operation; new international dispute resolution initiatives; overview of case-law involving conflicts between domain names and trade-marks.

THURSDAY, AUGUST 11, 2005

MODULE II – FUNDAMENTALS OF TRADE-MARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS (cont'd)

8:00 U.S. AND CANADIAN TRADE-MARK PROSECUTION: A COMPARATIVE ANALYSIS

Michael Lasky Altera Law Group
Peter Cooke Fraser Milner Casgrain LLP
Preparation and filing of applications; different types of applications; classification of goods and services; government fees; U.S.P.T.O. procedures; brief overview of opposition and cancellation proceedings; U.S. trade-mark searching; post-registration issues; Sections 8 & 15 Declarations, renewal, amendment of trade-mark, assignment.

10:00 THE COMMUNITY TRADE-MARK AND THE MADRID PROTOCOL

Mark Hiddleston Elkington and Fife LLP
International perspective; the CTM system; national filings in Europe; the Madrid Protocol; differences between CTM and Madrid Protocol; their advantages, disadvantages; exhaustion of rights; languages; procedure; registration; conversion; litigation; revocation and invalidity actions; enforcement.

1:30 OVERVIEW OF TRADE-MARK LITIGATION IN CANADA - INFRINGEMENT AND PASSING OFF

Glen Bloom Osler, Hoskin & Harcourt LLP
Overview of Court process; infringement; defences to an action in infringement; non-infringement; unfair competition; passing-off; defences to a passing-off action; remedies for infringement; interlocutory and permanent injunctions; Anton Piller orders; monetary relief; accounting of profits; damages; delivery up; prohibition of imports.

3:30 TRADE-MARK LITIGATION IN THE U.S. - WHAT CANADIAN PRACTITIONERS NEED TO KNOW

Douglas Rettew Finnegan Henderson Farabow Garrett and Dunner LLP
Everything a Canadian Trade-mark in-house or private practitioner should know about trade-mark litigation in the U.S. from forum shopping, jury trial, preliminary and summary proceedings, strategies, precautions, etc.

FRIDAY, AUGUST 12, 2005

MODULE II – FUNDAMENTALS OF TRADE-MARK MANAGEMENT AND CONTENTIOUS PROCEEDINGS (cont'd)

8:30 OPPOSITION PROCEEDINGS: OVERVIEW AND CONTEXT

Philip Lapin Smart & Biggar/Fetherstonhaugh
Context; Trade-marks Journal, advertisement; time limit to oppose; procedures and steps; extensions of time including retroactive; why oppose? Length of oppositions; costs; tactics; options for settlement.

10:30 OPPOSITION PROCEEDINGS (cont'd)

2:00-5:00 WORKSHOP: TIPS AND STRATEGY IN OPPOSITION

Philip Lapin Smart & Biggar/Fetherstonhaugh
Christian Bolduc Smart & Biggar/Fetherstonhaugh
Justine Wiebe Bereskin & Parr
Laurent Carrière Léger, Robic, Richard/Robic, G.P.
Jean-Nicolas Delage BCF LLP
Johanne Auger BCF LLP
Allen D. Israel Lapointe Rosenstein

FEES:

An Introductory Course
AUGUST 8-12, 2005
IPIC MEMBER \$2,100
NON-MEMBER \$2,300

Module I

AUGUST 8-9, 2005
IPIC MEMBER \$1,000
NON-MEMBER \$1,200

Module II

AUGUST 10-12, 2005
IPIC MEMBER \$1,400
NON-MEMBER \$1,700

LOCATION:

MCGILL UNIVERSITY, MONTREAL

"The course provided the necessary tools to enable me to handle by myself the company's trade-mark files. In these cases where the assistance of an outside agent is required, I am now able to talk his/her language, to grasp the risks that are involved and to make the proper strategic decisions. The course was an excellent investment!"

ANNIE TRUDEL

LEGAL AND

ENVIRONMENTAL AFFAIRS

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The Trade-marks Practitioner



AN ADVANCED COURSE

Monday, August 15 to Friday, August 19, 2005

MODULE I (1-DAY) TRADE-MARK LICENSING August 15, 2005

MODULE II (2-DAY) TRADE-MARK OPPOSITION PROCEEDINGS August 16 and 17, 2005

MCGILL UNIVERSITY, MONTREAL (QC)

Get Into The Game – Improve Your Career Prospects

A five-day, intensive, practical, hands-on course and modules. The Trade-marks Practitioner offers you the opportunity to attend a mock cross-examination and a mock oral hearing with experienced practitioners, including the former Chairman of the Trade-mark Opposition Board and a Federal Court Judge.

Who Should Attend

A must for anyone working at the leading edge of the trade-mark field. The Trade-marks Practitioner is designed specifically for experienced trade-mark agents, in-house trade-mark managers, in-house counsels, and lawyers who specialize in the

trade-mark area, whether in private or corporate practice, with at least 3 to 5 years experience in the area of trade-mark law.

Key Benefits

This course addresses advanced issues that are faced by the trade-mark practitioner on a regular basis. Some of the important topics examined include:

- ~ all aspects of licence agreements (Module I)
- ~ opposition and summary expungement proceedings (Module II)
- ~ factual and expert evidence (Module II)
- ~ affidavit evidence (Module II)
- ~ cross examinations and written submissions

MONDAY, AUGUST 15, 2005

MODULE I - TRADE-MARK LICENSING

- 8:30 OPENING REMARKS**
Elizabeth E. Gouthro
Fasken Martineau DuMoulin LLP
Program Director
- 8:45 HISTORY & PURPOSE OF LICENSE**
Lee Webster Osler, Hoskin & Harcourt LLP
Frank Politano AT&T Corp.
- Overview of history of licensing
- Requirements of the Trade-marks Act
- 9:45 SPECIFICS ABOUT TERMS AND CONDITIONS AND NEGOTIATING AND STRUCTURING LICENSE**
Lee Webster Osler, Hoskin & Harcourt LLP
Frank Politano AT&T Corp.
- Defining the licensing rights
- Exclusive, non-exclusive, sole license
- Specific provisions
- Negotiation strategies
- Post-licensing issues
- Remedies and enforcement
- 10:45 SPECIFICS ABOUT TERMS AND CONDITIONS AND NEGOTIATING AND STRUCTURING LICENSE (Cont'd)**
Lee Webster Osler, Hoskin & Harcourt LLP
Frank Politano AT&T Corp.
- Negotiating strategies
- Anticipating post-licensing issues, such as additional trade-marks, bankruptcy, remedies and enforcement
- 3:00 INTERACTIVE WORKSHOP ON LICENSING NEGOTIATIONS**
Louis Dubé Ogilvy Renault
Lee Webster Osler, Hoskin & Harcourt LLP
Frank Politano AT&T Corp.
- Points of view of both the licensee

- and licensor
- Assess the issues, recommend the fairest position or compromise

6:00 COCKTAIL RECEPTION

TUESDAY, AUGUST 16, 2005

MODULE II - TRADE-MARK OPPOSITION PROCEEDINGS

- 8:30 DIFFICULTIES IN OPPOSITION PROCEEDINGS AND PREPARATION OF EVIDENCE**
Cynthia Rowden Bereskin & Parr
- Review of opposition proceedings
- Advanced issues of pleading
- Evidentiary issues
- Practical issues in drafting affidavits
- 10:45 EXPERT EVIDENCE**
May M. Cheng Fasken Martineau DuMoulin LLP
- Selection and use of expert evidence in oppositions, cancellation proceedings and litigation
- 1:30 REVIEW OF SECTION 45 PROCEEDINGS - PROVING USE OR NON-USE OF A TRADE-MARK**
Cynthia Rowden Bereskin & Parr
- Review of Section 45 proceedings
- Comparison of Section 45 and abandonment issues
- Evidentiary requirements in Section 45 cases
- 3:45-6:00 WORKSHOP ON OPPOSITION PROCEEDINGS**
Cynthia Rowden Bereskin & Parr
Gary Partington Marks & Clerk
- Drafting affidavit evidence in opposition and Section 45 proceedings
- Question and answer forum with the former Chairman - Trade-marks Opposition Board

"Trade-marks II expands on the theory presented in Trade-marks I by providing court and hearing simulations that illustrate how counsel would represent their clients' interests. Very interesting!"

VAN TU DUONG

BELL CANADA

WEDNESDAY, AUGUST 17, 2005

MODULE II - TRADE-MARK OPPOSITION PROCEEDINGS (cont'd)

- 8:30 CROSS-EXAMINATIONS**
Robert MacDonald *Gowling Lafleur Henderson LLP*
Gordon Zimmerman *Borden Ladner Gervais LLP*
- To cross-examine or not
 - Scope of cross-examination
 - Preparation
 - Do's and don'ts
- 9:30 WRITTEN SUBMISSIONS**
Robert Gould *Smart & Biggar/Fetherstonhaugh*
- Format and content
 - Typical submissions
 - Practical examples
- 10:45 PREPARATION FOR ORAL HEARING**
Robert Gould *Smart & Biggar/Fetherstonhaugh*
- When is a hearing appropriate
 - Preparation and participation
- 1:30 MOCK CROSS-EXAMINATION OF AFFIANT ON EVIDENCE FILED**
Robert MacDonald *Gowling Lafleur Henderson LLP*
Gordon Zimmerman *Borden Ladner Gervais LLP*
Robert Gould *Smart & Biggar/Fetherstonhaugh*
- The good, the bad and all that
- 3:15-6:00 MOCK ORAL HEARING**
Robert MacDonald *Gowling Lafleur Henderson LLP*
Gordon Zimmerman *Borden Ladner Gervais LLP*
Gary Partington *Marks & Clerk*
- Oral submissions by experienced practitioners
 - Comments from the former Chairman - Trade-marks Opposition Board

THURSDAY, AUGUST 18, 2005

- 8:30 APPEAL OF DECISIONS IN SECTION 45 PROCEEDINGS, OPPOSITION PROCEEDINGS AND PROSECUTION**
Roger T. Hughes Q.C.
Sim Hughes Ashton & McKay LLP
- Procedures and evidence in appeal from Trade-marks office decisions after prosecution, Section 45 decisions and opposition proceedings decisions
- 9:30 INFRINGEMENT AND REMEDIES**
Roger T. Hughes Q.C.
Sim Hughes Ashton & McKay LLP
- What constitutes infringement
 - Defences to an infringement action
 - Passing off
 - Defences to a passing off action
 - Remedies
 - Grey marketing
- 11:00 PRACTICAL APPROACH TO CO-EXISTENCE AND OTHER SETTLEMENT AGREEMENTS**
Daniel Drapeau *Ogilvy Renault*
- Should we settle?
 - Assessing strengths and weaknesses
 - Developing strategies and considering alternatives
 - Review of agreement
 - Avoiding the pitfalls

2:00-4:30 MOCK TRIAL WITH ORAL TESTIMONY

Madam Justice Elizabeth Heneghan
Federal Court of Canada
Roger T. Hughes Q.C.
Sim Hughes Ashton & McKay LLP
Nelson Landry *Ogilvy Renault*

- Court dramatization
- Attorneys conduct examination, cross-examination and make submissions
- Comments from the Judge

FRIDAY, AUGUST 19, 2005

- 8:30 INTERPLAY OF TRADE-MARKS, DOMAIN NAMES AND THE INTERNET**
R. Scott MacKendrick *Ogilvy Renault*
- Understanding the jargon
 - Passive and active web sites
 - Cybersquatting and other infringing activities
 - Domain name registration
 - Dispute resolution using ICANN and CIRA
- 10:15 INTERACTIVE COMPARATIVE DISCUSSION OF U.S. AND CANADIAN TRADE-MARK PROSECUTION PRACTICE**
Kimberley Brûlé *Ridout & Maybee*
Joseph T. Nabor *Fitch, Even, Tabin & Flannery*
- Searching
 - Preparation and filing of different types of applications
 - U.S. Patent and Trademark Office fees and procedures
 - Overview of opposition and cancellation proceedings
 - Post-registration issues
 - Interacting with U.S. counsel
 - Question and answer period
- 12:00 A REVIEW OF THE MADRID PROTOCOL FROM A U.S. PERSPECTIVE**
Joseph T. Nabor *Fitch, Even, Tabin & Flannery*
- 1:30 NON-CONVENTIONAL TRADE-MARKS**
Jill Terris *Marks & Clerk*
Gary Partington *Marks & Clerk*
- Distinguishing guise
 - Two & three-dimensional marks
 - Colour
 - Animated moving-image marks
 - Sounds and scents
 - Official marks
 - Famous marks
- 3:30 CLOSING REMARKS**
Paul Donovan *Gibson & McLaren LLP*
Assistant Program Director

FEES:

An Advanced Course
AUGUST 15-19, 2005
IPIC MEMBER \$2,100
NON-MEMBER \$2,300

Module I

AUGUST 15, 2005
IPIC MEMBER \$600
NON-MEMBER \$800

Module II

AUGUST 16-17, 2005
IPIC MEMBER \$1,000
NON-MEMBER \$1,200

Modules I & II

AUGUST 15-17, 2005
IPIC MEMBER \$1,400
NON-MEMBER \$1,700

LOCATION:

MCGILL UNIVERSITY, MONTREAL

"From the perspective of an IP lawyer, the course offers practical advice and strategy for daily practice. I would recommend the course to anyone interested in a trade-mark practice."

JASON MARKWELL

OGILVY RENAULT

Understanding the Business of Copyright

Monday, August 22 to Wednesday, August 24, 2005

TORONTO BOARD OF TRADE, TORONTO (ON)

Get Into The Game – Improve Your Career Prospects

A 3-day intensive course with a practical focus which provides not only an overview of the legal principles needed to address copyright issues but also insight into the practical side of publishing, film and television production, music, and computer programs.

Who Should Attend

A must for all who work in the copyright field. Understanding the Business of Copyright is intended for business managers and in-house counsel working in the publishing, music, information technology, broadcasting, film/TV and performing arts; lawyers and trade-mark agents; licensing executives; government policy-makers; academics and librarians.

"An excellent opportunity to learn from experienced and passionate practitioners. Strongly recommended."

JEAN-PAUL BOULAY

DIRECTOR, POLICY DEVELOPMENT

COPYRIGHT POLICY BRANCH

DEPARTMENT OF CANADIAN

HERITAGE

MONDAY, AUGUST 22, 2005

- 8:30 OPENING REMARKS**
Christine Collard *Borden Ladner Gervais LLP*
Course Director
- 8:45 SETTING THE STAGE**
Ruth Corbin *Corbin Partners Inc.*
Assistant Course Director
- Main themes of copyright
 - Pressures caused by technology advances (especially IT, Internet)
 - Are user's rights being ignored?
 - Does reliance on anti-copying technologies threaten the public domain?
- 9:15 WHAT WORKS ARE PROTECTED**
Paul Tackaberry *Ridout & Maybee LLP*
- Traditional categories of works
 - Unprotected works (unexpressed ideas)
 - Fixation
- 10:45 EXCLUSIVE RIGHTS**
Ron Dimock *Dimock Stratton LLP*
- Basic components of economic rights: produce, reproduce, perform, publish, authorize
 - Subsidiary rights

Key Benefits

The lectures and workshops of this course cover the theoretical and practical fundamentals of copyright including originality, fair dealing, computer programs and the Internet. Among the other issues to be addressed are:

- ~ Supreme Court's decisions
- ~ economic rights v. authors' rights
- ~ identifying authors, owners and infringers
- ~ exploiting copyright in business
- ~ dealing with collectives & the Copyright Board
- ~ U.S. & Canadian law contrasted

- 1:15 ORIGINALITY**
Kevin Sartorio *Gowling Lafleur Henderson LLP*
- Skill, judgement & labour v. spark of creativity
 - Special case of compilations
 - CCH case
 - Comparison with U.S. approach
- 2:30 AUTHORSHIP AND OWNERSHIP**
Daniel Drapeau *Ogilvy Renault*
- Author is presumed owner
 - Employees and independent contractors
 - Who is a joint author?
 - Beneficial equitable ownership
 - Special rules for photographs and government
 - Comparison with U.S. law
- 4:00 FOCUS ON THE PUBLISHING INDUSTRY**
Kim McArthur *President & Publisher, McArthur & Company*
- How does copyright generate revenue in a book publishing?
 - Discussion of reoccurring copyright problems/issues
 - Business of publishing
- 5:15 OPENING RECEPTION: INFORMAL GET-TOGETHER**

TUESDAY, AUGUST 23, 2005

- 8:30 TERMS AND FORMALITIES**
Peter Wells *Lang Michener*
- General term rule
 - Special rules for certain types of works
 - Reversionary interests
 - Registration of copyright
 - Comparison with U.S. law
- 9:45 ASSIGNMENT AND LICENSING**
David Aytlen *Gowling Lafleur Henderson LLP*
- Necessity for writing
 - Implied assignment/licensing
 - Recordal of assignments and licences
 - Compulsory licences
 - Unlocatable owners
 - Security agreements
- 11:00 FOCUS ON FILM/PRODUCTION INDUSTRY**
Luce Pellerin *Entertainment Lawyer*
- How are films/productions created and exploited in the business world?
 - Major players and royalty streams identified
 - Special terminology explained
- 1:15 PRIMARY INFRINGEMENT**
Hugues Richard *Léger, Robic, Richard/Robic, G.P.*
- Specific acts of infringement
 - Who is an infringer?
 - Unconscious copying
 - Indirect copying
 - Meaning of "substantial part"
- 2:30 SECONDARY INFRINGEMENT**
Hugues Richard *Léger, Robic, Richard/Robic, G.P.*
- In-depth discussion of Section 27(2)
 - Innocent infringers
- 4:00-5:30 TECHNICAL ANALYSIS OF MUSIC**
Daniel Friedman *Musician, Composer and Expert Consultant*
- By listening to recordings considered by courts (e.g. Sarah McLachlan, George Harrison) and breaking the music down, students will discover what makes songs original, what is substantial part of song.

- 11:00 COLLECTIVES, COPYRIGHT BOARD**
Wendy Noss *Sim Hughes Ashton & McKay LLP*
- Copyright Board: mandate, structure, hearings and procedure, collective administration, retransmission, private copying
 - Copyright collectives: music, audio-visual, educational, literary, media, private copying, retransmission, visual arts
- 12:00 LUNCH SPEAKER**
TOPIC: THE FUTURE OF COPYRIGHT REFORM IN CANADA
Bruce Stockfish *Director General Copyright Policy Branch Department of Canadian Heritage*
- 2:00 FOREIGN ISSUES**
Andrea Rush *Heenan Blaikie LLP*
- The main treaties and their implications for Canada
- 3:15 FOCUS ON COMPUTER PROGRAMS**
Sunny Handa *McGill University / Blake, Cassels & Graydon LLP*
- Application of substantive areas of copyright law to computer programs
 - Test for infringement in light of Delrina case
 - Understanding source code, data files and structures
- 5:00 CLOSING REMARKS**
Christine Collard *Borden Ladner Gervais LLP Course Director*

FEES:
Understanding Copyright
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BOARD OF TRADE, TORONTO

WEDNESDAY, AUGUST 24, 2005

- 8:30 ENFORCEMENT**
Mark Evans *Smart & Biggar/Fetherstonhaugh*
- Interlocutory injunctions
 - Anton Pillar orders
 - Injunctions
 - Damages and profits
 - Detention of imported copies by customs
 - Enforcement of criminal provisions
- 9:45 EXEMPT ACTIVITIES**
Diane Cornish *Osler, Hoskin & Harcourt LLP*
- Research, study, criticism, reviews, news
 - Educational institutions
 - Libraries, archives & museums
 - Parodies
 - Comparison with fair use in U.S.

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IPIC-McGill Courses in Intellectual Property

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How to register

1. Complete the registration form.
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3. Include payment by Visa, Mastercard, cheque or money order *payable to McGill University* and return to:

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Cancellation Policy

Written cancellations will be accepted until June 30, 2005 with a \$100 cancellation fee. No refunds will be issued after this date. Those who fail to attend are liable for the full course fee. Pre-approved substitutions will be permitted.

IPIC and McGill University reserve the right to cancel a course due to insufficient registrations one month prior to the start of the course.

They reserve the right to make changes to the program without prior notice.

Inquiries

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B ABOUT YOURSELF (Please check applicable boxes)

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C REGISTRATION FEES Prices are shown in TOTAL (GST & PST exempt)

(Please check)	IPIC Member	Non-Member
<input type="checkbox"/> Understanding Patents – Introductory Course (5-day) <i>August 1-5, 2005, McGill University, Montreal</i>	\$ 2100.00	\$ 2300.00
<input type="checkbox"/> Understanding Trade-marks – Introductory Course (5-day) <i>August 8-12, 2005, McGill University, Montreal</i>	\$ 2100.00	\$ 2300.00
<input type="checkbox"/> Understanding Trade-marks – Module I (2-day) <i>Basics of Canadian Trade-mark Procurement August 8-9, 2005, McGill University, Montreal</i>	\$ 1000.00	\$ 1200.00
<input type="checkbox"/> Understanding Trade-marks – Module II (3-day) <i>Fundamentals of Trade-mark Management and Contentious Proceedings August 10-12, 2005, McGill University, Montreal</i>	\$ 1400.00	\$ 1700.00
<input type="checkbox"/> The Trade-marks Practitioner – Advanced Course (5-day) <i>August 15-19, 2005, McGill University, Montreal</i>	\$ 2100.00	\$ 2300.00
<input type="checkbox"/> The Trade-marks Practitioner – Module I (1-day) <i>Trade-mark Licensing August 15, 2005, McGill University, Montreal</i>	\$ 600.00	\$ 800.00
<input type="checkbox"/> The Trade-marks Practitioner – Module II (2-day) <i>Trade-mark Opposition Proceedings August 16-17, 2005, McGill University, Montreal</i>	\$ 1000.00	\$ 1200.00
<input type="checkbox"/> The Trade-marks Practitioner – Modules I and II (3-day) <i>August 22-24, 2005, Toronto Board of Trade, Toronto</i>	\$ 1400.00	\$ 1700.00
<input type="checkbox"/> Understanding the Business of Copyright (3-day) <i>August 22-24, 2005, Toronto Board of Trade, Toronto</i>	\$ 1400.00	\$ 1700.00

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