



The Law Society of
Upper Canada

Barreau

du Haut-Canada

**Final Agenda
April 7, 2011**

Entertainment & Media Law Symposium 2011

Convergence 3.0: It's Here and It's Happening

Chairs: Casey M. Chisick
Cassels Brock & Blackwell LLP

Ron Hay
Stohn Hay Cafazzo Dembroski Richmond LLP

April 15, 2011
9:00 a.m. – 5:00 p.m.
and
April 16, 2011
9:00 a.m. – 12:30 p.m.

Donald Lamont Learning Centre
Law Society of Upper Canada
Toronto, ON

SKU# CLE11-00407

Steering Committee

Susan Abramovitch
Gowling Lafleur Henderson LLP

Casey M. Chisick
Cassels Brock & Blackwell LLP

Professor Giuseppina D'Agostino,
Osgoode Hall Law School, *York University*

Ron Hay
Stohn Hay Cafazzo Dembroski Richmond LLP

Jason J. Kee,
Director, Policy & Legal Affairs
Entertainment Software Association of Canada

Christopher Pang,
Senior Corporate Counsel
Shaw Media

David A. Steinberg
Heenan Blaikie LLP

Danny Webber
Hall Webber LLP

David B. Zitzerman
Goodmans LLP

Schedule of Events

Friday, April 15, 2011

8:30 a.m. – 9:00 a.m. **Registration and Continental Breakfast**

9:00 a.m. – 9:15 a.m. **Welcome and Opening Remarks**

Casey M. Chisick
Cassels Brock & Blackwell LLP

Ron Hay
Stohn Hay Cafazzo Dembroski Richmond LLP

PLENARY SESSIONS

9:15 a.m. – 10:00 a.m. **Keynote Address**
The Three Faces of Convergence

- Convergence of companies
- Convergence of industries
- Convergence of practice areas

Jon Festinger, Q.C.
Barrister and Solicitor

Paper co-written by:
Jon Festinger, Q.C., Barrister and Solicitor

Gary A. Maavara, Executive Vice-President and General Counsel, *Corus Entertainment Inc.*

10:00 a.m. – 10:15 a.m.

Coffee and Networking Break

10:15 a.m. – 11:30 a.m.

The Three Faces of Convergence (Panel Discussion)

- Business benefits and detriments of vertical integration
- Interaction between integration, the ownership of content, and competition law issues
- Convergence of regulated (for example, television) and unregulated (for example, Internet) industries and the CRTC
- Impact of digital distribution on business models and the entry of new “over the top” competitors (for example, Netflix, Apple TV, Google TV)
- Restrictions on foreign-ownership and the *Investment Canada Act*
- Convergence of traditional entertainment with digital media and impact on lawyers’ practices

David B. Zitzerman (Moderator)
Goodmans LLP

Panelists:

Ken Engelhart
Senior Vice-President Regulatory
Rogers Communications Inc.

Jon Festinger, Q.C.
Barrister and Solicitor

Jacob Glick
Canada Policy Counsel
Google Inc.

11:30 a.m. – 12:15 p.m.

Entertainment & Media Law – The Year(s) in Review

- Review of significant cases since the 2009 Symposium

Casey M. Chisick
Cassels Brock & Blackwell LLP

12:15 p.m. – 1:30 p.m.

Keynote Luncheon Speaker

“Copyright, Contracts, Creators: New Media, New Rules”

Professor Giuseppina D’Agostino
Osgoode Hall Law School
York University

1:30 p.m. – 2:30 p.m.

Practice Management – Convergence and Conflicts

What do “conflicts of interest” mean in the context of an entertainment and media legal practice? Many would agree that the landscape has changed dramatically in recent years due to increased media convergence and competing business interests. This panel will discuss client expectations regarding external counsel’s management of conflicts, the boundaries and parameters of acceptable conflicts, the legal requirements for client waivers, and the increasingly blurred line between “legal” and “business” conflicts. Panelists will analyze a number of “conflict” scenarios from a variety of perspectives, including those raised by the audience.

David A. Steinberg (Moderator)
Heenan Blaikie LLP

Panelists:
Simon Chester
Heenan Blaikie LLP

Tracey Pearce
Senior Vice-President, Business and Legal Affairs
CTVglobemedia

2:30 p.m. – 2:35 p.m.

Transition to Concurrent Sessions

CONCURRENT SESSIONS:

(THE SECOND BIENNIAL ENTERTAINMENT & MEDIA LAW BOOT CAMP)

Workshop C will be Webcast Live at 2:35 p.m. and Workshop A will be Webcast Live at 3:50 p.m.

2:35 p.m. – 3:35 p.m.

Workshop A: Licensing Music for Multiple Platforms

Anvil: A Cautionary Tale

When Sacha Gervasi, a documentary filmmaker, approached the 1980's Canadian heavy metal band Anvil to tell their story on film, little did the band know that "Anvil! The Story of Anvil" would re-energize demand for their recordings and their songs three decades later. This rejuvenated demand opened the doors for the licensing of Anvil's masters and music publishing on multiple platforms, including in film, videogames and a soundtrack album. The success that eluded these hard rockers in the '80s seemed to be within reach a second time around. However, a combination of bad luck, bad negotiations, and bad decisions in the licensing and contracting of the various rights and uses of the band's recordings and songs stifled their comeback.

In this workshop, seasoned music lawyer facilitators will navigate you through the wreckage of these various Anvil deals, through mock negotiation and other techniques, highlighting the respective roles of the band's music publisher, manager and lawyer. We will have the opportunity to examine synchronization and master use licenses for film and videogames, mechanical and master use licenses for soundtrack albums, and recording agreements for the re-recording of old, lost master tapes.

Facilitators:

Susan Abramovitch

Gowling Lafleur Henderson LLP

Paul Sanderson

Sanderson Entertainment Law

OR

Workshop B: Format Licensing

As Canadian versions of international format programs become increasingly popular, issues relating to format licensing are arising more frequently for practitioners, in-house counsel, and business affairs departments. In particular, ensuring that the initial format licensing is structured properly is essential in minimizing, or managing, potential financing and certification complications when

making a Canadian version of an existing program. In this workshop, a panel of experienced facilitators will take you through some of the key issues in format licensing, including financing options, negotiating strategy, the role and rights of the former licensor, the role and involvement of the format licensor, Canadian Program certification options, and key provisions in the format licence/option agreement.

Facilitators:
Christopher Pang
Senior Corporate Counsel
Shaw Media

Tara Parker
Goodmans LLP

OR

Workshop C: Broadcast and Media Taxonomy

In an environment of rapidly changing and converging media technologies, developing concise and accurate definitions, using consistent terminology, and establishing meaningful classification systems, or "taxonomies", is essential for effective management of digital rights, negotiating and drafting licensing and distribution agreements, establishing industry terms of trade, and valuating and monetizing intellectual property libraries. In this workshop we will deconstruct key rights definitions and explore how to build and utilize a taxonomy to achieve strategic objectives.

Facilitators:
Arthur Reinstein, B.F.A., LL.B.
Senior Director, Content Acquisitions
Shaw Media

Danny Webber
Hall Webber LLP

OR

Workshop D: A Practical Perspective on *Bill C-32*

If the bill has been passed, what does it mean for practitioners? If the bill hasn't been passed, what is the current state of the law in areas that it was to have covered?

Facilitators:

Erin Finlay

Manager, Legal Services

Access Copyright, The Canadian Copyright Licensing Agency

Bob Tarantino

Heenan Blaikie LLP

3:35 p.m. – 3:50 p.m.

Coffee and Networking Break

3:50 p.m. – 4:50 p.m.

Repeat of Workshops A through D

4:50 p.m. – 5:00 p.m.

Transition from Workshops to Reception

5:00 p.m. – 6:00 p.m.

Cocktail Reception for Delegates and Speakers



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Goodmans LLP

Schedule of Events

Saturday April 16, 2011

PLENARY SESSIONS (Focus on Interactive Entertainment)

9:00 a.m. – 10:15 a.m.

Interactive Entertainment – Making the Deal

- Overview of the video gaming and interactive entertainment industry, including current trends
- Overview of established and emerging business models
- Key deal points for development and publishing (including self-publishing)
- Rights and regulatory issues

Jason J. Kee (Moderator)
Director, Policy & Legal Affairs
Entertainment Software Association of Canada

Panelists:
Sasha Boersma
Senior Business Manager, Interactive
marblemedia

Daniel Bourque
Cassels Brock & Blackwell LLP

Jason Della Rocca
Senior Consultant

Perimeter Partners

10:15 a.m. – 10:30 a.m.

Coffee and Networking Break

10:30 a.m. – 11:30 a.m.

Interactive Entertainment – Financing Models

- Practical perspective on getting the deals financed and the product made
- Availability of financing from traditional and non-traditional sources (CMF, provincial funds, SR&ED, etc.)
- Similarities to and differences from traditional film and TV financing, and tech and R&D financing
- Effect of business models on financing models
- Role of IDM and SR&ED tax credits
- Interim financing and new EDC initiatives
- The role of the completion bond

Donald Henderson (Moderator)
Vice President, Business & Legal Affairs, and
General Counsel
Ascension CrossMedia

Panelists:
Robert Caouette
Sector Advisor – New Media
Export Development Corporation

Rob DePetris
Deloitte

Michael Meredith
Senior Relationship Manager
Media and Entertainment, Commercial Markets,
RBC Royal Bank

Jim Russell
Heenan Blaikie LLP

Bob Shoniker
President
Courage Capital Corporation

11:30 a.m. – 12:30 p.m.

User Generated Content – The Legal Landscape

- Just what is user generated content?
- Recent developments in the law
- How does one respond to UGC?
- The impact of *Bill C-32*

Ron Hay (Moderator)

Stohn Hay Cafazzo Dembroski Richmond LLP

Panelists:

Leonard Glickman

Cassels Brock & Blackwell LLP

Stephen Stohn

Stohn Hay Cafazzo Dembroski Richmond LLP

Dr. Samuel E. Trosow

Associate Professor

Faculty of Law and Faculty of Information &
Media Studies

University of Western Ontario

12:30 p.m.

End of Program