

7th

Internet

December 11 & 12, 2012, Toronto

APPLICABLE TOWARD CPD REQUIREMENT

Law

Discover the latest developments in online regulation



Course Leader
Lorenzo Lisi,
Aird & Berlis
LLP



Course Leader
J. Fraser Mann,
Mann Symons
Law Office



Andrew
Bernstein,
Torys LLP



Sheldon
Burshtein,
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Davenport,
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Jessica
Fingerhut,
Cassels Brock
& Blackwell LLP



Alan Gahtan,
Gahtan Law
Office



Lisa R. Lifshitz,
Torkin Manes
LLP



Charles S.
Morgan,
McCarthy
Tétrault LLP

Workshop Included: Copyright Issues on the Web

Participating Organizations

Accenture
Aird & Berlis LLP
Bank of Nova Scotia
Blake, Cassels & Graydon LLP
Cassels Brock & Blackwell LLP
Dimock Stratton LLP
Gahtan Law Office
Mann Symons Law Office
McCarthy Tétrault LLP
Open Text Corp.
Rogers Communications Inc.
Torkin Manes LLP
Torys LLP

Who Should Attend

In-house Legal Counsel;
VPs & Directors of Legal Affairs;
IP Directors; Privacy Officers;
CIOs; IT Security Directors;
Litigators; Lawyers in IP, Trademark
& Contract Law practices

Two-Day Event!

"A lot of the content delivered here went beyond a refresher, this is important to solidify knowledge of new material and strengthen understanding of the old."

"Great coverage. Terrific faculty."



Elena
Reshetnikova,
Accenture



Etienne de
Villiers,
Dimock
Stratton LLP

Anna C.
Forgione,
Open Text Corp.

G. Ken
Thompson,
Rogers
Communications
Inc.

Course Highlights

- Hear about the latest copyright issues on the Web
- Learn how to protect your brand in cyberspace
- Gain an understanding of the challenges posed by Web 2.0 sites
- Examine methods for protecting corporate data
- Learn how to ensure your online contracts are enforceable
- Uncover the latest legal issues impacting open source software

FACULTY

COURSE LEADERS

LORENZO LISI

Lorenzo Lisi, Partner with **Aird & Berlis**. He has practiced employment and labour law for almost 25 years, representing management in both the public and private sectors.

J. FRASER MANN

J. Fraser Mann is a principal and founding partner of **Mann Symons LLP**, which practises primarily in the areas of technology, e-commerce, procurement, e-health, copyright and privacy law.

RICHARD F.D. CORLEY

Richard Corley, Partner, CleanTech, IT, Business and Competition Groups with **Blake, Cassels & Graydon LLP**.

MICHAEL DAVENPORT

Michael Davenport is Associate General Counsel with the **Bank of Nova Scotia** with responsibility for the Retail & Commercial Banking, Insurance and Electronic Banking divisions.

JESSICA FINGERHUT

Jessica Fingerhut of **Cassels, Brock & Blackwell LLP** is an associate in the Entertainment Law, IP Law and Business Law Groups.

ANNA C. FORGIONE

Anna Forgione is Vice-President, General Counsel at **Open Text Corporation**, Canada's largest software company.

ALAN GAHTAN

Alan Gahtan is the founder of **Gahtan Law Offices** and practices primarily in the IT and IP law field. His practice emphasizes technology contracting, outsourcing, Internet and e-commerce issues.

LISA R. LIFSHITZ

Lisa R. Lifshitz is a partner in Torkin Manes' Business Law Group, specializing in the areas of technology licensing, e-commerce/m-commerce, cloud computing, and data protection/privacy.

CHARLES S. MORGAN

Charles Morgan is the Quebec regional leader of the technology group practice at **McCarthy Tétrault**. He focuses on technology, M&A, outsourcing, licensing, e-commerce, data protection and telecommunications.

ELENA RESHETNIKOVA

Elena Reshetnikova is a Manager and Legal Counsel supporting legal operations and contracting of the North American Communications and High Technology Group at **Accenture**.

G. KEN THOMPSON

G. Ken Thompson is Director & Counsel Copyright and Broadband Law with **Rogers Communications Inc.**

ETIENNE DE VILLIERS

Etienne de Villiers is a Partner with **Dimrock Stratton LLP**. His legal practice focuses on

CO-LECTURERS

ANDREW BERNSTEIN

Andrew Bernstein's is a Partner with **Torys LLP** and his practice focuses on business law disputes, including IP, commercial and public law matters.

SHELDON BURSHEIN

Sheldon Burshtein is a Partner of **Blake, Cassels & Graydon LLP**. He practises in the Toronto office as a member of the Intellectual Property, IT, Life Sciences, Sports & Entertainment, Franchising and ADR Groups.

COURSE PROGRAM

LEGAL ISSUES FOR SOCIAL MEDIA AND INTERACTIVE INTERNET APPLICATIONS

The dramatic rise of social media use and interactive Internet applications has increased the forms of communication now possible online, but it has also heightened the level of legal risks. With these inherent legal and business risks, it is essential that you develop social media governance strategy, policies and protocols to mitigate such risks in the context of your broader business goals and objectives. This session will examine the emerging issues in this area and the laws impacting social media.

- Key legal risks associated with social media use: increasing and evolving legal risks
- Major liability & litigation threats and methods of mitigating them
- Where social media law is heading
- Types of lawsuits that are being launched
- Legal implications of content presented on social media sites

ONLINE CONTRACTING: ENFORCEABILITY OF ONLINE AGREEMENTS

The law governing online contracting continues to evolve. This session will examine the latest developments and recent case law addressing the enforceability of electronic contracts, discuss applicable statutory provisions and provide best practices for enhancing the enforceability of contracts made online.

- Evolution of electronic contracts: shrink wrap, click wrap and browse wrap contracts
- Electronic Commerce Acts
- Electronic contract formation rules and risks
- Enforceability of electronic agreements: case law developments
- Compliance with statutory formalities: consumer protection laws, privacy laws, anti-spam laws
- Security and compliance with financial transaction rules

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers' papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the Legal Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge Legal topics as delivered at our many recent Legal conferences and courses.

- *This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.*
- *For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.*
- *Attendance at this course can be reported as 10 hours of Continuing Professional Development (CPD) to the Law Society of B.C.*
- *The Barreau du Québec automatically accredits training activities held outside the Province of Quebec and accredited by another Law Society which has adopted MCLE for its members*

PROTECTING YOUR BRANDS IN CYBERSPACE

With the anonymity of the Internet, the reliance on brands increases, and so does the need to protect those brands. This session will examine the latest threats and how to deal with them.

- Protecting against and responding to an online attack on your reputation
- Keyword searching, initial interest confusion
- Cybersquatting, typosquatting, linking, framing, metatagging, pop-up advertising, cybergripping
- Criticism sites, scraping, parking, tasting, frontrunning, phishing, pharming,
- Social media usernames and numerous other social media issues

CONSUMER-GENERATED CONTENT

User generated content (“UGC”) is becoming as popular as traditional, professionally developed content. However, incorporating UGC in a marketing campaign or transmitting UGC across a software platform could expose the sponsor or provider to various risks, including IP infringement and risks posed to brand and reputation. This session will look at the legal implications of utilizing user generated content.

- Practical and legal implications of consumer generated content
- Monitoring user generated content appearing on your web site
- Identifying the risks of using UGC
- Liability for content posted on your web site
- Controlling third-party personal information in user-generated content

PANEL: LEGAL CONSIDERATIONS FOR CLOUD COMPUTING

While cloud computing gives business low-cost access to powerful computer resources, the process is not without its risks and legal pitfalls. This session will explore what cloud computing is, various cloud computing service models and the related legal and compliance issues. This panel will discuss:

- Key legal issues for businesses engaging in cloud computing
- Private vs. public clouds
- Key contractual issues in the terms of service
- Developing licensing and service agreements
- Privacy and security risks of data within the cloud
- Termination issues
- Framework for analyzing legal jurisdictional challenges
- Protecting IP in the cloud environment

CORPORATE POLICIES FOR INTERNET AND TECHNOLOGY USE IN THE WORKPLACE

There is no way to protect employers from all risks associated with the Internet and new technologies. But educating employees about the nature of social media and setting out clear expectations and guidelines can be effective in mitigating these risks. This session will explore establishing effective internal corporate policies related to the Internet and new technologies.

- Social Media In The Workplace: A Whole New Ball game
- Developing A Social Media Policy: Educating employees on the risks, policies and acceptable behaviours
- Termination of employment issues: just cause & dismissal for im proper use, post-employment protection of information
- New tort: intrusion on seclusion and the protection of personal employment information

ONLINE PRIVACY AND SECURITY

What should businesses be doing to protect their privacy and secure corporate data? This discussion will address the following issues:

- Privacy and security issues in cloud computing and e-mail/Internet communications
- Methods for protecting corporate data
- Privacy and security of personal profile information
- Requirements of PIPEDA as it applies to the Internet

LEGAL RISKS WHEN MARKETING VIA THE INTERNET & SOCIAL MEDIA

While marketing using social media and the Internet can be effective and almost mandatory for success, it gives rise to new legal challenges and risks. This session will examine the key areas of risk involved in employing online and social media marketing initiatives and provide practical guidance on how to mitigate those risks.

- Existing advertising and marketing law framework for social media
- Liability risks for marketers using online social media tools
- Collecting personal information in a compliant manner
- False advertising and defamation risks in social media
- Liability for consumer-generated testimonials
- Legal issues: keyword advertising
- Protecting and managing domain names

LEGAL ISSUES IMPACTING OPEN SOURCE SOFTWARE

Open source software, programs whose source code is made available for use or modification by users, is usually developed as a public collaboration and made freely available. This session will examine the most recent developments affecting open source software.

- What is “open source”
- Open source licensing schemes
- Concerns/risks for users of open source
- Common contract provisions relating to open source

WORKSHOP

COPYRIGHT ISSUES ON THE WEB

New technology is constantly challenging the law of copyright. This interactive workshop will take a close look at the impact of the Internet on copyright issues, touching on key elements that arise daily in an on-line environment with customers, vendors, competitors and the public.

- Enforcing rights and defending against infringement claims
- The latest developments and trends on the protection of intellectual property online
- Copyright liability for search engine implementation and use

Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

Legal Considerations for Cloud Computing

James T. Swanson
Burnet, Duckworth & Palmer LLP

Bill C-28

David Crane
McCarthy Tétrault LLP

Online Multimedia Material Rights

David Spratley
Davis LLP

Online Privacy & Security

Monica Sharma
Blake, Cassels & Graydon LLP

Protecting Your Brand in Cyberspace

Robert D. McDonald
Fraser Milner Casgrain LLP

Corporate Policies for Workplace Internet & Technology Use

Anthony A. Morris
Macleod Dixon LLP

Panel Discussion: Legal Issues for Web 2.0 Sites and Interactive Applications

Kenneth R. McKinnon
Critical Mass Inc.

Canadian Copyright Reform and Web Copyright Issues

Martin P.J. Kratz, Q.C.
Bennett Jones LLP

Law of Defamation & the Internet

Robert A. Rakochev
Macleod Dixon LLP

Legal Issues Impacting Open Source Software

Martin P.J. Kratz, Q.C.
Bennett Jones LLP

Enforceability of Online Agreements

Jeffrey Vicq
Clark Wilson LLP

Canadian Copyright Reform

Afshan Ali
Torys LLP

Consumer-Generated Content

Leonard Glickman
Cassels Brock & Blackwell LLP

Corporate Policies for Internet Technology Use in the Workplace

Lisa K. Abe
Fasken Martineau DuMoulin LLP

The Law of Defamation & the Internet

Adrienne Rutherford
Barrister & Solicitor

Web 2.0 Copyright Issues

Jill Jarvis Tonus
Bereskin & Parr

Legal Issues in Financing An Internet Company

Ronald G. Murray
Farris, Vaughan, Wills & Murphy LLP

Legal Issues for Web 2.0 Sites and Interactive Internet Applications

Chris Bennett
Davis LLP

Litigating Online Disputes

Damir Karaturovic
Miller Thomson LLP

Online Contracting: Enforceability of Online Agreements

Jeffery E. Wittmann
Studio B Productions Inc.

Online Multimedia Material Rights: Clearing Rights

David Spratley
Vancouver Coastal Health Authority

Internet E-Business Security & Privacy Issues

George C. Eyre
George C. Eyre, Law Office

E-Tail: Internet Retail Legal Issues

Rochard K. S. Beharry
Bennett Jones LLP

Internet Defamation

Sue Gaudi
The Globe and Mail

Risks Associated with Employees' Use of Social Media

Michael T. Gray, MIR
Durham Catholic District School Board

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Courtyard by Marriott Downtown Toronto 475 Yonge Street Toronto, ON M4Y 1X7

Conditions: Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to November 27, 2012. No refunds will be issued after this date.

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