Presents

The Eighteenth Annual Canadian IT Law Association Conference

October 20–21, 2014
The Marriott Chateau Champlain Hotel • 1, Place du Canada, Montréal, QC

Accreditation

Law Society of Upper Canada: This program can be applied towards the 9 substantive hours of Continuing Professional Development (CPD) required by the LSUC. Roundtable 1 is accredited for 1.5 Professionalism hours.

Barreau du Québec: This program has been submitted for certification for 16 hours of CLE by the Barreau du Québec.

Law Society of British Columbia: Attendance at this conference can be listed as 16 hours of CLE in completing your Annual Report to the LSBC.

Law Society of New Brunswick: This program has been submitted for 16 hours of CLE by the Law Society of New Brunswick.

About the Conference

This annual conference seeks to provide information technology (“IT”) lawyers with an opportunity to learn about the most recent and significant developments in Canadian and international IT Law, to benefit from an analysis of such developments as provided by leading practitioners and government officials and to network with leading practitioners in the area.

The main object of this two-day conference will be to provide succinct and topical updates on developments in various areas of IT law as they relate to Canada.

Who should attend

• Corporate/Commercial Lawyers specializing in IT, IP, and related areas

• In-House Counsel

• Procurement Counsel

• Government Lawyers

• IT License & Contract Managers/Directors of Operations

• CIO’s / CTO’s / CPO’s
Day 1: Monday, October 20, 2014

8:00–9:00 am Registration & Continental Breakfast
Hosted by: Bereskin & Parr LLP

9:00–9:15 am Opening Remarks & Welcome
Co-Chairs: Marie-Hélène Constantin, Blake, Cassels & Graydon LLP (Montréal)
Michael Erdle, Deeth Williams Wall LLP (Toronto)

9:15–10:45 am Annual Update on IP Issues for Information Technology

Moderator: Dr. Sunny Handa, Blake, Cassels & Graydon LLP (Montréal)

Trade-Marks & Domain Names
Speaker: Martin Kratz, Bennett Jones LLP (Calgary)

• Bill C-31 and substantial reform of the Trade-Mark Act
• Impact of adherence to new trade-mark treaties
• Expansion of the international domain name system
• TM clearing house initiative
• Developments on the use of trade-marks and domain names in Quebec under the French language laws
• Recent developments on damages
• Enforcement strategies and developments in China

Copyright

Moderator: Professor Ysoside Gendreau, Faculty of Law, Université de Montréal (Montréal)

• Application of damages in civil vs. common law jurisdictions: Robinson
• Recent cases on statutory damages
• Waiting for the notice and notice regime
• Thoughts on the hosting safe harbour exception
• Exceptions vs. permissions: How explicit need they be?
• Update on a Canadian response to ACTA
• United States: Update on Aereo
• United Kingdom & EU:
  – UK Intellectual Property Office Guidelines June 2014
  – Expanded scope of fair dealing
  – Copyright after Uexkull and after Svensson
  – EU report on private copying

Patents

Speaker: Victor Krichker, Bereskin & Parr LLP (Toronto)

• Legislative developments:
  – “Anti-Troll” legislation in the US
  – Unitary Patent System and Unified Patent Court in Europe
• Important decisions of the past year:
  – FCA decision in Eurocopter and its extension of “promise of the patent” doctrine
  – Canadian Patent Appeal Board decisions: Where does CIPO stand on statutory subject matter post Amazon?
  – USSC decision in CLS v Alice Bank: Will we get more certainty on the test for statutory subject matter in the US?
  – US Federal Circuit decision in Commil v Cisco and induced infringement

10:45–11:00 am Networking Break
Hosted by: Blake, Cassels & Graydon LLP

11:00 am–12:30 pm Roundtables Set #1 (1 & 2 in AM only, 5, 6)

12:30–2:00 pm Luncheon & Guest Speaker
Hosted by: Deeth Williams Wall LLP

Keynote Speaker: Olga Ziman Sabbagh, Legal Counsel, Interac Inc. and Acsys Corporation (Toronto)

2:15–3:45 pm Roundtables Set #1 (3 & 4 in PM only, 5, 6)

3:45–4:00 pm Networking Break
Hosted by: Blake, Cassels & Graydon LLP

Day 2: Tuesday, October 21, 2014

8:00–8:45 am Registration & Continental Breakfast
Hosted by: McClinnan Cooper

8:45–9:00 am Opening Remarks & Welcome
Co-Chairs: Marie-Hélène Constantin, Blake, Cassels & Graydon LLP (Montréal)
Michael Erdle, Deeth Williams Wall LLP (Toronto)

4:00–5:30 pm Cybersecurity: Mitigating Business Risk

Moderator: Élise Gratton, McMillan LLP (Montréal)

Speakers:
Russell Cohen, Orrick, Herrington & Sutcliffe LLP (San Francisco)
Dr. Arner Levin, Director, Privacy & Cybercrime Institute, Ryerson University (Toronto)
Mark Hermelstein, Orrick, Herrington & Sutcliffe LLP (Los Angeles)
Benoît-Luc St. Pierre, Manager, Management and Risk Consulting, KPMG LLP (Montréal)

• Global update on cybersecurity
• The age of global cyber-surveillance post Edward Snowden:
  – State surveillance of personal and business information
  – Review of Canada’s recent bills (C-13 and 5-4)
  – Privacy challenges and risks
• Implications for IT contracting practices:
  – Vendor pushback on negotiating security
  – Practical advice on how to avoid/mitigate the risk
• Cybersecurity technical update:
  – Current risks and challenges for business

9:00–10:30 am Evolution of IT Licensing: From Software Licensing to Software as a Service

Moderator: Robert Percival, Norton Rose Fullbright Canada LLP (Toronto)

Speakers:
Dr. Sam De Silva, Pennington Manches LLP (Oxford, UK)
Dan Glazer, Fried, Frank, Harris, Shriver & Jacobson LLP (New York, NY)
Lisa R. Lihlitz, Torkin Manes LLP (Toronto)

• The move from traditional licensing models towards SaaS
• Risk allocation: Current trends in representations and warranties, limitations on liability and indemnities
• Comparing Canadian, European and US approaches to IT licensing and SaaS
• High transaction costs for IT contracting: Changing pricing models
• Cloud 2.0:
  – IP ownership/access/security and evolving standards
  – Business continuity

5:30 pm Closing Remarks for Day 1

5:45–6:00 pm IT.CAN Annual General Meeting
(For All IT.CAN Members)
Location: Ostaria Rosalie, 1232 rue de la Montagne, Montreal

10:30–10:45 am Networking Break
Hosted by: McMillan LLP

10:45 am–12:30 pm Roundtables Set #2 (7, 8, 9 in AM only)

12:15–1:45 pm Luncheon & Guest Speaker
Hosted By: McCarthy Tétrault LLP

Keynote Speaker: George Takach, McCarthy Tétrault LLP (Toronto)

A Digital Strategy for Canada

2:00–3:30 pm Privacy and Information Governance Challenges in the Age of Big Data

Moderator: David Fraser, McInnes Cooper (Halifax)

Speakers:
Jerrard B. Gaertner, President, Canadian Information Processing Society, Ontario (Toronto)
Kateri-Anne Grenier, Norton Rose Fullbright Canada LLP (Quebec, QC)

• Privacy compliance: Regulatory aspects
• Big Data information governance risks: Personal cloud, BYOD
• Advising on retention, preservation and destruction of Big Data
• Security: Managing meta-data integrity
• Big Data breach issues
• Business and IT perspective on Big Data
• Cross border data transfer issues
• Litigation and evidentiary challenges of Big Data
• Special considerations of predictive analytics

3:30–3:45 pm Networking Break
Hosted by: Torkin Manes LLP

3:45–5:15 pm Roundtables Set #2 (7, 8, 9)

5:15 pm Conference Ends
This roundtable will enable participants to share their experiences working with CASL both within their own organizations and on behalf of clients. The focus will be on professional responsibility and practice management changes that participants have made within their own firms/companies and recommendations made to clients to ensure compliance with the new legislation. Discussion topics include:

- Experiences with implementing compliance programs for the anti-spam provisions for both clients and your own firm/company
- Managing your personal contact lists and your compliance with firm policies
- Practical compliance challenges to date: Solutions and best practices
- Interpretational challenges with CASL and how organizations are addressing them
- Looking forward: Effective compliance management for CASS computer program provisions – in force January 15th
- Practice management and CASL: Compliance approaches that have worked and that have failed
- Enforcement actions taken under CASL by regulators to date and the implication for your clients, firm or company

### Mobile Payment Technology Issues

**Speakers:**
- Yvon Audette, KPMG LLP (Toronto)
- Wendy Gross, Oder Hoskin & Harcourt LLP (Toronto)
- Daniel Logan, McCarthy Tétrault LLP (Toronto)

**Topics:**
- The current state of mobile payments in Canada
- New and emerging payment solutions
- The mobile payment ecosystem, terminology, operating models and players
- Key legal and compliance issues arising in the mobile payments context:
  - Privacy – Security – Consumer protection – Industry standards and certifications
- Understanding the key regulators, industry oversight bodies and networks

### Hot Topics in IT Law 2014

**Speakers:**
- Timothy Banks, Dentons Canada LLP (Toronto)
- Peter Ruby, Goodmans LLP (Toronto)

**Topics:**
- Legislative update: Bill S-4, Bill C-13 and more
- Case law update: Significant developments in data security and e-commerce
- Do not track: Dead or alive?
- Computer program provisions and CASL: Outstanding issues
- Revenue authorities' roundup: What's new for e-commerce sites and digital currency
- Internet of everything: Regulatory statements on mobile apps and internet of things

### Global Practice Issues: The Intersection of Anti-Corruption and Technology

**Speakers:**
- Jonathan P. Armstrong, Cordery (London, UK)
- Jon Pennykula, Regional Director, Consilio (Washington, DC)
- Kristine Robidoux, QC, Gowling Lafleur Henderson LLP (Calgary)

**Topics:**
- Data protection and anti-corruption law: Canada, US and UK
- US Foreign Corrupt Practices Act ("FCPA"): Application to subsidiaries in Canada
- Canadian Corruption of Foreign Officials Act ("CCFOA")
- UK Bribery Act 2010
- Extra-territorial application
- Conflict between the requirements and data protection and privacy rights
- What is an unethical business practice? What do bribery schemes look like in various jurisdictions?
- Effective compliance strategies for companies doing business abroad
- Implementing effective internal anti-corruption compliance programs
- Industry sector standards for transparency in reporting payments and profits from foreign business affairs
- Anti-corruption and technology procurement
How to Register:

No faxed registrations please.

By credit card: use our secure, online registration form at www.it-can.ca.

By cheque: mail the original, fully completed registration form to Lisa Ptack, IT.CAN Executive Director, 1 Promenade Circle, PO Box 918, Thornhill, ON L4J 8G7. An email address is required in order to receive a confirmation.

Payment: Payment MUST accompany registration.

Payment: Payment can be made by cheque, Visa or MasterCard ONLY. Please make cheque payable to Canadian IT Law Association.

Queries: Contact Lisa Ptack at lisa.ptack@rogers.com.

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Roundtable Schedule

Monday, October 20, 2014 (11:00 am–12:30 pm)
1. IT and the Practice of Law: Whatever Happened to the Paperless Office? (Am session only)
2. Développements récents 2013-2014 en TI en droit québécois (en français) (Am session only)
3. Hot Topics in IT Law 2014

Tuesday, October 21, 2014 (10:45 am–12:15 pm)
7. Strategic Use of Outsourcing Arrangements
8. Global Practice Issues: The Intersection of Anti-Corruption and Technology
9. Mobile and Telecommunications Contracting
10. The Current State of Net Neutrality (Am session only)

Tuesday, October 21, 2014 (3:45–5:15 pm)
7. Strategic Use of Outsourcing Arrangements
8. Global Practice Issues: The Intersection of Anti-Corruption and Technology
9. Mobile and Telecommunications Contracting

TICKETED DINNER

If you wish to attend the dinner on Monday, October 20, please check this box and add $99.00 (plus $14.83 tax) per person (includes gratuity) to your registration fee. Spouses/partners are welcome. Seating is limited.

PAYMENT

For credit card payment, please register via our secure online registration page at http://www.it-can.ca. Alternatively you can fill in the information below and pay by mail.

Please charge my □ Visa □ MasterCard

Card Number

Expiry Date Signature

Name of credit card holder (if different from registrant)

Address of credit card holder: Street City Postal Code

No faxed registrations please. Payment must accompany registration.

IT.CAN is pleased to thank the following sponsors:

Bereskin & Parr LLP • Blake, Cassels & Graydon LLP • Blaney McMurtry LLP
Deeth Williams Wall LLP • Mann Symons LLP • McCarthy Tétrault LLP • McMillan LLP
Norton Rose Fullbright Canada LLP • Osler, Hoskin & Harcourt LLP • Torkin Manes LLP

Backbone Magazine

The Sixteenth Annual Canadian IT Law Association Conference Registration Form

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Online registration by credit card: Via our secure site at www.it-can.ca

Registration by mail: Please complete all boxes on form and forward with payment by cheque or credit card to Lisa Ptack, IT.CAN Executive Director, 1 Promenade Circle, PO Box 918, Thornhill, ON L4J 8G7

No faxed registrations please. Payment must accompany registration.

Name _______________________________ Title _______________________________
Firm/Company ___________________________ Street ___________________________
Suite City Postal Code

Telephone ____________________________ E-mail ____________________________

FAES Early Bird Fee until September 20, 2014 After September 20, 2014
IT.CAN Member $1400 (plus $209.65 tax) $1609.65 $1500 (plus $224.63 tax) $1724.63
Non-IT.CAN Member $1600 (plus $239.60 tax) $1839.60 $1700 (plus $254.58 tax) $1954.58
Academic/In-House Counsel/ Government/Non-Lawyer $925 (plus $138.52 tax) $1063.52 $1025 (plus $153.49 tax) $1178.49
Student $200 (plus $29.95 tax) $229.94 $200 (plus $29.95 tax) $229.94

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No. of persons _____

($99.00 + $14.83 tax = $113.83)

**TOTAL ENCLOSED:**

hst registration #: 886487677rt

Registration Information

Registration: All fees include breakfasts, networking breaks, lunches and access to conference materials. A current email address is required in order to receive your confirmation.

Hotel Reservations: The Marriott Chateau Champlain Hotel, 1 Place du Canada, Montréal, QC.
Tel: 1-800-200-5909, Direct Tel: 514-878-9000

Special group rate is $169 plus services and taxes.

Booking Website: www.it-can.ca/hotel-booking.html

Cancellations: Refunds for conference fees will be made if requested by email, received by SATURDAY, SEPTEMBER 20, 2014. Substitutions will be permitted after this date. There will be no exceptions. A processing fee of $100 (+ $13 hst) will be charged for refunds. The email address is lisa.ptack@rogers.com

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SEATING IS LIMITED SO REGISTER EARLY

FIN
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About IT.CAN

The Canadian IT Law Association/l’Association canadienne du droit des technologies de l’information (IT.CAN) is an association which brings together Canadian and international IT law practitioners in the field of Information Technology law. We are a national forum seeking to foster the discussion of specifically Canadian legal developments in this increasingly innovative and topical field, a goal which has been greeted with an enthusiastic response from the IT Law community.

IT.CAN Membership

If you are interested in becoming a member of IT.CAN, please visit our website at www.it-can.ca for full details including the membership form.

Conference Organization

IT.CAN would like to thank the following members of the Planning Committee:

Chairs:
Marie-Hélène Constantin, Blake, Cassels & Graydon LLP
Michael Erdle, Deeth Williams Wall LLP

Committee:
Richard Austin, Counsel, Deeth Williams Wall LLP
Nancy Cleman, Sternthal Katznelson Montigny LLP
Richard F.D. Corley, Goodmans LLP
Frank Giblon, Cognition LLP
Brian W. Gray, Norton Rose Fulbright Canada LLP
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