

INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA

42nd
Spring Meeting

APRIL 14-15, 2008



HILTON LAC LEAMY
GATINEAU, QUÉBEC

Monday, April 14, 2008

7:30 - 9:00 a.m.

REGISTRATION & BREAKFAST

9:00 - 9:10 a.m.

PRESIDENT'S REMARKS

James Palmer *Macera & Jarzyna/Moffat & Co. (Ottawa)*

9:10 - 9:20 a.m.

OPENING REMARKS

R. Scott MacKendrick *Cameron MacKendrick LLP (Toronto)*
Program Chair

9:20 - 10:10 a.m.

KEYNOTE SPEAKER

Justice Michael Phelan *Federal Court (Ottawa)*

10:10 - 10:30 a.m.

BREAK



Patents

10:30 - 11:30 a.m.

PATENTABLE SUBJECT MATTER – SIGNAL CLAIMS, PROFESSIONAL SKILLS EXCLUSION

Moderator

Andrew Bernstein *Torys LLP (Toronto)*

Isabelle Girard *Léger, Robic, Richard LLP (Montréal)*

- CIP0's notice on the patentability of signal claims
- To what extent can patent claims involve professional skills?
- Recent trends regarding patentable subject matter at the Patent Appeal Board
- Impact of Appeal Board decisions on examination

11:30 a.m. - 12:30 p.m.

SELECTION PATENTS-DISCLOSURE: HOW MUCH DATA DO YOU NEED OR SHOULD YOU HAVE BEFORE YOU FILE?

Moderator

Andrew Bernstein *Torys LLP (Toronto)*

Edward Hore *Hazzard & Hore (Toronto)*

Cristin Wagner *Gowling Lafleur Henderson LLP (Ottawa)*

- What is a "selection" patent anyway?
- What could happen to selection law in the *Sanofi* appeal?
- Will the SCC go beyond selection and discuss obviousness?

Trade-marks

10:30 - 11:30 a.m.

UPDATE ON THE TRADE-MARKS OPPOSITION BOARD PROCEDURES

Moderator

Marie-Josée Lapointe *BCF LLP (Montréal)*

Darlene Carreau *Acting Chair, Trade-marks Opposition Board, CIP0*

- Overview
- Exceptional circumstances
- Oral hearings

11:30 a.m. - 12:30 p.m.

INTERNET TRADE-MARK AND COPYRIGHT ISSUES IN THE U.S. AND CANADA

Moderator

John Cotter *Osler, Hoskin & Harcourt LLP (Toronto)*

Michael Erdle *Deeth Williams Wall LLP (Toronto)*

Eric Boehm *Torys LLP (Toronto)*

- Keyword advertising
- Policing trade-marks on social networking sites
- User-created content

12:30 - 1:45 p.m. **LUNCH**

Patents

1:45 - 3:00 p.m.

PATENT OFFICE ROUNDTABLE

Moderator

David Schwartz *Smart & Biggar/Fetherstonhaugh (Ottawa)*

Scott Vasudev *Chief, Patent Administrative Policy, Classification and International Affairs Division*

Félix Dionne *Program Manager, Patent Administrative Policy, Classification and International Affairs Division*

Javier Jorge *Patent Examiner/M7, Mechanical Division*

- U.S./Canadian Patent Prosecution Highway (PPH)

Trade-marks

1:45 - 3:00 p.m.

TRADE-MARKS BRANCH ROUNDTABLE

Moderator

Janet Fuhrer *Ridout & Maybee LLP (Ottawa)*

Geneviève Côté-Halverson *Manager, Examination Division*

Norine Chrétien *Manager, Automated Systems*

Anastasia Poulin *Senior Examiner*

Wanda Lockhead *Senior Examiner*

Ronnie Shore *Senior Examiner*

- A sneak peek at the new e-registration service
- Practice tips from the Office

3:00 - 3:20 p.m. **BREAK**

3:20 - 4:10 p.m.

THE *eBAY V. MERCEXCHANGE* DECISION – COULD IT APPLY IN CANADA?

Moderator

Christopher Van Barr *Gowling Lafleur Henderson LLP (Ottawa)*

Robert Isacson *Orrick, Herrington & Sutcliffe LLP (New York)*

Peter Wells *Lang Michener LLP (Toronto)*

- eBay: recap and explanation
- Impact on IP law in the United States
- Does a patent or other intellectual property right owner in Canada have a “right” to an injunction?
- What would it take for a plaintiff to be denied a “permanent” injunction in Canada?

4:10 - 5:00 p.m.

REMEDIES – ENTITLEMENT TO EQUITABLE RELIEF?

Moderator

Christopher Van Barr *Gowling Lafleur Henderson LLP (Ottawa)*

Arthur Renaud *Bennett Jones LLP (Toronto)*

Michael Crinson *Dimock Stratton LLP (Toronto)*

- Equitable bills of discovery
- Latest word on accounting of profits
- Knowing and deliberate infringement: enough for punitive damages?

3:20 - 4:10 p.m.

THE SUPREME COURT ON *KRAFT* – WHERE DO WE GO FROM HERE?

Moderator

Allen Israel *Lapointe Rosenstein LLP (Montréal)*

Pierre-Emmanuel Moyse *Faculty of Law, McGill University (Montréal)*

Kevin Sartorio *Gowling Lafleur Henderson LLP (Toronto)*

- Historic attempts to extend protection between bundles of IP
- Parallel imports and trade-marks
- Lower court decisions
- What did the court really decide?
- How do we advise our clients in light of this decision?

4:10 - 5:00 p.m.

LICENSE OR ASSIGNMENT? HOW TO GET IT RIGHT AND MAINTAIN VALUE

Moderator

Allen Israel *Lapointe Rosenstein LLP (Montréal)*

Bradley Limpert *Cameron MacKendrick LLP (Toronto)*

- Implications of *Kraft*
- What is being assigned or licensed?
- Real and effective quality control
- The potential pitfalls of co-branding and cross-licensing

Evening Event *(not included in the registration fee)*

5:30 p.m. **RECEPTION**

6:00 p.m. **DINNER**

Limited seating — Le Baccara, Casino Lac Leamy

Tuesday, April 15, 2008

7:30 - 9:00 a.m.

REGISTRATION & BREAKFAST

9:00 - 10:00 a.m.

CONFLICTS: AN UPDATE

Moderator

Marion Bailey-Canham *Gowling Lafleur Henderson LLP (Ottawa)*

Scott Jolliffe *Gowling Lafleur Henderson LLP (Toronto)*

- Conflicts of interest arising in IP
- Duty of loyalty in unrelated matters
- Duty of confidentiality and shared knowledge
- The client to whom these duties are owed
- The use and effectiveness of conflict screens
- The importance of retainer letters to manage expectations

10:00 - 10:45 a.m.

IPIC AND CIPO UPDATES

James Palmer *Macera & Jarzyna/Moffat & Co. (Ottawa)*
IPIC President

Mary Carman

Commissioner of Patents, Registrar of Trade-marks and CEO
CIPO

10:45 - 11:05 a.m.

BREAK

11:05 a.m. - 12:30 p.m.

THE BUSINESS OF IP – DUE DILIGENCE

Moderator

Joanne Nardi *Torys LLP (Toronto)*

Amalia Trister *Goodmans LLP (Toronto)*

Coby Anna Britton Schneider *Miller Thomson (Calgary)*

- Ownership issues
- Reps and warranties
- What do you do if there is an infringement issue?

12:30 - 2:00 p.m.

COMMITTEE MEETINGS & LUNCH

THE YEAR IN REVIEW IN LESS THAN THREE HOURS: ALL YOU NEED TO KNOW ABOUT PATENTS, TRADE-MARKS AND COPYRIGHT

Moderator

Peter Kappel *Kappel Ludlow (Toronto)*

2:00 - 2:55 p.m.

COPYRIGHT UPDATE

Sheldon Burshtein *Blake, Cassels & Graydon LLP (Toronto)*

Glen Bloom *Osler, Hoskin & Harcourt LLP (Ottawa)*

2:55 - 3:45 p.m.

TRADE-MARK UPDATE

Cynthia Rowden *Bereskin & Parr (Toronto)*

Rob MacDonald *Gowling Lafleur Henderson LLP (Ottawa)*

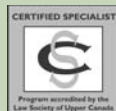
3:45 - 4:35 p.m.

PATENT UPDATE

Don MacOdrum *Lang Michener LLP (Toronto)*

IPIC Council wishes to thank members of the Forums and Seminars Committee for the development of the Spring Meeting program:

Scott MacKendrick <i>Chair</i>	Marion Bailey-Canham <i>Janice Bereskin</i>	Peter Kappel <i>Marie-Josée Lapointe</i>
Joanne Nardi <i>Vice-Chair</i>	Andrew Bernstein <i>Isabelle Chabot</i>	John Lee <i>Heather Mueller</i>
Louis-Pierre Gravelle <i>Vice-Chair</i>	Dino Clarizio <i>Ruth Corbin</i>	Rodger Sadler <i>Jordana Sanft</i>
Janet Fuhrer <i>Ex-Officio</i>	John Cotter <i>Neil Henderson</i>	Coby Anna Britton Schneider <i>Bruce Stratton</i>
	Nicki Hunt <i>Allen Israel</i>	Christopher Van Barr <i>Adrian Zahl</i>
	Andrea Kokonis	Sanro Zlobec



This program has been accredited by the Intellectual Property Law Specialty Committee of the Law Society of Upper Canada for 10.5 hours towards the professional development requirement for certification.

CLE

Program accredited by the New York CLE Board as both transitional and non transitional.

*Financial aid may be available to attend this activity.
Information: 613-234-0516*

PROGRAM SUBJECT TO CHANGE



42nd Spring Meeting

HILTON LAC LEAMY – GATINEAU, QUÉBEC

April 14-15, 2008

EARLY REGISTRATION REBATE

Register before March 20, 2008 and receive a \$50 rebate!

1 DELEGATE Dr. / Mr. / Mrs. / Miss / Ms. *Please print*

Surname _____ First Name _____
 Firm/company name _____
 Firm/company address _____

 City _____ Province _____ Postal Code _____
 Tel _____ Facsimile _____
 E-mail _____

2 REGISTRATION FEES (GST# R122871148)

RATES (PLUS GST)	DAILY	APRIL 14 AND 15
Member	\$395	\$690
Non member	\$495	\$890
Government and Universities	\$395	\$690

April 14th Dinner: Le Baccara (optional) \$90

3 I WILL ATTEND: APRIL 14 ONLY APRIL 15 ONLY APRIL 14 AND 15

Registration fee \$ _____
 Less early registration rebate – \$50 (before March 20) \$ _____
SUBTOTAL (FEE) \$ _____
 Plus April 14th dinner: Le Baccara \$90 x ___ person(s)* \$ _____
SUBTOTAL \$ _____
 PLUS GST (5%) \$ _____
TOTAL \$ _____

*Name(s) of dinner guest(s) accompanying the delegate

4 METHOD OF PAYMENT *(Please check)*

CREDIT CARD CHEQUE (made payable to IPIC)

VISA MASTERCARD
 AMERICAN EXPRESS Expiry Date /

Cardholder's Name *(Please print)* _____
 Signature _____

HOW TO REGISTER

Online:

Visit the IPIC website at www.ipic.ca. E-commerce and cardholder financial information is collected by IATS, a third-party e-commerce service provider, in a secure server.

Fax:

Fax registration form to 613-234-0671.

Mail:

Mail registration form and payment to:

IPIC
 606-60 Queen Street
 Ottawa, ON K1P 5Y7
 Telephone and e-mail registrations not accepted.

REGISTRATION DEADLINE: APRIL 4, 2008

CANCELLATION POLICY

Registration fees must be pre-paid. A \$50 cancellation fee will apply to cancellations received before April 4, 2008. Refunds will not be issued after April 4 but substitutions will be accepted.

HOTEL ACCOMMODATION

A block of rooms has been set aside at the Hilton Lac Leamy at the group rate of \$185/night plus tax. Please call 866-488-7888 or 819-790-6444 and identify yourself as attending the IPIC meeting, or visit www.ipic.ca to book your accommodations online.

ROOM BLOCK RELEASE DATE: MARCH 20, 2008

INQUIRIES

Tel: 613-234-0516 E-mail: education@ipic.ca

5 DIETARY REQUIREMENTS / ALLERGIES

6 I prefer that IPIC not provide my coordinates to the meeting sponsors to receive promotional information.