



THE CANADIAN
BAR ASSOCIATION

CBA IP DAY

MAY 30, 2019 | OTTAWA (ON)

CBA IP DAY

MAY 30, 2019 | FAIRMONT CHÂTEAU LAURIER, OTTAWA (ON)

THURSDAY, MAY 30

7:30 – 16:30 **REGISTRATION** | Drawing Room Foyer

8:00 – 9:15 **DIVERSITY BREAKFAST** | Laurier Room (1 hour Ethics, Professionalism / Practice Management - Equity, Diversity and Inclusion)

Embracing Diversity and Inclusion in the IP Bar is like motherhood and apple pie: a value that is universally agreed upon but looks different for each of us.

Our panel discussion will be based on recent Law Society initiatives like demographic data collection, the Law Society of Ontario's Statement of Principles, and the diversity requirements in lawyers' annual reports in jurisdictions across Canada.

Our panelists will offer a first-hand account of what these issues look like for them as in-house counsel, in private practice, and from the bench.

Speakers: **The Hon. Roger R. Lafrenière**, Judge, Federal Court (Ottawa, ON)
 Janet Chong, SOCAN (Etobicoke, ON)
 Asma Faizi, Access Copyright (Toronto, ON)
 Kamleh J. Nicola, Baker McKenzie (Toronto, ON)

TOWN HALL MEETINGS

9:30 – 12:30 **SESSION A: FEDERAL COURT TOWN HALL** | Drawing Room

The 11th annual forum on IP litigation reform, hosted by CBA, allows members of the bench and bar to engage in an open discussion of possible procedural reform in a "town hall" format.

9:30 – 9:35 **Welcome Remarks**

Speaker: **Jordana Sanft**, Norton Rose Fulbright Canada LLP (Toronto, ON)

9:35 – 10:15 **Panel of Federal Court of Appeal and Federal Court** (0.75 hours Substantive law credits)

Speakers: **The Hon. Paul Crampton**, Chief Justice, Federal Court (Ottawa, ON)
 The Hon. Johanne Gauthier, Judge, Federal Court of Appeal (Ottawa, ON)
 The Hon. Michael Manson, Judge, Federal Court (Ottawa, ON)
 Ms. Mandy Ayles, Prothonotary, Federal Court (Ottawa, ON)

1. Leave criteria for PMNOC motions
2. Update on paperless initiatives including e-filing and e-trials
3. Procedural and Practice issues including Directions in IP matters, Confidentiality Orders and Protective Orders, other standard orders, under advisement and refusals practice, proportionality for refusals motions, discovery days and trial days.
4. Update on the new PMNOC regime – what's working, what's not and how is the court's docket being impacted.

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10:15 – 11:00 **Table Discussions with Members of the Court** (0.75 hours Substantive law credits)

Topics:

1. Recent legislative changes and their implications on trademark law and practice before the FC and FCA
2. Making patent cases more efficient or not? Consider: The usefulness and timing of claims charts, File wrapper estoppel and Markman hearings
3. Trends in copyright litigation including recent trends in mass copyright “Doe” litigation
4. Access to justice in the Federal Courts
5. Trends and practice issues for IP before the FCA
6. Paperless initiatives including e-filing and e-trials
7. Procedural and Practice issues affecting IP practitioners including Directions in IP matters, i.e. Confidentiality Orders, Protective Orders, best practices in discovery
8. New PMNOC regime at the FC and FCA

11:00 – 11:15 **Networking Break**

11:15 – 12:25 **Plenary with Feedback from the Tables and Comments from the Bench** (1.25 hours Substantive law credits)

Speakers: **The Hon. Paul Crampton**, Chief Justice, Federal Court (Ottawa, ON)
The Hon. Johanne Gauthier, Judge, Federal Court of Appeal (Ottawa, ON)
The Hon. Michael Manson, Judge, Federal Court (Ottawa, ON)
Ms. Mandy Aylen, Prothonotary, Federal Court (Ottawa, ON)
Ms. Alexandra Steele, Prothonotary, Federal Court (Ottawa, ON)

12:25 – 12:30 **Closing Remarks**

Speaker: **Jordana Sanft**, Norton Rose Fulbright Canada LLP (Toronto, ON)

9:30 – 11:00 **SESSION B: CIPO TOWN HALL | MacDonald Room** (1.5 hours Substantive Law credits)

The Canadian Intellectual Property Office Town Hall will be an interactive session with representatives from the different divisions of the Canadian Intellectual Property Office, talking about the practical impact of recent legislative changes and current issues in intellectual property practice from the CIPO perspective.

Speakers: **David Benovoy**, Acting Manager of Operations (Ottawa, ON)
Virgine Ethier, Director General, Patent Branch (Ottawa, ON)
Iyana Goyette, Manager, Legislation and practices (Ottawa, ON)
Todd Hunter, Director, Copyright and Industrial Design Branch (Ottawa, ON)
Mesmin Pierre, Director General, Trademarks Branch (Ottawa, ON)
Scott Vasudev, Director, Patent Policy and International Affairs Division (Ottawa, ON)

11:00 – 12:30 **SESSION C: COPYRIGHT BOARD TOWN HALL | MacDonald Room** (1.5 hours Substantive Law credits)

New this year is the Copyright Board Town Hall which will focus on the implementation of new measures introduced in the *Budget Implementation Act, 2018 No 2*, which seeks to address the procedural and structural challenges faced by the Board in respect to timeliness, predictability and clarity of its proceedings.

Moderator: **John Cotter**, Osler, Hoskin & Harcourt LLP (Toronto, ON)
Speakers: **The Hon. Robert A. Blair**, Chairman, Copyright Board of Canada (Ottawa, ON)
Nathalie Théberge, Vice-Chairperson and CEO, Copyright Board of Canada (Ottawa, ON)

PROFESSIONAL DEVELOPMENT AFTERNOON

- 12:45 – 14:15 **THE HON. ROGER T. HUGHES, Q.C. LUNCHEON & THE IP STUDENT ESSAY COMPETITION AWARD PRESENTATION**
| Laurier Room (0.5 hours Substantive Law credits)
- Speaker:** **The Hon. Paul Crampton**, Chief Justice, Federal Court (Ottawa, ON)
- 14:15 – 14:30 **NETWORKING BREAK** | Drawing Room Foyer
- 14:30 – 14:35 **OPENING REMARKS** | Drawing Room
- Chairs:** **Andrew Bernstein**, Torys LLP (Toronto, ON)
 Dominique Hussey, Bennett Jones LLP (Toronto, ON)
- 14:35 – 15:15 **WHAT IP LITIGATORS NEED TO KNOW ABOUT CONTRACT LAW** | Drawing Room (0.75 hours Substantive Law credits)
- The panel will be discussing areas of contract law that are relevant to the practice of IP, including online contracts, settlement agreements, contract negotiation, the Competition Bureau's latest IP guidelines and the Supreme Court's most recent takes on the fundamentals of contract interpretation.
- Moderator:** **Andrew Skodyn**, Blakes (Toronto, ON)
Speakers: **Daniela Bassan**, Stewart McKelvey (Halifax, NS)
 Kamleh J. Nicola, Baker McKenzie (Toronto, ON)
 David Wotherspoon, Dentons (Vancouver, BC)
- 15:15 – 15:30 **IP AND EMPLOYMENT LAW** | Drawing Room (0.25 hours Substantive Law credits)
- A review of current intellectual property issues and trends in employment law, and the management of IP rights in the employment context. The discussion will include steps that employers are taking to maximize protection of IP and proprietary data, as well as pitfalls to be avoided.
- Moderator:** **Geoff Mowatt**, DLA Piper (Toronto, ON)
Speaker: **Craig Stehr**, Gowling WLG (Ottawa, ON)
- 15:30 – 15:45 **NETWORKING BREAK** | Drawing Room Foyer
- 15:45 – 16:05 **PERSONALIZED MEDICINE: WHO OWNS THE DATA?** | Drawing Room (0.25 hours Substantive Law credits)
- The role of personalized and precision medicine in the healthcare industry, and the legal implications surrounding the ownership, management and protection of big data flowing from targeted therapies (including bioethics, privacy, informed consent, storage, and governance).
- Moderator:** **Geoff Mowatt**, DLA Piper (Toronto, ON)
Speaker: **Ian Stedman**, Fellow in AI Law & Ethics, SickKids and PhD Candidate, Osgoode Hall (Toronto, ON)

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16:05 – 16:45 **HOT TOPICS IN PATENT LAW** | Drawing Room (0.75 hours Substantive Law credits)

The last couple of years have brought about many changes to patent law. With judicial consideration in the early days, come hear three experienced practitioners address the hot topics in patent law including, joinder, consolidation and hearings on common issues, file wrapper estoppel, citable art for assessment of obviousness and many other changes brought about by the new *PM(NOC) Regulations*.

Moderator: **Faylene Lunn**, Osler, Hoskin & Harcourt LLP (Toronto, ON)

Speakers: **Amy Grenon**, Norton Rose Fulbright (Toronto, ON)

Yoon Kang, Smart & Biggar (Toronto, ON)

Kavita Ramamoorthy, Fineberg Ramamoorthy LLP (Toronto, ON)

16:45 – 16:50 **CLOSING REMARKS** | Drawing Room

Chairs: **Andrew Bernstein**, Torys LLP (Toronto, ON)

Dominique Hussey, Bennett Jones LLP (Toronto, ON)

FEDERAL COURTS JUDGES' DINNER

CANADIAN MUSEUM OF HISTORY, 100 LAURIER ST, GATINEAU, QC

18:30 – 19:15 Young Lawyers' Reception (By Invitation) | Haida Gwaii Salon

19:15 – 20:00 Cocktail Reception | Haida Gwaii Salon

20:00 – 23:00 Dinner and Honouree Presentations | Grand Hall

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