

# COPYRIGHT MASTER CLASS

JULY 24-26, 2023



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Intellectual Property Institute of Canada  
Institut de la propriété intellectuelle du Canada



**McGill**

School of  
Continuing Studies



# IPIC-McGill Copyright Master Class 2023

## **Join Professionals from Across the Country to Learn from Leading Practitioners in the Field of IP**

Since 1994, the Intellectual Property Institute of Canada and McGill University have gathered some of the top practitioners in the field of intellectual property to conduct a series of intensive, practical summer courses in intellectual property. More than 2,500 professionals from the business, legal, and public sectors have gained valuable insight and hands-on experience by participating in our unique summer program. Our courses are also an excellent opportunity to network with individuals from diverse backgrounds who have an interest in Canadian intellectual property.

Each year, the program offers a comprehensive suite of pragmatic courses to help practitioners in the legal, business, and government sectors keep up to date on the latest in intellectual property. Taught by seasoned IP professionals, the program is made up of three specialized courses in the areas of patents, trademarks, and copyright. Participants can sign up for individual modules, full courses, or enrol in the entire program to gain knowledge of a specific aspect of IP, acquire the insights needed to protect a portfolio of intellectual property, or advance their careers in the area of IP law.

# Copyright Master Class

Monday, July 24 – Wednesday July 26, 2023



**UPGRADE YOUR SKILLS:** Copyright law has become a key consideration in a large number of areas of our society and economy. At the same time, it is becoming more complex, as legislators, courts, public institutions and businesses all struggle to address the impact of new technologies, new uses and new legal issues. Now you have a chance to learn from some of Canada's copyright experts' valuable practical insights into the impact of these changes and how to deal with them.

**KEY BENEFITS:** In-depth analysis of copyright law with a focus on the changing landscape, including legislative amendments and recent cases. Practical advice from experienced counsel. An opportunity to interact daily with some of the top copyright lawyers in Canada.

**WHO SHOULD ATTEND:** This course will be of great benefit to **in-house counsel, practising lawyers, librarians, intellectual property managers, contract managers, licensing executives and business persons** who deal with copyright issues as part of their responsibilities or practice. The focus is on practical issues and understanding how copyright considerations arise in a variety of business settings. The course will be of greatest benefit to participants who have been previously exposed to copyright issues. The instructors will presume that each participant is reasonably familiar with general copyright concepts.



*I came with high expectations of learning something practical and useful. I was not disappointed. I thank the organizers for their efforts. My time and money were well spent.*

**Jerry Switzer**  
Feehely, Gastaldi Law Firm



*IPIC's Copyright Course was a highly rewarding and motivating experience. The guest speakers were all knowledgeable practitioners in their fields of practice relaying their experience and practice-oriented advice. The group was one with diversified interests and a good source of networking and stimulating interchange. A definite must for junior practitioners and those wanting to enhance their knowledge of copyright.*

**Silviu Bursanescu**  
Québecor Média Inc.

## MONDAY, JULY 24, 2023

9:30 a.m. – 4:45 p.m. EDT

### Opening Remarks and Ice Breaker

9:30 a.m. to 9:45 a.m.

Course Director:

**Kristina Milbourn** Rogers Communications

Assistant Course Director:

**Daniela Bassan** Stewart McKelvey

### Setting the Stage and Foundations:

#### Defining Copyright

9:45 a.m. to 10:45 a.m.

#### Break

11:00 a.m. to 11:30 a.m.

**Jessica Zagar** Cassels Brock & Blackwell LLP

- ▶ Introduction
- ▶ Literary, dramatic, musical, and artistic works
- ▶ Other protectable subject matter
- ▶ Authorship and ownership
- ▶ Registration
- ▶ Crown copyright
- ▶ Collective societies
- ▶ Main themes of copyright

**LUNCH & LEARN** 11:45 a.m. to 1:15 p.m.

### Ethical and IP implications of Generative AI Technologies

**Keynote Speaker: Stephanie Kelley** AI and Ethics researcher at Ivey School of Business

- ▶ What is generative AI?
- ▶ Types of generative AI
- ▶ Business applications of generative AI
- ▶ Ethical implications
- ▶ IP implications
- ▶ Governance of generative AI

### Foundations of Copyright: Infringement

1:30 p.m. to 2:30 p.m.

**Erin Finlay** Stohn Hay Cafazzo Dembroski Heim Finlay LLP

- ▶ Specific acts of infringement
- ▶ Who is an infringer?
- ▶ Unconscious copying
- ▶ Indirect copying
- ▶ Meaning of "substantial part"
- ▶ Section 27 (2) and secondary infringement

### Foundations of Copyright:

#### Defences to Infringement and Users Rights

2:30 p.m. to 3:30 p.m.

**Jean-Philippe Mikus** Fasken Martineau DuMoulin LLP

- ▶ Common defences
- ▶ Exceptions to infringement/user rights
- ▶ Fair Dealing: general principles

#### Break

3:30 p.m. to 3:45 p.m.

### Technological Neutrality in Copyright

3:45 p.m. to 4:45 p.m.

**Casey Chisick** Cassels Brock & Blackwell LLP

- ▶ Origins and evolution of the principle of technological neutrality
- ▶ Media neutrality vs. functional equivalence
- ▶ Application to substantive rights and valuation
- ▶ International perspectives
- ▶ Implications and future directions



## TUESDAY, JULY 25, 2023

9:30 a.m. – 4:15 p.m. EDT

VIRTUAL SESSION 9:30 a.m. to 10:30 a.m.

### Protection and Enforcement of Copyright

Lorne Lipkus Lipkus Law LLP

- ▶ Anton Piller Orders
- ▶ Injunctions
- ▶ Damages and profits
- ▶ Detention of imported copies by customs
- ▶ Enforcement of criminal provisions
- ▶ Cross-border copyright infringement and the Internet
- ▶ Impact of Social networking
- ▶ Canadian Anti-Fraud Centre

### Foundations of Copyright: International Issues and Copyright Treaties

10:30 a.m. to 11:30 a.m.

Jay Kerr-Wilson Fasken Martineau DuMoulin LLP

- ▶ International aspects of copyright
- ▶ Where does copyright exist?
- ▶ Domicile?
- ▶ Conventions, NAFTA/CUSMA and treaties
- ▶ Which law governs?

### Lunch

11:30 a.m. to 1:00 p.m.

### Fair Dealing in Law, Policy and Action

1:00 p.m. to 2:00 p.m.

Daniela Bassan Stewart McKelvey

- ▶ Fair dealing in legislation and caselaw
- ▶ Fair dealing in education
- ▶ Fair dealing in practice

### Panel: Copyright Litigation and Procedural Journey from Tip to Tail

2:00 p.m. to 3:00 p.m.

Ken Clark Aird & Berlis

Camille Aubin Robic

Learn about the nuts and bolts of prosecuting or defending a copyright case in Canada, whether in a provincial superior court or the Federal Courts. This session will consider sample claims and defences in copyright litigation, different forms of proceedings (including class proceedings), jurisdictional issues related to copyright cases, typical or atypical motion procedures, and expert qualifications and reports.

### Break

3:00 p.m. to 3:15 p.m.

### Copyright in the Digital World

3:15 p.m. to 4:15 p.m.

Kristina Milbourn Rogers Communications

- ▶ Downloading, streaming and making available
- ▶ Browsing, linking and caching
- ▶ Notice and Takedown / Notice and Notice
- ▶ Site-blocking orders
- ▶ ISP liability and exceptions
- ▶ Technological protection measures
- ▶ Emerging issues (Eg. NFTs, Blockchain)

## WEDNESDAY, JULY 26, 2023

9:30 a.m. – 4:15 p.m. EDT

### Social Media, Virtual Reality, and Computer Games

9:30 a.m. to 10:30 a.m.

Catherine Lovrics Marks & Clerk Canada

- ▶ Enforceability of software, click-wrap and browse-wrap licences
- ▶ Copyright issues in cloud computing and with software as a service (SAAS)
- ▶ Open source software
- ▶ Virtual and augmented reality
- ▶ Social media and user-generated content
- ▶ Copyright in metatags, online games and virtual property

### Monetization and Exploitation of Copyright:

#### Legal Framework

10:30 a.m. to 11:30 a.m.

Kevin Sartorio Gowling WLG (Canada) LLP

- ▶ Assignments vs. licensing vs. rentals
- ▶ Necessity of writing & signature
- ▶ Registration of assignments & licenses
- ▶ Equitable/beneficial ownership
- ▶ Compulsory licensing
- ▶ Security interest in copyright
- ▶ Considerations before drafting/negotiation - is a license even required?

### Lunch

11:30 a.m. to 1:00 p.m.

### Monetization and Exploitation of Copyright: Drafting and Negotiating Contracts

1:00 p.m. to 2:00 p.m.

- ▶ Key provisions of commercial agreements
- ▶ Types of licenses: sole, exclusive, non-exclusive
- ▶ License scope, restrictions and services
- ▶ Source code escrow
- ▶ Fees or royalties
- ▶ Impact of confidentiality obligations and assignment clauses on licenses
- ▶ Term, transitioning and survival
- ▶ Copyright in Mergers & Acquisitions and other transactions
- ▶ Due diligence, representations and closing conditions

### Panel: Copyright in Practice

2:00 p.m. to 3:00 p.m.

Susan Abramovitch Gowling WLG (Canada) LLP

Bob Tarantino Dentons Canada LLP

Angelika Heim Stohn Hay Cafazzo Dembroski Heim Finlay LLP

Using an interactive scenario-based approach, practitioners with decades of experience serving clients in the film and television, publishing and music industries will discuss practical applications of copyright in a variety of business settings, and will debate current policy implications of copyright.

### Break

3:00 p.m. to 3:15 p.m.

### Copyright in an Educational Setting

3:15 p.m. to 4:15 p.m.

Sana Halwani Lenczner Slaght LLP

- ▶ Libraries and licensing
- ▶ Dissemination, digitization, and digital locks
- ▶ Fair dealing and other educational exceptions to copyright
- ▶ Public domain, open access and creative commons
- ▶ Balancing the interests of creators, owners, and users

## FEES

### Copyright Master Class

July 24 - 26, 2023

IPIC member fee.....\$1560  
Regular fee.....\$1760  
Full-time student fee .....\$880

### Lunch & Learn

Included with the purchase of the full course. Can be purchased as a stand alone for the public.

IPIC member / McGill Alumni.....\$75  
Regular fee .....\$95  
Full-time student fee .....\$50

# INTELLECTUAL PROPERTY INSTITUTE OF CANADA



IPIC is the only intellectual property association in Canada to which nearly all patent agents, trademark agents and lawyers specializing in intellectual property belong.

IPIC members receive a preferential rate on registration fees for the Summer Courses in Intellectual Property.

IPIC offers additional courses in patents, trademarks and copyright. Inquire at [education@ipic.ca](mailto:education@ipic.ca)

***Become an IPIC member today at [www.ipic.ca](http://www.ipic.ca)***



## **Professional & Corporate Education (PCE)**

Please visit [www.mcgill.ca/intellectualproperty](http://www.mcgill.ca/intellectualproperty) for details on course accreditation by professional bodies and law societies.

REGISTRATION DEADLINE IS JULY 21, 2023

Program chairs: Noel Courage Bereskin & Parr LLP Richard Whissell, Perley-Robertson, Hill & McDougall LLP

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[WWW.MCGILL.CA/INTELLECTUALPROPERTY](http://WWW.MCGILL.CA/INTELLECTUALPROPERTY)

Program is subject to change.