

# IP PERSPECTIVES

INTELLECTUAL PROPERTY & TECHNOLOGY LAW NEWSLETTER

1

Counterfeiters Pay a Heavy Price

2

Inequitable Conduct Comes to Canada?

Unregistered Trade-marks Exempt from Charter of the French Language

3

Official Marks – Court of Appeal Confirms “Public Authorities” Must be Subject to Control by a Canadian Government

4

Supreme Court of Canada – Foreign Injunctions May be Enforceable in Canada

5

Patent Listing Timing Requirements Unchanged by Amendments to the *Patented Medicines (Notice of Compliance) Regulations*

Smart & Biggar/ Fetherstonhaugh Welcomes New Partner

6

Firm Achieves Top-level Rankings in Four Major Surveys

Notes

## Counterfeiters Pay a Heavy Price

On January 16, 2007, in *Microsoft Corp. v. Cerrelli et al.* (2006 FC 1509), the Honourable Mr. Justice Harrington of the Federal Court of Canada issued judgment against a purveyor of pirated copies of Microsoft software. The case evolved from two seizures of pirated software from the Defendants in Montreal in November, 1999 (RCMP) and March, 2000 (Montreal Police). Despite two police seizures of products confirmed to be counterfeit, some of the products were returned to the Defendants and the authorities did not prosecute. Microsoft accordingly commenced a civil action in August, 2000.

The Defendants included brothers Carmelo and Adam Cerrelli and two numbered companies under which they carried on business as “Inter-Plus” commencing in 1996. In August, 1999, Magnasoft and Adam Cerrelli had pleaded guilty to criminal copyright piracy charges arising from distribution of infringing copies of Microsoft software.

The evidence established that Inter-Plus purchased Microsoft products from unauthorized distributors. According to the somewhat contradictory evidence of Carmelo Cerrelli, Inter-Plus’ revenue was \$3 to 5 million per annum and 60 per cent was from the sale of Microsoft products.

Commencing in March, 1997, Microsoft sent a number of letters to Inter-Plus raising concerns over distribution of counterfeit products. In December, 1998, the Defendants received confirmation that a product sent to Microsoft by their lawyer was counterfeit. The Defendants nevertheless continued distribution of counterfeit products, leading to the two police seizures and the action by Microsoft.

On the evidence before him, Mr. Justice Harrington found that “Inter-Plus and Carmelo Cerrelli knew or should have known that the items were counterfeit and infringed copyright” and found liability for copyright infringement, trade-mark infringement, passing-off and depreciation of goodwill in the Microsoft trade-marks.

With respect to remedies, Microsoft had elected to seek statutory damages in respect of the infringement of copyright. The Court awarded \$20,000 in statutory damages for each of the 25 copyright works infringed, resulting in a \$500,000 award, the highest award to date under Canada’s relatively new copyright statutory damage provision. In addition, the Court awarded \$200,000 in punitive damages for a total damage award of \$700,000 against the corporate Defendants and Carmelo Cerrelli personally. The Court also provided declarations of validity and infringement, ordered delivery up of offending products, granted injunctions in respect of the rights asserted and relief requested in the pleadings, ordered pre- and post-judgment interest on the damage award and directed the parties to make submissions as to costs.

The decision should serve as a warning to and set the standard for pursuing copyright pirates in Canada.

The Defendants are appealing to the Federal Court of Appeal, and any significant development in the appeal will be reported in this publication.

Brian P. Isaac, Toronto

## Inequitable Conduct Comes to Canada?

For the most part, file histories have not played a significant role in Canadian patent litigation. It has been clearly established that file histories are irrelevant in construing a patent. Until now, no Canadian patent has ever been held invalid or unenforceable on any ground relating to alleged misconduct in its prosecution.

On October 1, 1996, section 73 was added to the *Patent Act*. It contained a number of provisions, including the following:

73. (1) An application for a patent in Canada shall be deemed to be abandoned if the applicant does not:

(a) reply in good faith to any requisition made by an examiner in connection with an examination, within six months after the requisition is made or within any shorter period established by the Commissioner;...

For the first time, this provision has been invoked to affirm an allegation of invalidity. In *Searle and Pfizer v. Novopharm* (2007 FC 81), the allegation was made in the context of prohibition proceedings under the *Patented Medicines (Notice of Compliance) Regulations*, and does not amount to a final judgment. However, it may have significant

precedential value, particularly if this decision is not appealed or is sustained on appeal.

The factual basis of this decision was alleged failure to reply in good faith to a requisition made by the Examiner. Two specific allegations were made: the failure to accurately set out the claims that had been allowed in a corresponding European application, and the withholding of information about a cited prior art reference. The Court found that the allegations about the European patent were not material, and in any event were later corrected. However, the Court also found that the submissions made by the patentee about the prior art reference did not comply with the obligation of good faith, and that accordingly the application was abandoned and invalid pursuant to section 73. In reaching this conclusion, the Court comments on the obligation of a patent applicant to act in good faith when dealing with the Patent Office, and to make full, frank and fair disclosure.

This is a potentially significant decision which may raise the standard of candor and good faith in dealing with the Canadian Patent Office.

A. David Morrow, Ottawa



A. David Morrow

---

## Unregistered Trade-marks Exempt from Charter of the French Language

The Charter of the French Language (the "Charter") is a legislative measure adopted by the Province of Québec in 1977 to promote the status and use of the French language. The Charter legislates that the French language is the official language of Quebec and, with some exceptions, is the language of the legislature and the Courts, civil administration, labour relations, instruction, and commerce and business.

With respect to commerce and business, the Charter provides that every inscription on a pro-

duct (on its container or on its wrapping), or on a document or object supplied with it (including the directions for use and the warranty certificates), must be drafted in French. While the French inscription may be accompanied with a translation, no inscription in another language may be given more prominence than the inscription in French (section 51 of the Charter). The Charter also provides that public signs and posters, as well as commercial advertising, must be in French. While signs, posters and advertising may also be



Geneviève M. Prévost

both in French and in another language, the French portion must be markedly predominant (section 58 of the Charter).

However, an exception to the mandatory use of French is extended to “recognized” trade-marks. Regulations adopted under the Charter provide that on product inscriptions, public signs, public posters and commercial advertising, a “recognized trade-mark within the meaning of the *Trade-marks Act*” may appear exclusively in a language other than French, unless a French version has been registered.

Although it has been generally accepted and understood that the “recognized” trade-mark exception extends to both registered and unregistered trade-marks, only recently has this been confirmed by a Court in *Attorney General (Quebec) v. St-Germain Transport (1994) Inc.* ([2002] J. Q. No. 8429), a decision of the Court of

Québec (Criminal and Penal Division) rendered on August 3, 2006.

In this case, the Defendant, St-Germain Transport (1994) Inc. (“St-Germain Transport”), was charged with contravening section 58 of the Charter since its trucks displayed the slogan “Coast to Coast Services” in English only. The slogan was not a registered trade-mark. However, St-Germain Transport had established use of the slogan since the 1970s to advertise its transportation services, and therefore argued that the slogan was a trade-mark. The Court agreed and held that a mark need not be registered in order to be “recognized” as a trade-mark. St-Germain Transport could therefore rely on the “recognized” trade-mark exception and, as a result, was exempt from having to use a French version of “Coast to Coast Services”.

*Geneviève M. Prévost, Toronto*



Jeremy E. Want

## Official Marks – Court of Appeal Confirms “Public Authorities” Must be Subject to Control by a Canadian Government

The case of *Canada Post Corporation v. United States Postal Service* (2005 FC 1630) was discussed in the February 2006 edition of *IP Perspectives*. In that case, the Federal Court of Canada held that in order to obtain official mark protection in Canada, a public authority must be “a public authority in Canada” that is subject to governmental control within this country. This decision has now been upheld by the Federal Court of Appeal (*United States Postal Service v. Canada Post Corporation*, 2007 FCA 10).

An official mark is a form of intellectual property that is unique to Canada. Pursuant to section 9(1)(n)(iii) of the Canadian *Trade-marks Act*, a “public authority” can request that the Registrar of Trade-marks give public notice of any badge, crest, emblem or mark adopted and used by the public authority as an official mark for wares or services. Once public notice is given, no other

person may adopt in connection with a business (as a trade-mark or otherwise) any mark consisting of, or so nearly resembling as to be likely to be mistaken for, the official mark. Such a mark also may not be used or registered. Prior to the *U.S.P.S.* case, the question remained open as to whether a public authority located outside Canada could obtain official mark protection in this country.

In brief reasons, the Court of Appeal upheld the decision of the lower Court. The Court of Appeal considered the test for a “public authority” set down in the previous decision of *Ontario Association of Architects v. Association of Architectural Technologists of Ontario (C.A.)* ([2003] 1 F.C. 331 (F.C.A.)), where the Court held that to be a “public authority” within the meaning of section 9(1)(n)(iii), the entity in question must be subject to governmental control and must engage in activities that benefit the public. In the *U.S.P.S.*

case, the Court of Appeal confirmed that in order to fulfil the intention of Parliament, the government exercising the control must be a Canadian government. The Court was not persuaded that such an interpretation of section 9(1)(n)(iii) would offend Canada's obligations under the *Paris Convention for the Protection of Industrial Property* ("Paris Convention") or the *Agreement on Trade-Related Aspects of Intellectual Property Rights* ("TRIPS").

Unless overturned by the Supreme Court of Canada on appeal, the decision of the Federal Court of Appeal in the *U.S.P.S.* case firmly establishes that a "public authority" must be subject to control by a Canadian government in order to obtain an official mark. However, this does not exclude a foreign public authority that is subject to such control.

*Jeremy E. Want, Ottawa*

---

## Supreme Court of Canada – Foreign Injunctions May be Enforceable in Canada

The Supreme Court of Canada has recognized the impact of the "globalization of commerce" and recently ruled for the first time that foreign non-monetary judgments – including those providing injunctive relief – can be enforced in Canada. However, in a split decision in *Pro Swing Inc. v. Elta Golf Inc.* (2006 SCC 52), the Court has created uncertainty for foreign litigants as to when such judgments will actually be enforced.

In *Pro Swing*, the Plaintiff owned a U.S. registration for the mark TRIDENT for golf clubs and related accessories. The Defendant, a Canadian company, was sued in Ohio for trade-mark infringement in connection with the sale of RIDENT brand golf clubs on its web site. The U.S. action was resolved by means of a consent decree and a settlement agreement. Subsequently, Pro Swing brought contempt proceedings in the same U.S. Court on the basis that Elta had violated the consent decree. Elta was held in contempt. Both the consent decree and the contempt order granted injunctive relief against Elta, and ordered the recall and delivery up of all infringing goods, as well as the production of all accounting records.

When Elta failed to comply with the contempt order, Pro Swing successfully applied to the Ontario Superior Court of Justice to have the consent decree and contempt order recognized and enforced in Canada. The Ontario Court of Appeal reversed the decision on the basis that the orders were not sufficiently precise to be enforced in Canada.

On appeal, the Supreme Court of Canada unanimously held that, in principle, non-monetary foreign judgments can be enforced in Canada. However, the majority of the Supreme Court refused to enforce these orders as the intended territorial scope of the injunctive relief granted by the Ohio Court was uncertain. The Supreme Court also ruled that contempt orders issued by a non-Canadian Court should not be enforced due to their criminal or quasi-criminal nature.

The Supreme Court did not provide an exhaustive list of factors that a Court should consider when deciding whether to enforce foreign non-money judgments. Nevertheless, the Court outlined the following general conditions for enforcement:

- the order must be rendered by a Court of competent jurisdiction;
- the order must be final; and
- the order must be of such a nature requiring enforcement by a Canadian Court.

While it remains unclear when Canadian Courts will recognize or enforce a foreign injunction, the Supreme Court has provided some guidance for the future. Foreign counsel seeking to have a foreign injunction or other equitable relief recognized or enforced in Canada should obtain advice from Canadian counsel at an early stage in order to increase the likelihood of success.

*Mark K. Evans, Toronto*



**Mark K. Evans**



Daphne C. Lainson

## Patent Listing Timing Requirements Unchanged by Amendments to the *Patented Medicines (Notice of Compliance) Regulations*

In our [October 2006](#) issue of *IP Perspectives*, we reported on sweeping amendments to the *Patented Medicines (Notice of Compliance) Regulations* which came into force on October 5, 2006. In general, these *Regulations* protect innovators from patent infringement by prohibiting Health Canada from issuing a notice of compliance to a generic manufacturer (allowing it to market a generic version of a drug in Canada) until it has addressed patents relating to the drug listed on the Patent Register. This usually leads to a Court proceeding involving issues of patent validity and infringement.

In order for an innovator to have a patent listed on the Patent Register, a patent list (including the patent) must be submitted to Health Canada: at the same time the regulatory submission to which it relates is filed; or, within 30 days of patent issuance. There are no extensions of time available for filing a patent list. Also, a patent is only eligible for listing if its Canadian filing date precedes the filing date of the related regulatory submission. The Canadian filing date is the actual date of filing the application in Canada, and not the Paris

Convention priority filing date. In the case of a patent issuing from an application originally filed under the Patent Cooperation Treaty (PCT), the Canadian filing date is the PCT filing date. These timing requirements are unchanged by the recent amendments.

These timing requirements apply to all regulatory submissions that may support a patent listing, which include new drug submissions and supplemental new drug submissions for a change in formulation, dosage form or use.

For innovators, it is therefore critical that patent filings and regulatory submission filings be coordinated so that an opportunity for patent listing is not missed.

For more detailed information regarding the amendments to the *Regulations*, please see the [October 2006 Special Edition](#) of our pharmaceutical newsletter, *Rx IP Update*.

Daphne C. Lainson, Ottawa

## Smart & Biggar/Fetherstonhaugh Welcomes New Partner

The partners of Smart & Biggar/Fetherstonhaugh are pleased to announce that effective January 1, 2007, *Stephen J. Ferance* has become a partner of the firms.

Mr. Ferance practises in the Vancouver office, focusing primarily on the preparation and prosecution of patent applications for computer-related inventions. Mr. Ferance was educated at the University of Toronto, where he received his B.Sc. in

physics and astronomy, and at the University of Victoria, where he received his LL.B. He was called to the British Columbia Bar in 1999. Mr. Ferance is a registered patent and trade-mark agent, and is registered to practise before the United States Patent and Trademark Office. He is a Fellow of the Intellectual Property Institute of Canada, and a member of the American Intellectual Property Law Association and the Canadian Bar Association.



## Firm Achieves Top-level Rankings in Four Major Surveys

### *Chambers Global Guide*

The *Chambers Global Guide*, a research-based survey published by Chambers & Partners, has released its most recent survey of Canadian law firms. Smart & Biggar/Fetherstonhaugh has once again ranked as a top tier firm in the area of intellectual property. Additionally, a number of our partners were singled out for individual recognition as leading practitioners:

John Bochnovic

Mark K. Evans

Gunars A. Gaikis

Steven B. Garland

François Guay

Michael D. Manson

A. David Morrow

Joy D. Morrow

### *Managing Intellectual Property*

*Managing Intellectual Property* recently released the results of its worldwide patent survey, and Smart & Biggar/Fetherstonhaugh has once again been ranked in the top tier of both Canadian categories: patent prosecution and patent contentious.

### *LEXPERT Guide to the Leading 100 Industry Specialists*

Joy D. Morrow has been listed in the 2006 *LEXPERT Guide to the Leading 100 Industry Specialists in Canada* in the area of biotechnology law.

### *LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada*

In the 2007 *LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada*, Smart & Biggar/Fetherstonhaugh had more lawyers listed under the area of biotechnology than any other firm.

---

## Notes

### *Announcements*

In October, 2006, *Elizabeth A. Hayes* of our Ottawa office became a registered patent agent in Canada.

*Daphne C. Lainson* is authoring a regular column in *L'Actualité chimique canadienne / Canadian Chemical News* titled "Patent Quest" in which she answers questions posed by the readership. The first column was published in the January 2007 edition of the magazine.

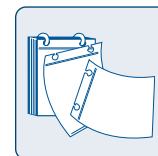
*Daphne C. Lainson* has been appointed Vice-Chair of the Women in IP Law Committee of the American Intellectual Property Law Association. The Committee's mandate is to further and facilitate the practice of intellectual property law by women, and has a large membership in the U.S. and internationally.

### *Seminars and Presentations*

*Joy D. Morrow* was an invited lecturer on the subject of "Intellectual Property and the Life Sciences" as part of the course "Strategic Issues in Life Sciences Commercialization" at the Joseph L. Rotman School of Management of the University of Toronto on November 13, 2006.

*Mark K. Evans* spoke on "Defining the Critical Elements of IP Licensing: Rights and Grants of Rights" at the Canadian Institute's IP Licensing Conference, held in Toronto on November 27, 2006.

*Philip Lapin* spoke on "IP Transactions – The Basic and Beyond" to members of the Ottawa chapter of the Canadian Corporate Counsel Association on November 29, 2006.



*Mark K. Evans* moderated a panel discussion on the international protection of product configuration at the International Trademark Association's forum "IP Rights Enforcement: Protecting Product Configuration in Europe and Beyond", held in Rome, Italy on December 4 and 5, 2006.

*Sanjay D. Goorachurn* gave a joint presentation with Angus Livingstone, Managing Director of the University of British Columbia Agency Liaison Office, on "IP Management and Commercialisation and Issues in Cross-Border Collaborations" at the Canada/California Strategic Innovation Partnership Summit in Ottawa, held on December 19, 2006.

*Stephan P. Georgiev* and *Sanjay D. Goorachurn* gave a presentation titled "Managing the Small Business Enterprise" for the M.B.A. program at McGill University on January 17, 2007.

*Daphne C. Lainson* moderated a panel discussion titled "Making Rain" at a joint meeting for American Intellectual Property Law Association's "Women in IP Law", "Diversity" and "Mentoring" committees, held at the American Intellectual Property Law Association's Mid-winter Meeting in New Orleans, LA on January 26, 2007. *Joy D. Morrow* participated in the same panel discussion.

*Michael D. Manson* presented on the topic of "Presentation on Evidence" at the Intellectual Property Institute of Canada Basics of Law Course (Evidence Module), held in Vancouver on February 8, 2007.

*Sanjay D. Goorachurn* and *Brigide Mattar* spoke on the topic of "Managing and Leveraging IP for Commercial Success – Guidelines for Entrepreneurs" at the Concours des anges financiers, held on February 13, 2007.

*Sanjay D. Goorachurn* spoke on the topic of "L'importance de la PI pour concevoir, distribuer et commercialiser des produits et services innovateurs" at the Canadian Institute conference Le distribution de produits et services, held in Montreal on February 14, 2007.

*Michael D. Manson* gave a joint presentation with Supt. Ken Hanson of the Royal Canadian Mounted Police on the topic of "Detection, Prevention and

Prosecution of Trademark Fraud" to the Crown prosecutors of British Columbia on February 14, 2007.

*Christian Bolduc* presented on "Le traitement de la propriété intellectuelle sur Internet / Initiation à la gestion des risques et aux bonnes pratiques" at the Parc Technologique du Québec Métropolitain in Québec City on February 15, 2007.

*Michael D. Manson* will present on the topic of "Counterfeiting: The Crime of the 21st Century" at the Association of Certified Fraud Examiners and Institute of Internal Auditors 2007 Fraud Conference, to be held on March 8, 2007.

*Stephan P. Georgiev* and *Sanjay D. Goorachurn* will present as part of the McGill/Dobson Centre M.B.A. program in Montreal on March 13, 2007.

*Steven J. Ferance* will speak on the topic of "What an American IP Lawyer Should Know about Canadian Law" at the Philadelphia Intellectual Property Law Association meeting, to be held in Philadelphia, PA on March 15, 2007.

*A. David Morrow* will be a joint presenter on the topic of "An Update on Canadian Patent Law" at the Intellectual Property Institute of Canada's Spring Meeting, to be held in Ottawa on March 27, 2007.

*Steven J. Ferance* will moderate the Intellectual Property Institute of Canada's Patent Program Roadshow, to be held in Vancouver on April 19, 2007.

*Christian Bolduc* will present at the Edilex course titled "Recherche, développement et transferts de technologies" to be held at the Hautes études commercial in Montreal on April 19 and 20, 2007.

*Michael D. Manson* will present on the topic of "Trade-mark Law in North America" at the International Trademark Association's 129th Annual Meeting, to be held in Chicago from April 28th to May 2nd, 2007.

*Sanjay D. Goorachurn* and *François Guay* will present on the topic of "Les aspects commerciaux et litigieux de la propriété intellectuelle reliés aux transactions de fusions et acquisitions (M&A) et licences" at the Congrès annuel du Barreau du Québec, to be held in Mont Tremblant, QC on June 1, 2007.

## OTTAWA

55 Metcalfe Street, Suite 900  
P.O. Box 2999, Station D  
Ottawa, Ontario Canada  
K1P 5Y6  
t. 613.232.2486  
f. 613.232.8440

ottawa@smart-biggar.ca

## TORONTO

438 University Avenue  
Suite 1500, Box 111  
Toronto, Ontario Canada  
M5G 2K8  
t. 416.593.5514  
f. 416.591.1690

toronto@smart-biggar.ca

## MONTREAL

1000 de La Gauchetière St. W.  
Suite 3300  
Montreal, Québec Canada  
H3B 4W5  
t. 514.954.1500  
f. 514.954.1396

montreal@smart-biggar.ca

## VANCOUVER

650 West Georgia Street  
Suite 2200  
Box 11560, Vancouver Centre  
Vancouver, B.C. Canada  
V6B 4N8  
t. 604.682.7780  
f. 604.682.0274

vancouver@smart-biggar.ca

www.smart-biggar.ca

## Publications

*Philip Lapin*, "Lawyer Barbie Goes to Court", *Trademark World*, September 2006.

*Gunars A. Gaikis, Daphne C. Lainson and David E. Schwartz*, "Unique IP Issues in Canada's Pharmaceutical and Biotechnology Industry", *The 2006 LEXPERT Guide to the Top 100 Industry Specialists in Canada*, October 2006, pp. 125-129.

*Elizabeth A. Hayes and Daphne C. Lainson*, "Patenting Life Forms", *L'Actualité chimique canadienne / Canadian Chemical News*, October 2006, Vol. 58, No. 9, pp. 18-19.

*R. Allan Brett, Steven B. Garland, and Kelly L. Miranda*, "Canada: Are Computer-implemented Inventions Patentable?", *WORLDfocus* supplement to *Patent World*, October 2006.

*Daphne C. Lainson and David E. Schwartz*, "Recent Developments in Biotechnology", *The 2006 LEXPERT/ALM Guide to the Leading 500 Lawyers in Canada*, January 2007, pp. 164-167.

*Elizabeth A. Hayes*, "Artificial Blood – Patenting an Interdisciplinary Technology", *L'Actualité chimique canadienne / Canadian Chemical News*, January 2007.

## Barristers &amp; Solicitors, Patent &amp; Trade-mark Agents

A. David Morrow  
François Guay\*  
Glen B. Tremblay  
Brian P. Isaac  
Brian G. Kingwell†  
Elliott S. Simcoe  
Nancy P. Pei  
Geneviève M. Prévost  
Peter A. Elyjiw  
Jonathan N. Auerbach  
Kelly L. Miranda  
Y. Lynn Ing  
Émilie Dubreuil\*  
Cheryl M. Ng

John R. Morrissey†‡  
Gunars A. Gaikis  
Mark K. Evans  
Steven B. Garland  
Yoon Kang  
Timothy P. Lo+  
Kohji Suzuki  
Mark G. Biernacki  
Colin B. Ingram  
Denise L. Lacombe  
James Jun Pan  
Heather E. Robertson  
Joseph J. Fraresso  
Timothy O. Stevenson

Thomas R. Kelly  
Michael D. Mansont  
J. Christopher Robinson†  
J. Sheldon Hamilton  
Philip Lapin  
Theodore W. Sum+  
Christine N. Genge  
Stephen J. Ferance+  
Karen F. MacDonald+  
Sally A. Hemming  
Scott A. Beeser  
Daniel M. Anthony  
Jean-Charles Grégoire  
C. Chad McCarthy+

John Bochnovic\*  
Keltie R. Sim  
Alistair G. Simpson  
David E. Schwartz†‡  
Matthew Zischka  
Marc Gagnon\*  
Kevin K. Graham  
Ekaterina K. Tsimberis\*  
Daphne C. Lainson  
May Ming Lee  
David A. Gileff+  
Junyi Chen  
Stacey E. Grubb+

Joy D. Morrow  
Ronald D. Faggetter  
Solomon M.W. Gold  
Sanjay D. Goorachurn\*  
Christian Bolduc\*  
L. Catherine Eckenswiller  
Marc-André Huot\*  
Jeremy E. Want  
Beth Trister\*  
Andris D. Macins+  
T. Nessim Abu-Zahra  
Sachiko Chijiwa  
Sharon S. Ho

## Counsel

James D. Kokonis, Q.C.      Nicholas H. Fyfe, Q.C.

## Patent &amp; Trade-mark Agents

A. Dennis Armstrong  
John W. Knox  
Sanro Zlobec  
Jennifer L. Ledwell  
Elizabeth A. Hayes

R. John Haley  
Neil S. Clark  
A. Oliver Stone  
Trina Sarin

Sohrab Sabet  
R. Allan Brett  
Emma Start  
Christian Bérubé

Tokuo Hiram  
Thuy H. Nguyen  
Penny J. Brady  
Martin A. Tremblay

Stephan P. Georgiev  
Brigide Mattar  
David M. Walters  
Owen W. Cramer

## Technical Consultants

Mark S. Starzomski  
Andréanne Auger

Roger T. Gallant  
Jeffrey F. Slater

Paul den Boef

Tilaye Terrefe

George Elvira

Unless otherwise indicated, the lawyers listed are members of the Law Society of Upper Canada only.

† of the British Columbia Bar also    \* of the Quebec Bar also    ‡ of the Alberta Bar also  
+ of the British Columbia Bar only    \* of the Quebec Bar only

## Disclaimer

The preceding is intended as a timely update on Canadian intellectual property law. In order to request a copy of any decision, paper or legislative document, or for more detailed information or suggestions, kindly contact an author of the relevant article, or the Editor, *A. David Morrow*. The contents of our Newsletter are informational only, and do not constitute legal or professional advice. To obtain such advice, please communicate with our offices directly. To be put on the *IP Perspectives* mailing list, or to amend address information, please call (416) 593-5514 (ext. 318).