

INTELLECTUAL PROPERTY GROUP





INTELLECTUAL PROPERTY

As new ideas promise to drive today's changing economy, strategic use and care of the intellectual property of your business is a key factor in success and risk management. While intellectual property is especially vital for high-technology firms, its importance cuts across industry sectors as well as national boundaries.

Because intellectual property issues arise in a wide variety of contexts, Stikeman Elliott takes a multi-disciplinary approach to the practice of intellectual property law. Our Intellectual Property Group is composed of a team of dynamic and highly creative professionals who bring a wide range of training and experience in corporate-commercial law, banking & financial services, technology and outsourcing, as well as expertise with a wide variety of industry sectors.

In Canada – Think Stikeman Elliott First
for Intellectual Property Law

First

To obtain an "Anton Piller" order in Canada

First

To participate in Copyright Board of Canada proceedings relating to: rates for cable rebroadcasting; ringtones; levies on blank audio recording media; and Internet distribution of music

First

To participate in a contested hearing before the Patented Medicine Price Review Board relating to drug pricing

First

To obtain a Federal Court of Appeal determination that MP3 players do not attract private copying levy

First

To obtain a Federal Court decision that trademark confusion may have to be assessed in languages other than French and English

First

To obtain a Federal Court decision that distribution of samples in pre-launch marketing would be use sufficient to maintain a trademark registration

Among the areas in which Stikeman Elliott provides intellectual property expertise and assistance are:

- **Corporate transactions: Licensing, Co-branding and Outsourcing**

The firm represents clients in a variety of corporate transactions with specific intellectual property implications, such as licensing, co-branding, outsourcing and distribution arrangements. We also provide intellectual property advice in public offerings, joint ventures, mergers, acquisitions and divestitures when rights are at issue. The Intellectual Property Group works with corporate, tax, trade and other lawyers to evaluate intellectual property aspects of corporate transactions, such as carrying out intellectual property due diligence searches in corporate acquisitions and assisting clients throughout the transfer of technology process. We have acted in a number of co-branding transactions in financial services and credit card sectors, as well as other retail merchandise and consumer goods.

- **Acquisition, protection and exploitation of intellectual property rights, in Canada and abroad**

– Stikeman Elliott counsels Canadian and foreign clients on the manner in which they may protect their intellectual property, acquire the intellectual property of others and best exploit their intellectual property portfolio. We also regularly advise clients and draft agreements on the franchising, licensing and assignment of intellectual property rights in a wide variety of contexts, including character licensing, as well as agreements respecting merchandising, sponsorship, and use of intellectual property as security.

- **Registration of trade-marks, patents, industrial designs and copyrights**

We regularly file Canadian trade-mark, patent, industrial design and copyright applications on behalf of clients and assists in filing similar applications applied for in other countries;

- **Intellectual property litigation**

Stikeman Elliott represents clients in all areas of intellectual property litigation, including trade-mark, patent, industrial designs or copyright infringement actions before Canadian courts and proceedings before administrative tribunals such as the Trade-marks Opposition Board, the Copyright Board and the Patent Medicine Prices Review Board;

- **Intellectual property on the Internet**

We represent clients with respect to a variety of Internet matters and we advise on the protection

of intellectual property rights, freedom of speech, the implications of the application of new audio-visual technologies to the Internet, gambling on the Internet, and the applicability of Canada's collective copyright regime to copyrighted works accessible on the Internet.

▪ **Trade secrets and confidential information**

Our lawyers regularly advise clients on how to protect trade secrets and confidential information in a variety of situations, including with respect to contracting out of services, departing employees and joint ventures, and also acts on behalf of clients in trade secrets litigation.

▪ **Intellectual property issues in the pharmaceutical and healthcare industry**

Stikeman Elliott has cultivated strong relationships with health sector regulators and can assist clients in navigating the complex regulatory approval process for pharmaceutical and healthcare products, including regulatory approval from Health Canada and other government agencies on new drug submissions, labelling, good manufacturing practices, recall procedures and non-prescription drugs.

▪ **Entertainment and cultural industries**

The Group has worked with a variety of clients in such diverse entertainment and cultural areas as endorsements, print, music and audiovisual publishing and performance, telecommunications, and multimedia productions.

▪ **Public Policy and Advocacy**

Clients frequently consult Stikeman Elliott to assist them in monitoring, understanding and influencing ongoing policy developments in a number of intellectual property areas.

Businesses have a growing need for innovative legal advisers in Canada and around the world to help them exploit their intellectual property to the fullest extent and in as many markets as possible while reducing the risks of that exploitation.

Our multi-disciplinary team understands the positioning of your intellectual property in the context of your business, and has the expertise to advise on the strategic legal and business matters relevant to you. Stikeman Elliott's Intellectual Property Group lawyers in Ottawa, Montréal and Toronto break ground and get results. Make our strengths your strengths, wherever your business takes you.

About Stikeman Elliott

A leading Canadian business law firm, Stikeman Elliott has 500 lawyers in five offices across Canada as well as in offices in New York, London and Sydney. The firm is recognized by *Chambers Global*, the *IFLR1000*, *Lexpert* and other publications for market-leading corporate finance and M&A teams with an exceptional track record in major cross-border and multijurisdictional matters.

The firm is also ranked in the top tier of the Canadian market in each of its other core practice areas – banking, corporate commercial, real estate, tax, insolvency, structured finance, competition, intellectual property, administrative law, employment and business litigation – and has developed in – depth knowledge of a wide range of industries including energy, mining, infrastructure, banking, retail, insurance, transportation, telecommunications and technology.

IFLR | CANADIAN LAW FIRM
OF THE YEAR – 2011

“Diligent lawyers who spend their time **understanding the situation and issues of the client** thoroughly.”

CHAMBERS GLOBAL 2011
Client Interview

“A unique characteristic of the firm is the ability to be **abundantly prepared for all contingencies**, while still taking a **pragmatic approach to the problems** and issues in question.”

CHAMBERS GLOBAL 2011
Client Interview

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