

Intellectual Property

Effective asset management is a key to success. Historically businesses have been very good at acquiring, protecting and managing hard assets such as inventory, equipment and buildings. They have been less diligent about how to manage or even identify their intangible assets such as intellectual property rights relating to brands, product designs and manufacturing processes - keys to maintaining their competitive advantage.

Every business has intellectual property assets, from your business name, to brands used on your products or providing your services, to copyright in advertising materials, to patent or design protection on products, equipment or processes, to software used in your business. While some rights arise automatically or by agreement, other rights can be lost if they are not properly protected and used.

We work with our clients to equip them with the knowledge required to proactively and strategically determine how to identify, perfect and manage their intellectual property assets which may include patents, trade-marks, copyright, industrial designs or trade secrets. We also assist with the development and implementation of strategies for the exploitation and enforcement of these rights.

The members of our Intellectual Property Practice Group provide a full range of services and work with other members of the firm having industry-specific expertise including the cosmetics, information technology, entertainment and sports, advertising, franchising, retail, financial and insurance industries.

PATENT AND DESIGN MATTERS

- intellectual property audits
- preliminary patentability or infringement searches
- providing opinions on validity or infringement
- preparation, filing and prosecuting patent and design applications in Canada, the US and internationally
- Portfolio management, including maintenance of pending applications and issued patents, and industrial designs

- licensing and transfer of patents, industrial designs, know-how, trade secrets and technology

TRADE-MARK MATTERS

- preliminary registrability opinions for proposed trade-marks and trade names
- monitoring and mark-watching services, by mark, applicant or product/service
- preparation, filing and prosecution of trade-mark applications in Canada, the US and internationally
- trade-mark management and renewal

COPYRIGHT MATTERS

- opinions regarding copyright protection, infringement and licensing
- preparation of various agreements involving copyright, including assignments and licences
- preparation, filing and prosecution of copyright applications in Canada

CONFIDENTIAL INFORMATION & TRADE SECRETS

- advising clients on strategies to preserve confidentiality
- preparation of confidential disclosure agreements

INTELLECTUAL PROPERTY LITIGATION

- administrative actions; including trade-mark opposition proceedings and expungement proceedings
- trade-mark litigation regarding infringement, passing off and depreciation of goodwill
- patent litigation regarding infringement and validity
- applications pursuant to the Patented Medicines (Notice of Compliance) Regulations

RELATED PRACTICES

- Real Estate & Business