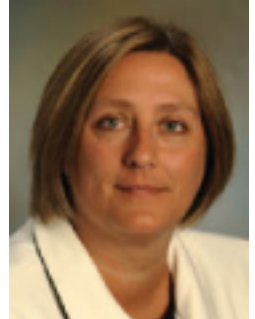


## Justine M. Whitehead

50 O'Connor Street, Suite 1600, Ottawa, ON K1P 6L2, Canada

Direct: (613) 566-0541 Fax: (613) 230-8877 [jwhitehead@stikeman.com](mailto:jwhitehead@stikeman.com)



### Law Practice

Justine Whitehead is a partner in the Ottawa office of Stikeman Elliott. Ms. Whitehead practises federal regulatory law, mainly in the areas of intellectual property, marketing and advertising, and international trade law. She has appeared before the Federal Court and Federal Court of Appeal on matters relating to intellectual property and international trade.

Ms. Whitehead regularly counsels clients in connection with the acquisition and protection of intellectual property rights. Her practice includes trademark prosecution and portfolio management, and advice on enforcement of intellectual property rights. Ms. Whitehead also provides advice on intellectual property issues arising from commercial and transactional matters. Ms. Whitehead has significant experience in the negotiating and drafting of technology services and intellectual property licensing agreements.

Ms. Whitehead provides counsel pertaining to the marketing, advertising and sale of regulated consumer products including food, beverages, natural health products, cosmetics, pharmaceutical products, and medical devices.

Ms. Whitehead has advised various complainants on all aspects of the Canadian procurement process, including preparing bid submissions. She has represented a government institution and various complainants before the Canadian International Trade Tribunal (CITT) in the procurement review process, and has appeared before the Federal Court of Appeal in respect of judicial review of decisions of the CITT.

### Professional Activities

Ms. Whitehead is a member of the Canadian Bar Association, the American Bar Association, and the International Trademark Association (INTA).

### Publications & Conferences

Ms. Whitehead is the editor of Stikeman Elliott's monthly *IP Update*, and regularly writes and speaks on issues relating to intellectual property and information technology.

- "Federal Court of Appeal Confirms Material Dates for Confusion Analysis", INTA Bulletin, Vol. 64, No. 23 (December 15, 2009).
- Successful Expungement Action Requires Direct Evidence of Prior Use of Confusingly Similar Trademark", INTA Bulletin, Vol. 64, No. 15 (August 15, 2009).

- "Federal Court Procedures Influence Outcome of Un defended Claim" and "New Opposition Practice Notice in Effect", INTA Bulletin, Vol. 64, No. 9 (May 1, 2009).
- "Marks Prohibited Under Section 10 Must Be Considered in Their Totality", INTA Bulletin, Vol. 64, No. 7 (April 1, 2009).
- "High Threshold Required to Establish Likelihood of Confusion in Specialized Services", INTA Bulletin, Vol. 64, No. 6 (March 15, 2009).
- J. Whitehead and A. Stockwell, "Bankruptcy Risks for Intellectual Property Licensing in Canada", Internet and E-Commerce Law in Canada (March, 2009).
- "Opposition Board Rejects Application Because Applicant Lacked Good Faith", INTA Bulletin, Vol. 63 No. 21 (November 15, 2008).
- "Continuous and Blatantly Recidivist" Infringement Can Result in Multiplication of "Scale" Nominal Damages, INTA Bulletin, Vol. 63 No. 17 (September 15, 2008).
- "Intention to Resume Use Cannot Excuse Non-Use in Summary Cancellation Proceedings", INTA Bulletin, Vol. 63 No.17 (July 15, 2008).
- "Canada's Olympic and Paralympic Marks Act", *The Lawyer's Weekly* (May 2, 2008).
- "Protecting Your Intellectual Property Assets", presentation to 14th Annual Conference for Law Clerks (May 2004).
- J. Whitehead and E. Zipes, "Copyright Board of Canada Presses Pause Button on Blank Tape/CD 'Tax' Creep: It says \$60 Million per Annum is enough Compensation for Private Copying", (2003-04) 4 *Internet and E-Commerce Law in Canada* (February 2004).
- J. Whitehead, E. Derényi and J. Blakey, "Information Technology and Intellectual Property Issues in Corporate Transactions", presentation to Ontario Bar Association, Young Lawyers Division (November 2003).
- "Comparative Advertising: Passing Off, Depreciating Goodwill or Just Good Business", presentation to Intellectual Property Forum (December 2003);
- "Should Advances in Internet Filtering Technology Affect Regulatory Choices?" 3rd International Conference Law and Technology (December 2002).
- J. Blakey and J. Whitehead, "Approaching a Regulatory Crossroad: Internet Retransmission Activities in Canada", (2002-03) 3 *Internet and E-Commerce Law in Canada* (August 2002).

Ms. Whitehead is also a contributing author to *North American Free Trade & Investment Report*, *Import Week*, and *Import World*. Her most recent articles include:

- R.J. Hofley and J. Whitehead, "Defining the Boundaries of Export Assistance: Preliminary Lessons from Two Recent Canadian WTO Losses", (1999:3) *International Trade Law and Regulation*.
- D.A. Kubesh and J. Whitehead, "Canada Works Toward Developing an Agricultural Trade Position", (1999:4) *International Trade Law and Regulation*.

## Education

Osgoode Hall Law School (LL.B. 1997), Carleton University (BA economics, Honours BA english, MA Canadian studies).

## Background

Prior to attending law school, Ms. Whitehead spent several years working in finance and corporate development at Canada Post Corporation's headquarters in Ottawa.

**Bar Admission**

Ontario, 1999