



Intellectual Property

Stikeman Elliott's Intellectual Property Group takes a multi-disciplinary approach to the practice of this area of law. This dynamic and highly creative team of professionals brings a vast range of training and experience to this and related practice areas. We provide our clients with innovative solutions to help them exploit their intellectual property to the fullest extent and in as many markets as possible, while reducing potential risks associated with said exploitation.

Stikeman Elliott counsels Canadian and foreign clients on the acquisition, protection and exploitation of intellectual property rights, including patents, trademarks, industrial designs and copyright – in Canada and abroad. We understand that intellectual property is an integral part of our clients' assets, and its successful protection and exploitation is critical to their success. In addition to advising clients on the registration, licensing and assignment of intellectual property rights, we have been increasingly called to assist clients with the intellectual property implications of advanced technologies. To this end, the group provides critical strategic and legal support in the negotiation of confidentiality, commercial, research, and employment agreements setting out the intellectual property rights of business enterprises, their founders, employees, and contractors.

Stikeman Elliott is uniquely positioned to help clients obtain effective remedies, through the courts or alternative dispute resolution procedures, for disputes arising from the development, sale, purchase, and use of intellectual property in all its forms. Our litigators are experienced at all levels of court and before all relevant intellectual property tribunals in Canada, including the Copyright Board, the Trademark Opposition Board, the Patent Appeal Board, and the Patented Medicine Prices Review Board.

Our Expertise

- Confidentiality agreements
- Copyrights
- Data protection
- Distribution agreements
- Document records
- Due diligence
- e-Commerce
- Franchise agreements
- Industrial designs
- Infringement, cancellation, opposition and enforcement proceedings
- Joint development agreements
- License agreements
- Medical devices
- Opinions (freedom to operate, patentability, trademark registrability and infringement opinions)
- Patents
- Public policy
- Registration of trademarks, patents, industrial designs, and copyrights
- Regulatory approvals
- Research agreements
- Security interests
- Software agreements
- Supplier agreements
- Title searching
- Trade secrets
- Trademarks

Accolades

- *The Legal 500 Canada 2019* for Intellectual Property

Recent Work

- Federation Internationale de Football Association (FIFA) with respect to intellectual property enforcement in Canada during the FIFA World Cup (2006, 2010, 2014, 2018).
- Smart Cloud Inc. in connection with a C\$250M trademark claim and opposition proceedings before the Ontario Superior Court of Justice and the Trademarks Opposition Board against a multinational technology company regarding the latter's use of the Trademark.
- Canadian Medical Association in the C\$2.6B sale of MD Financial Management to Scotiabank, including the entering into of a 10-year affinity agreement and trademark cross-license agreement between CMA and Scotiabank.
- Transgenomic, Inc. in connection with an action instituted by the Children's Hospital of Eastern Ontario seeking declarations of invalidity and non-infringement in respect of certain genetic patents.
- An online social media company as the exclusive Canadian patent agents and providing ongoing advice with regards to i) managing and filing of Canadian patent applications, ii) assisting with intellectual property work and, other ongoing matters as they arise.
- One of top ten dairy processors in the world in managing its Canadian intellectual property, including its entire Canadian trademark portfolio, as well as all intellectual property litigation and administrative proceeding matters in Canada.
- PT Elang Mahkota Teknologi Tbk., as Canadian counsel, in connection with its strategic partnership with a multinational telecommunication company.
- Various life sciences clients in providing ongoing assistance and advice relating to intellectual property issues, licensing, commercial agreements, medical device regulatory issues, and drafting and negotiating clinical trial agreements.
- A European multinational pharmaceutical and chemical company in providing assistance with various Canadian legal matters, such as pharmaceutical advertising compliance (including compliance with Pharmaceutical Advertising Advisory Board and R&D) and Patented Medicine Prices Review Board drug pricing issues, among other things.
- Semtech Corporation, a leading supplier of high-performance analog and mixed-signal semiconductors and advanced algorithms, in its acquisition of all the outstanding equity interests of AptoVision Technologies Inc., a privately-held provider of uncompressed, zero-frame latency, Video over IP solutions addressing the Pro AV market.
- Federation Internationale de Football Association (FIFA) with the evaluation of the successful North American bid to host the FIFA World Cup™ in 2026.
- Ballard Power Systems Inc. in connection with a transaction with Volkswagen AG and Audi AG for approximately US\$80M for the transfer of certain intellectual property and a two-year extension to an engineering services agreement.
- Allergan Inc., as Canadian counsel, in its sale to Valeant Pharmaceuticals International Inc. by way of unsolicited takeover bid in a cash-and-stock deal valued at US\$45.7B.

- Shutterstock, Inc., as Canadian counsel, in its acquisition of PremiumBeat for approximately US\$32M.
- Paysafe Group (formerly known as Optimal Payments plc), a leading global online payment solutions provider, in its acquisition of all of the issued and outstanding shares of Montreal-based mobile platform developer FANS Entertainment Inc. for a consideration of C\$16M.
- Toshiba Tec Corp., as Canadian counsel, in its acquisition of International Business Machines Corp.'s point-of-sale terminal business for US\$850M.
- TreeHouse Foods, Inc., as Canadian counsel, in its acquisition of ConAgra's Private Brands for US\$2.7B.
- Ontario Teachers' Pension Plan Board in its C\$1B acquisition of Constellation Brands Canada, Inc.
- BWX Technologies, Inc. in the acquisition of all the shares of GE Hitachi Nuclear Energy Canada Inc.
- Lowe's Companies in its C\$3.2B friendly acquisition of Rona Inc. by way of a plan of arrangement under the *Business Corporations Act* (Québec).