

l'Association canadienne du droit  
des technologies de l'information



Canadian IT Law Association



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

**IT.Can and The  
Law Society of  
Upper Canada  
are proud to  
present:**

# **The 10<sup>th</sup> Annual IT Law Spring Training Program**

**Thursday, May 27–Friday, May 28, 2010**

**Donald Lamont Learning Centre,  
The Law Society of Upper Canada  
130 Queen Street West, Toronto, Ontario**

**or**

**view via webcast on your computer desktop  
(see details on registration form)**



This program, having received Certified Specialist accreditation by the Law Society of Upper Canada, is also automatically accredited by The Barreau du Québec for 11 hours of CLE credit.

IT.CAN and the Law Society of Upper Canada are pleased to present the 10th Annual IT Law Spring Training Program. The exceptional faculty will present an extensive list of current information technology law topics. This program will be useful for technology lawyers whether in-house, government or private counsel, as well as for corporate commercial lawyers who handle technology issues in their practice.

This year's IT Law Spring Training Program will provide an opportunity to learn from an outstanding faculty of experienced counsel. Do not miss it!

---

## DAY 1

---

9:00–  
9:15AM

### Opening Remarks

#### Co-Chairs:

Jacob Glick, *Canada Policy Counsel, Google Inc.*  
Gabor Takach, *Torys LLP*

9:15–  
10:30AM

### Panel: Advising Emerging Businesses: From Startups to Maturity

#### Moderator:

Geoff Taber, *Osler, Hoskin & Harcourt LLP*

#### Panelists:

Bruce P. Chin, *CA, Deloitte & Touche LLP*  
Robert D. Ford, *Gowling Lafleur Henderson LLP*  
Debi Rosati, *FCA, ICD.D Corporate Director*

- Creating value and building sustainable long term value
- Early stage finance
- Angel and venture capital:
  - alternative and non-dilutive forms of financing
  - how to get financing: terms & conditions
  - government support and grant programs
  - concerns regarding government grant / forgivable loan programs
- Appropriate tax structuring and record keeping
- Intellectual property issues:
  - is there a patentable invention?
  - when should the business prosecute patents?
  - whether the business should pay for a “freedom to operate” opinion(s)?
- Exit strategies
- Due diligence
- Audits and governance issues
- Capital structure

10:30–  
10:45AM

### Networking Break

10:45–  
11:30AM

### Technical and Legal Perspectives on IT Security Issues

#### Speakers:

Mike Bentley, *Director AMERICAS Security Delivery Management, Hewlett-Packard Enterprise Services*  
Richard Owens, *Stikeman Elliott LLP*

- Types of security: physical, logical, forensic
- Security technologies and tools: encryption, identity management and more
- Security policies: whose policies to use and how should they be used?
- The role and implications of industry and privacy standards/requirements
- Coping with changing threats and technologies
- Using security covenants to diminish commercial risks
- Evolving statutory and common law security obligations
- Standards of care and levels of liability

11:30AM–  
12:15PM

### IT Governance Duties: From Compliance To Procurement Transactions

#### Speaker:

Duncan C. Card, *Bennett Jones LLP*

- Legal and business requirements of IT management: governance obligations and effective risk management
- Procurement risk management best practices
- A survey of a CIO's IT management and governance duties
- Client IT business decision limitations that lawyers need to know
- The ten most important business and legal terms for effective IT transaction governance

12:15–  
1:15PM

### Networking Luncheon

**1:15–  
2:00PM**

## **Technology Trends: The Impact of Digital Culture on Business and Law**

### **Moderator:**

Jacob Glick, *Canada Policy Counsel, Google Inc.*

### **Panelists:**

Mathew Ingram, *Senior Writer, Gigaom*

Steven Woods, *Engineering Director, Google Canada*

This session will look at different models of content delivery and consumption in the digital age including the convergence of various technologies into mobile platforms. The panelists will discuss current technology such as mobile geo-targetting; netbooks, web applications and more. They will also discuss the coming trends in technology currently in the works. Issues to be discussed include:

- How is content delivery changing?
- The impact of social media and social networks
- The implications of a digital culture for traditional business models
- How will IT law need to change in order to keep up with the technological change?

- Patentable subject matter: business methods & professional skills
- Review of the major Canadian and US case law
- The different treatment of business method patents in Canada and the US
- Litigation and prosecution strategies
- Future trends and outlook

**3:45–  
4:30PM**

## **Understanding the Benefits and Pitfalls of Open Source Software**

### **Speakers:**

Eric Boehm, *Torys LLP*

Peter K. Wang, *IP Counsel, IBM Canada Limited*

- Identifying and understanding the different types of open source software
- Using and integrating open source in proprietary software
- Open source software from the perspective of the:
  - developer
  - customer
  - licensee
  - acquirer
- Working with and using various creative commons licenses
- Recent case law on open source software
- Distinguishing open source from freeware and shareware

**2:00–  
2:45PM**

## **Digital Media Licensing Issues**

### **Speakers:**

Susan Abramovitch, *Gowling Lafleur Henderson LLP*

Richard Pfohl, *General Counsel,*

*Canadian Recording Industry Association*

- Methods of licensing digital media
- How to secure the license
- Licensing best practice guidelines for various on-line uses:
  - digital downloads
  - streaming on demand
  - webcast
  - simulcast
  - web applications
  - on-line music services and other e-commerce sites
  - videogames and interactive uses

**4:30PM**

## **Conference Adjourns to Day 2**

---

## **DAY 2**

---

**9:00–  
10:15AM**

## **Panel: Hot Topics in Privacy Law 2010**

### **Moderator:**

Mark Hayes, *Hayes e-Law LLP*

### **Speakers:**

David Fraser, *McInnes Cooper*

George Takach, *McCarthy Tétrault LLP*

Jim Vibert, *Senior Counsel, Hewlett-Packard (Canada)*

- Privacy and the use of social media in business for promotion and advertising
- Web 2.0 and employer-employee relationships
- Geospatial privacy issues:
  - location data and location-based services
- Lawful access and the role of the ISP

**2:45–  
3:00PM**

## **Networking Break**

**3:00–  
3:45PM**

## **Business Method Patents: Recent Developments and Future Trends**

### **Speakers:**

Emir Aly Crowne-Mohammed, *Assistant Professor,*

*University of Windsor, Faculty of Law*

Robert H. Wilkes, *Ridout & Maybee LLP*

**10:15–  
10:30AM**

## **Networking Break**

**10:30–  
11:45AM**

## **Data Breach Scenarios Planning: An Interactive Panel Session**

### **Moderator:**

Richard Austin, *Barrister & Solicitor*

### **Panelists:**

Cindy Boyd, *Solicitor, Legal Department,  
The Regional Municipality of Durham*  
Mike Van Soelen, *President, Playbook Communications*

This session focuses on the advice for clients in the event of a major data breach. It is interactive and program delegates will participate by developing the strategies to respond to major data breach scenarios. Key issues to be highlighted include:

- Anticipating the breach: developing a crisis management plan
- Obligations to notify regulators, customers and the customers' customers
- The effect of multiple jurisdictions
- Liabilities for the breach

**11:45AM–  
12:30PM**

## **Legislative Roundup**

### **Speaker:**

Dr. Teresa Scassa, *Canada Research Chair in Information Law,  
University of Ottawa, Faculty of Law*

- Anti-spam legislation
- New anti-child pornography measures
- The "lawful access" Bills
- Amendments to PIPEDA
- New Copyright Reform Bill

**12:30–  
1:30PM**

## **Networking Luncheon**

**1:30–  
2:15PM**

## **Strategic Records Management**

### **Speaker:**

Robert J.C. Deane, *Borden Ladner Gervais LLP*

- Sources of document retention and destruction obligations:
  - what are your responsibilities?
  - application to electronically stored information ("ESI")
- The challenges presented by new media
- Common records management pitfalls
- Planning for litigation: Sedona Canada principles and beyond

**2:15–  
3:00PM**

## **Advertising and Marketing Law for Online Businesses**

### **Speakers:**

Arlan Gates, *Baker & McKenzie LLP*

Marc Shewchun, *Vice President and General Counsel,  
Points International Ltd.*

- Avoiding false or misleading representations online
- Substantiating and qualifying advertising claims
- Price and credit, "green" marketing, regulated products and services
- Testimonials, viral marketing and referral sales
- Developing legally compliant online contests and promotions
- Cross-border/international considerations

**3:00–  
3:45PM**

## **Climate Change for Technology Lawyers**

### **Speaker:**

Richard Corley, *Blake, Cassels & Graydon LLP*

- The role of IT in reducing green house gas (GHG) emissions
- Outsourcing to reduce GHG emissions
- GHG reduction provisions in commercial agreements
- Measuring and reducing GHG emissions from IT operations
- Renewable energy feed in tariffs under the *Green Energy Act*
- GHG regulation: taxes, budgets, cap and trade

**3:45PM**

## **Closing Remarks**

**4:00PM**

## **Conference Ends**

L'Association canadienne du droit  
des technologies de l'information



Canadian IT Law Association



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

# Registration Form

## Please register me for the 10<sup>th</sup> Annual IT Law Spring Training Program

**Group Discount: register two to four people from the same firm at the same time and save 20%.  
For 5 or more, call the LSUC for details.**

### SELECT YOUR PROGRAM LOCATION BELOW

	Live in Toronto	Live Webcast
<b>Early Bird Special</b> (before April 29, 2010)	<input type="checkbox"/> \$945.00 + \$47.25 GST = <b>\$992.25</b>	<input type="checkbox"/> \$895 + \$44.75 GST = <b>\$939.75</b>
<b>Regular Fee</b> (after April 29, 2010)	<input type="checkbox"/> \$1045 + \$52.25 GST = <b>\$1097.25</b>	<input type="checkbox"/> \$995 + \$49.75 GST = <b>\$1044.75</b>
<b>IT.Can Member Fee*</b>	<input type="checkbox"/> \$945.00 + \$47.25 GST = <b>\$992.25</b>	<input type="checkbox"/> \$895 + \$44.75 GST = <b>\$939.75</b>

All prices include hard copy and PDF materials.

\*IT.Can Members must register by contacting  
CLE Registrations  
Tel: 416-947-3315  
Toll-free: 1-800-668-7380, ext. 3315

### LIVE WEBCAST REGISTRATION

Live Webcast registration must be received by **2 business days prior to the date of the program**. Hard copy binders will be shipped immediately after the program. Online access to PDF materials will be available prior to the program.

I enclose my: (You are not registered until payment is received.)

Cheque payable to The Law Society of Upper Canada \$ \_\_\_\_\_ or

Charge my credit card:  MasterCard  Visa  AmEx

Credit Card # \_\_\_\_\_ Expiration Date \_\_\_\_\_

First & Last Name on Credit Card \_\_\_\_\_

Signature \_\_\_\_\_

Name of Attendee \_\_\_\_\_

LSUC Membership # (if applicable) \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Tel. # \_\_\_\_\_ Fax # \_\_\_\_\_

E-mail address (Required for webcast registration) \_\_\_\_\_

## HOW TO REGISTER

\* Credit card required ONLINE: <http://ecom.lsuc.on.ca/cle> \*

FAX: 416-947-9070 \*

MAIL: The Law Society of Upper Canada 130 Queen St. W. 2nd Floor, Toronto, Ontario M5H 2N6

FOR GROUP REGISTRATION, please call 416-947-3315 or 1-800-668-7380 Ext. 3315

We reserve the right to change program content, speakers and locations without notice. Registration fee less \$50.00 plus GST for a full day and \$25.00 plus GST for a part day is refundable if cancellation is received five working days before the program. Transfers (e.g. from live attendance to webcast) will not be accepted within two days of program date. CLE Bursary application forms can be found on our website at: [http://ecom.lsuc.on.ca/pdf/cle\\_bursary.pdf](http://ecom.lsuc.on.ca/pdf/cle_bursary.pdf)

l'Association canadienne du droit  
des technologies de l'information



Canadian IT Law Association



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

# The 10<sup>th</sup> Annual IT Law Spring Training Program

**Thursday, May 27–Friday, May 28, 2010**

**Donald Lamont Learning Centre,  
The Law Society of Upper Canada,  
130 Queen Street West, Toronto, Ontario**

l'Association canadienne du droit  
des technologies de l'information



Canadian IT Law Association

c/o The Law Society of Upper Canada  
130 Queen Street West, 2nd Floor  
Toronto, ON M5H 2N6