

2019 CAN-TECH LAW Annual Conference

October 28–29, 2019

Vantage Venues

150 King Street West, 27th Floor
Toronto, Ontario M5H 1J9

ASSOCIATION CANADIENNE DU DROIT DE LA TECHNOLOGIE

CAN•TECH

CANADIAN TECHNOLOGY LAW ASSOCIATION

Technology is rapidly evolving ... and so are the mounting legal issues you need to master

CAN-TECH Law's Annual Conference is the leading source technology lawyers depend on for the most recent and significant developments in Canadian and international technology law. Join us to meet experts and creative thinkers, engage in thought provoking discussions and discover creative solutions to today's legal challenges in technology law. Plus, networking events will give you the chance to connect with leading practitioners, peers and government officials.

Get the answers you need on the hottest technology law topics including:

- Clarifying developing social, business, regulatory and ethical issues in AI
- Managing global privacy risks & compliance issues: GDPR & cyber-threats
- Building dynamic inclusive cultures: women in tech
- Preparing for the disruption and risks related to open banking

You will also benefit from participating in small roundtable discussions where you can delve deeper into these topics with experienced practitioners and your colleagues. **Register now** to expand your expertise and your continued success!

Who should attend

Counsel practicing in the Corporate Commercial and Technology field, in-house Counsel, IT License & Contract Managers, Directors of Operation, Sourcing and Procurement Professionals, CIO's/CTO's/CPO's/COO's/CEO's.

Accreditation Information

Alberta: Consider including this course as a learning activity in your mandatory annual CPD Plan.

Ontario: This program contains 2 hours and 30 minutes of Professionalism Content.

This program contains 1 hour of EDI Professionalism Content.

New Brunswick: This program is approved for 11 CPD hours.

Nova Scotia: Consider including this course as a learning activity in your mandatory annual CPD Plan.

Saskatchewan: This program is approved for a maximum total of 13 CPD hours including a maximum of 3 ethics hours.

Check back soon for more accreditation updates.

8:00 am

Registration and Breakfast

Lanyards sponsored by Blaney McMurtry LLP
Breakfast sponsored by Bereskin & Parr LLP
Registration sponsored by Blake, Cassels & Graydon LLP
Scholars Program sponsored by Osler, Hoskin & Harcourt LLP

9:00 am

Opening Remarks from the Co-Chairs

Wendy Gross, Partner, Osler, Hoskin & Harcourt LLP
Sebastien Lapointe, Attorney and Trademark Agent,
Holmsted & Associés LLP

9:15 am

The Artificial Intelligence World: Emerging Issues

Rapid developments in artificial intelligence applications - ranging from Chatbots to employment applications to expert systems – are raising critical social, business, regulatory and ethical issues. How do we program self-driving cars to make ethical life-and-death decisions? Can we eliminate racial, gender or other bias in hiring systems? Do accused persons denied bail have the right to understand the AI algorithms behind the decisions? Join our experts to discuss these questions and gain important insights on:

- Regulatory and ethical frameworks for the use of AI
- What are the legal and ethical limits on the use of data collected by AI applications?
- Intellectual property: what is the work product, who owns it and what do they have to reveal?

Moderator: Lisa Lifshitz, Partner, Torkin Manes LLP
Richard Austin, Partner, Deeth Williams Wall LLP
Carole Piovesan, Partner & Co-founder, INQ Data Law
Edward T. Fan, Partner, TORYS LLP

10:45 am

Networking Break

Sponsored by McMillan LLP

11:00 am

Interactive Roundtable Discussions

1. Drafting in the AI World

AI technologies and their implementation are not static: they transform, with new, often unforeseen applications and results occurring over time. But these emerging AI technologies require contract drafting that responds to new or changed circumstances, in effect anticipating the unanticipated.

Building on the plenary, *The Artificial Intelligence World: Emerging Issues*, this session will prepare you to meet the drafting challenges that arise in the context of AI – including drafting appropriate data, ownership and liability provisions.

Ted Liu, Partner, Osler, Hoskin & Harcourt LLP
Wesley R. Ng, Partner, Stikeman Elliott LLP
Michael Scherman, McCarthy Tétrault LLP

2. Effectively Handling AI Legal and Ethical Issues

Once hypothetical discussions about robotic laws or cyborg ethics have now emerged into the mainstream, and societies are trying to come to grips with the ethical challenges of artificial intelligence tools and technologies. Individual companies are developing their own AI codes of conduct and, in the first six months of 2019, at least five major AI ethical frameworks were publicly released.

Building on the plenary, *The Artificial Intelligence World: Emerging Issues*, this roundtable will provide you with the know-how to address specific ethical issues and to implement solutions associated with AI systems including facial recognition technologies, self-driving cars and hiring, healthcare and sentencing systems.

Catherine Lovrics, Partner, Bereskin & Parr LLP
J. Fraser Mann, Partner, Mann Symons LLP
Morgan McDonald, Partner, McMillan LLP

3. Hot Topics for In-House Counsel

This session contains 1 hour of Professionalism Content (Ontario)

Innovation projects, data governance and privacy and license compliance are taking up increasing space on in-house counsels' desks. You not only negotiate the deal, but also deploy and monitor compliance with technologies that are constantly changing and in a legal landscape that is becoming increasingly complex.

Gain strategies for spotting issues and protecting your organizations while also managing legal budgets and external counsel fees. Important topics we will cover include: open source licensing, managing software audits, data governance, and data commons.

Elisabeth Demone, Vice President, Chief Legal Officer
& Secretary, Symcor Inc.
Lori Kay, Assistant General Counsel, Bell Canada
Faeron Trehearne, Chief Legal Officer and Corporate Secretary,
Moneris Solutions.
Aliya Ramji, Partner, McCarthy Tétrault LLP

12:30–2:00 pm

Luncheon & Panel Discussion The Microsoft Women in Tech Luncheon

Co-sponsored by Microsoft Canada Inc. and
Deeth Williams Wall LLP

This session contains 1 hour of EDI Professionalism Content (Ontario)

Leaders in Tech: Building Dynamic Inclusive Cultures

Diversity brings strength to the workplace – but it can also present new and unfamiliar situations. Technology is an area where historically underrepresented groups are struggling to find a place at the table. The Women in Technology law group invites you to join in a frank discourse on what it takes to drive meaningful change in technology organizations and our responsibilities as the lawyers that serve them.

What can you do to drive towards inclusion? Join industry thought leaders and executives in an insightful discussion on generating impactful change and results to increase equity, diversity and inclusion. Their stories and perspectives will help shape your own vision for advancing a vibrant inclusive culture in your organization and your clients' businesses.

Building technology for everyone, takes everyone.

Moderators:

Kristin Ali, Osler, Hoskin & Harcourt LLP
Jennifer Davidson, Deeth Williams Wall LLP

Speakers:

Sue Cheung, Microsoft Cloud Infrastructure and Operations
Carolina Gallo, ABB Canada
Hemant Pathak, Associate General Counsel, Microsoft

2:15 pm Interactive Roundtable Discussions

Please see descriptions from the morning roundtable sessions for 1 and 2.

1. Drafting in the AI World
2. AI Legal and Ethical Issues
4. Professional Responsibility in the Digital Age

This session contains 1 hour and 30 minutes of Professionalism Content (Ontario)

New technologies, digital platforms, artificial intelligence systems and cloud storage are quickly shifting the professional and ethical obligations of lawyers when they are interacting in the digital world. Make sure you are up to speed on your expanding responsibilities including:

- Ethical issues using artificial intelligence tools and systems
- Maintaining security on the cloud
- Contractual terms: effectively addressing cybersecurity, privacy and client confidentiality
- Data analytics and marketing of services: what is permitted?
- Confidentiality obligations of lawyers when crossing borders with privileged data on mobile devices
- Using the newest technologies safely

Moderator: Donald B. Johnston, Partner, Aird & Berlis LLP
James Kosa, Partner, WeirFoulds LLP
Amy-Lynne Williams, Partner, Deeth Williams Wall LLP

3:45 pm Networking Break

Sponsored by CAN-TECH

4:00 pm Intellectual Property Update for Technology Law Practitioners

Make sure you are up to date on all things IP to ensure you are providing optimal service to your company or your clients. Find out the latest legal developments and the implications for your practice.

Patent

- A brief update on the new Canadian Patent Rules
- Patent eligibility for computer-implemented inventions and the current state of software patent practice at the USPTO and CIPO
- Practical patent drafting and prosecution strategy for avoiding and/or responding to statutory subject matter related rejections

Copyright

- Technology protection measures
- Statutory damages for copyright infringement
- Authorship in the age of AI
- Scope of protection for databases and data

Industrial Design

- Implementation of the Hague Treaty
- Protection of user interfaces - when do industrial designs make sense?

Trademark

- Implementation of Madrid and other treaties
- Other legislative changes (further to C-31, etc.)
- Availability of global injunctive relief
- Protection afforded word marks
- Initial interest confusion in context of keyword advertising
- Domains and domain names developments

Moderator: Barry B. Sookman, Partner, McCarthy Tétrault LLP

Copyright: Barry Fong, Partner, Osler, Hoskin & Harcourt LLP

Patent and Industrial Designs: Michael Van Eesbeek,

Patent Counsel, TD Bank Group

Trademarks: Sebastien Lapointe, Holmsted & Associés LLP

5:30 pm Closing Remarks from the Co-Chairs

5:30 pm Cocktail Reception

Sponsored by Torkin Manes LLP

6:45 pm Ticketed Dinner

7:45 am
Breakfast

8:30 am
CAN-TECH AGM

President: James Kosa, Partner, WeirFoulds LLP

8:50 am
Opening Remarks from the Co-Chairs

Wendy Gross, Partner, Osler, Hoskin & Harcourt LLP
Sebastien Lapointe, Attorney & Trademark Agent,
Holmsted & Associés LLP

9:00 am
GDPR, Cyber Threats and More: Managing Risk and Compliance in a Borderless World

Today's global privacy laws are undergoing significant shifts, including the implementation of the new GDPR framework in the EU, and the continued evolution of cyber threats. Ensure you have a thorough understanding of the latest changes and risks so you can effectively advise your company or your clients on cross-border business and data transfers. Gain insights from our experts on:

- Recent developments in data privacy regulation and data security risk mitigation
- Proactive risk mitigation and compliance strategies
- Handling GDPR complaints
- Preparing for and responding to data breaches and ransomware attacks
- Managing trans-border dataflow

Moderator: David Fraser, Partner, McInnes Cooper
John Cassell, Norton Rose Fulbright Canada LLP
Vanessa Henri, Fasken Martineau DuMoulin LLP
Elisa Henry, Partner, Borden Ladner Gervais LLP

10:30 am
Networking Break

Sponsored by Gowling WLG

10:45 am
Interactive Roundtable Discussions

5. Operationalizing Emerging International Data Privacy Trends: A Canadian Perspective

With the adoption of the EU's General Data Protection Regulation (GDPR) and other new data protection and privacy laws across the globe, it can be challenging for Canadian organizations to navigate through and operationalize global requirements in a coherent and consistent manner. Engage in an in-depth discussion on how Canadian organizations should be approaching emerging standards and

laws when it comes to the GDPR, the California Consumer Privacy Act (CCPA) and other data protection and privacy laws and what are the steps and strategies you can take to ensure compliance and avoid pitfalls, including:

- Data mapping
- Operationalizing consent requirements
- Governance and accountability compliance
- Addressing the rights of data subjects
- Managing data flows between EU, the US and Canada and other international locations
- Coordinating notification in the context cross-border breaches
- Managing overlapping data privacy requirements across multiple jurisdictions

Imran Ahmad, Partner, Blake, Cassels & Graydon LLP
Mark Hayes, Hayes eLaw LLP

6. Using and Managing Data to Maximize Your Clients' Business

Data is an increasingly valuable tool that organizations are using to manage their businesses and drive new business opportunities. Explore the myriad of issues that may arise in the use and commercialization of data by enterprises, including:

- Data governance
- (Big) data ethics
- Regulatory considerations
- IP ownership issues
- Managing data issues in M&A transactions

David Elder, Counsel, Stikeman Elliot LLP
Julie Himo, Partner, Norton Rose Fulbright Canada LLP
Pamela Snively, Chief Data & Trust Officer,
TELUS Communications

7. The New Cloud: Emerging Cloud Solutions and Risk

Swiftly developing technology, including artificial intelligence and other advanced data analytics tools, have resulted in innovative cloud solutions that are now available in the marketplace, which can add value to organizations in ways that were not possible with traditional cloud offerings. At the same time, the legal terms governing these new cloud solutions are often challenging for customers to easily accept. Join us to explore these new cloud solutions and to discuss how customers can assess and mitigate risk.

Moderator: David Feldman, Partner, Blake, Cassels & Graydon LLP

Nadine Letson, Assistant General Counsel, Microsoft Canada
Erin McNicol, Assistant Vice-President, Legal, Investors Group
Hartaj Nijjar, Partner, KPMG (Canada)

8. Updating Your Contracts for Collaboration and Partnerships

As new technologies continue to evolve at an increasingly rapid pace, new and innovative business models are also entering the market. The more traditional customer-vendor relationship is evolving towards more collaborative relationships creating a need for new types of agreements that reflect the changing nature of the relationship and allocate risk more appropriately. Traditional customer-vendor agreements will no longer meet your clients' needs.

Gain insights from our expert panel on some of the key terms in collaboration agreements and how these relationships require a different approach, including issues relating to intellectual property rights, access to and use of data, data security, termination and wind-down and risk allocation.

Blair Wiley, General Counsel, Wealthsimple
Deborah Reine, Assistant General Counsel,
Royal Bank of Canada
Parna Sabet-Stephenson, Partner, Gowling WLG

12:15 pm

Luncheon & Guest Speaker

Sponsored by WeirFoulds LLP

Agile 2.0, the rapid adoption of rapid development in large enterprises

Guest speaker: Camas Winsor, COO of Rangle.io

2:00 pm

Interactive Roundtable Discussions

Please see descriptions from the morning roundtable sessions.

5. Operationalizing Emerging International Data Privacy Trends: A Canadian Perspective
6. Using and Managing Data to Maximize Your Clients' Business
7. The New Cloud: Emerging Cloud Solutions and Risk
8. Updating Your Contracts for Collaboration and Partnerships

3:30 pm

Networking Break

Sponsored by CAN-TECH

3:45 pm

Open Banking: Preparing for Potential Disruption, Privacy and Security Risks

Open banking is a framework where consumers and businesses can authorize third party financial service providers to access their financial transaction data, using secure online channels. Already a mandated reality in UK and the EU, it is currently being studied by the Canadian federal government.

In launching its review, the federal government stated: "Canadians deserve a financial sector that is globally competitive and promotes consumer choice, while also delivering financial stability and economic growth. They must also have confidence that it operates with the highest regard for privacy and security." Open banking has the potential to fundamentally disrupt the financial services industry in Canada, including the legal, risk management and regulatory framework in which we operate. Find out the state of the market as it relates to fintech, open banking and the key implications of open banking you need to understand to properly advise your clients, including:

- Open banking in Canada and around the world
- Regulating open banking: financial institutions vs. new fintech entrants
- Challenges to Canada's privacy framework: can PIPEDA and open banking coexist?
- Data governance, data security and accountability in an open banking world
- Consumer protection issues in open banking

Moderator: Wendy Gross, Partner, Osler, Hoskin & Harcourt LLP

Elizabeth Fanjoy, Vice President and Associate
General Counsel, CIBC

Alina Silvestrovici Paun, Senior Legal Counsel, Payments,
TD Bank Group

5:15 pm

Conference Ends

ASSOCIATION CANADIENNE DU DROIT DE LA TECHNOLOGIE



CANADIAN TECHNOLOGY LAW ASSOCIATION

Registration Information

How to Register:

No faxed registrations please.

By credit card: use our secure, online registration form at <http://bit.ly/cantechlaw2019>

By cheque: mail the original, fully completed registration form and payment to CAN-TECH Law, 4100-66 Wellington Street West, TD Bank Tower, Toronto, ON, M5K 1B7. An email address is required in order to receive a confirmation. Payment MUST accompany registration.

Payment: Payment can be made by cheque, Visa or MasterCard ONLY. Please make cheque payable to Canadian Technology Law Association.

Queries: contact@cantechlaw.ca.

Registration: All fees include breakfasts, networking breaks, lunches and access to conference materials. **A current email address is required in order to receive your confirmation.**

Hotel Reservations: A *limited* number of rooms are being held at Sheraton Centre Toronto Hotel, 123 Queen St. W., Toronto, ON M5H 2M9 for Oct. 27-28. The rate is \$198.00 plus applicable taxes and includes complimentary internet connection. Please call **1 888 627 7175** and reference the **Canadian Technology Law Association** by **September 26, 2019**.

Cancellations: Refunds for conference fees will be made if requested by email, received **PRIOR TO September 27, 2019**. Substitutions will be permitted after this date. There will be **NO** exceptions. A processing fee of \$100 (+ \$13 HST) will be charged for refunds. The email address is contact@cantechlaw.ca

CAN-TECH Law is pleased to thank the following sponsors:

Bereskin & Parr LLP • Blake, Cassels & Graydon LLP

Blaney McMurtry LLP • Deeth Williams Wall LLP

Gowling WLG • McMillan LLP • Microsoft Canada Inc.

Osler, Hoskin & Harcourt LLP • Torkin Manes LLP • WeirFoulds LLP

Roundtable Schedule

Monday, October 28, 2019 (11:00 am)

1. Drafting in the AI World
2. Effectively Handling AI Legal and Ethical Issues
3. Hot Topics for In-House Counsel

Monday, October 28, 2019 (2:15 pm)

1. Drafting in the AI World
2. Effectively Handling AI Legal and Ethical Issues
4. Professional Responsibility in the Digital Age

Tuesday, October 29, 2019 (10:45 am)

5. Operationalizing Emerging International Data Privacy Trends: A Canadian Perspective
6. Using and Managing Data to Maximize Your Clients' Business
7. The New Cloud: Emerging Cloud Solutions and Risk
8. Updating Your Contracts for Collaboration and Partnerships

Tuesday, October 29, 2019 (2:00 pm)

5. Operationalizing Emerging International Data Privacy Trends: A Canadian Perspective
6. Using and Managing Data to Maximize Your Clients' Business
7. The New Cloud: Emerging Cloud Solutions and Risk
8. Updating Your Contracts for Collaboration and Partnerships

SEATING IS LIMITED SO REGISTER EARLY

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Online registration by credit card: Via our secure site at <http://bit.ly/cantechlaw2019>

Registration by mail: Please complete all boxes on form and forward with payment by cheque or credit card to CAN-TECH Law, 4100–66 Wellington Street West, TD Bank Tower, Toronto, ON, M5K 1B7.

No faxed registrations please. Payment must accompany registration.

Name _____ Title _____

Firm/Company _____ Street _____

Suite _____ City _____ Prov _____ Postal Code _____

Telephone _____ E-mail _____

FEES	Early Bird Fee until September 27, 2019	After September 27, 2019
CAN-TECH Law Member	\$1425 (plus \$185.25 tax) \$1610.25 <input type="checkbox"/>	\$1625 (plus \$211.25 tax) \$1836.25 <input type="checkbox"/>
Non-CAN-TECH Law Member	\$1625 (plus \$211.25 tax) \$1836.25 <input type="checkbox"/>	\$1825 (plus \$237.25 tax) \$2062.25 <input type="checkbox"/>
Academic/In-House Counsel/ Government/Non-Lawyer	\$875 (plus \$113.75 tax) \$988.75 <input type="checkbox"/>	\$1075 (plus \$139.75 tax) \$1214.75 <input type="checkbox"/>
Student	\$200 (plus \$26.00 tax) \$226.00 <input type="checkbox"/>	\$200 (plus \$26.00 tax) \$226.00 <input type="checkbox"/>

OPTIONAL DINNER

If you wish to attend the dinner on Monday, October 28, please check this box and add \$90.00 (plus \$11.70 tax) per person (includes gratuity) to your registration fee. Spouses/partners are welcome. Seating is limited.

No. of persons _____ × (\$90.00 + \$11.70 tax = **\$101.70**)

TOTAL ENCLOSED:

HST registration #: 886487677rt

PAYMENT

For credit card payment, please register via our secure online registration page at www.cantechlaw.ca. Alternatively you can fill in the information below and pay by mail.

Cheque or

Please charge my Visa MasterCard Card Number _____

Expiry Date _____ Signature _____

Name of credit card holder (if different from registrant) _____

Address of credit card holder: Street _____ City _____ Postal Code _____

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About CAN-TECH Law

The Canadian Technology Law Association/l'Association canadienne du droit de la technologie (CAN-TECH Law) is an association which brings together Canadian and international technology law practitioners in the field of technology law. We are a national forum seeking to foster the discussion of specifically Canadian legal developments in this increasingly innovative and topical field, a goal which has been greeted with an enthusiastic response from the technology law community.

CAN-TECH Law Membership

If you are interested in becoming a member of CAN-TECH Law, please visit our website at www.cantechlaw.ca for full details including the membership form.

Conference Organization

CAN-TECH Law would like to thank the following members of the Planning Committee:

Chairs:

Wendy Gross, Partner, Osler, Hoskin & Harcourt LLP
Sebastien Lapointe, Attorney and Trademark Agent, Holmested & Associés LLP

Committee:

Richard Austin, Partner, Deeth Williams Wall LLP
Nancy Cleman, Partner, Lapointe Rosenstein Marchand Melançon LLP
Jennifer Davidson, Deeth Williams Wall LLP
David Feldman, Partner, Blake, Cassels & Graydon LLP
Jennifer Davidson, Deeth Williams Wall LLP
James Kosa, Partner, WeirFoulds LLP
Myron Mallia-Dare, Torkin Manes LLP
Maya Medeiros, Partner, Norton Rose Fulbright Canada LLP
Robert L. Percival, Partner, Norton Rose Fulbright Canada LLP
Katy M. Pitch, Partner, Wildeboer Dellelce LLP
Michael Scherman, McCarthy Tétrault LLP
Lisa Danay Wallace, WeirFoulds LLP

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