

Osgoode Hall Law School

Legal Values: Litigating Intellectual Property Cases

Wednesdays, 10:30 a.m. – 12:20 p.m.(anticipated)

(Additional or different time may be required towards end of Term to accommodate mootings or any special lectures)

Professors: Hon. Roger T. Hughes & David Vaver

**Seminar Objectives:**

Prerequisite or Co-requisite: an intellectual property law course or seminar.

Recommended: Evidence, Civil Procedure

2 hours per week – 3 credits

The seminar surveys the process of intellectual property litigation in Canada to enable students to acquire and apply practical skills and judgment in enforcing and maximizing the intellectual property ("IP") rights from the perspective of both IP holders and users. The focus is the Federal Court, where most such cases are litigated.

Students will be exposed to all stages of a case from the perspective of the party suing and the party being sued: advising the client; preparing pleadings, briefing witnesses, and discovery; considering alternative resolution of the dispute through settlement or mediation; drafting written arguments; judgment writing. Subjects such as expert evidence, bifurcation, and remedies are considered in light of the Federal Court Rules and their purpose, policy, and practice.

The seminar culminates in preparing for and participating in a moot.

Students are also expected to:

- consider how access to justice is promoted by the litigation process;
- consider what may be done further to promote such access;

write a short memorandum summarizing their views.