

TDS, WTC, EDW AND CENTREPORT PRESENT

Manitoba, Canada – Gateway to Business in North America

Discover the value of doing business in Manitoba, learn the unique advantages of relocating or expanding here and utilize resources & supports available to newcomers and business owners.



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Intellectual Property

Presented by
Silvia de Sousa of TDS Law
October 28, 2021



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SILVIA DE SOUSA | LAWYER

Silvia de Sousa is an accomplished partner at TDS with over 27 years of leadership in the IP and tech space. The focus of her work is in the area of business law with an emphasis on intellectual property law and technology law, including intellectual property transactions, cannabis advertising and marketing, intellectual property protection, trademarks, copyrights, patents, and licensing matters. Silvia is also a trademark agent.



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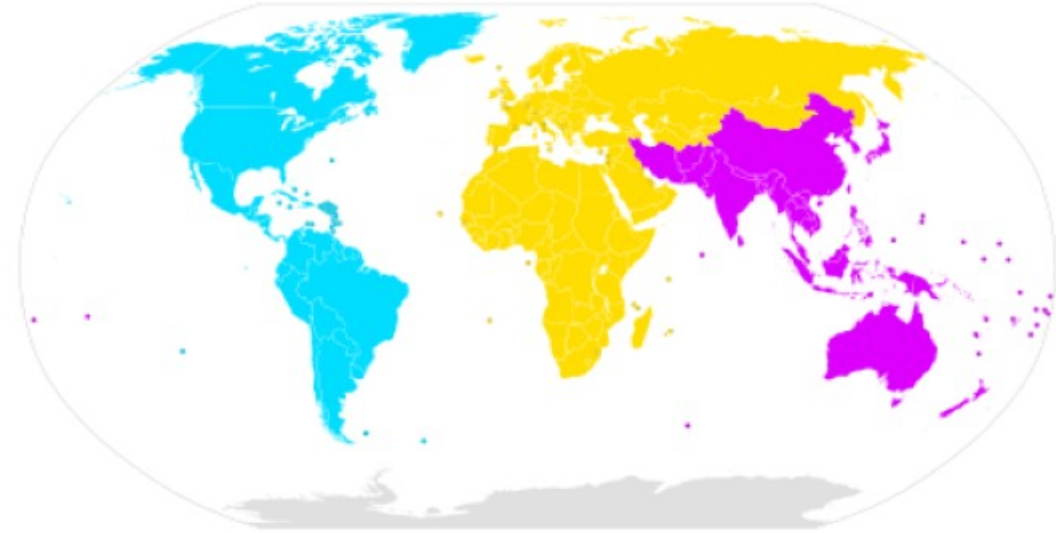


Winnipeg



Overview

- Types of IP
- IP Protection
- IP Ownership
- IP Audits



Types of IP

- Patents
- Trade Secrets
- Copyright
- Trademarks
- Industrial Design
- Domain Names
- Social Media Handles
- Business Names



COPYRIGHT



IP Protection

- Consider if you need to file in foreign countries.
- The rights conferred by most types of IP extend only on a national basis.
- Choose your strong markets and get protection.
- Costs vary from country to country.
- Consider registering in countries that have weak IP laws.

IP Ownership

- **Canadian Myth:** the employer is automatically the owner of all the intellectual property created by its employees.
- **Canadian Myth:** the customer is automatically the owner of all the intellectual property created by its independent contractors.



IP Ownership

- To avoid the necessity of making legal arguments on whether the invention/work/IP is owned by you and is not disclosed get:
 - an Employment Agreement or Services Agreement;
 - an NDA; and
 - written policies on IP ownership and protection of confidential information.

IP Audits

- IP Audits help determine where the problem areas are while you are doing business inside and outside Canada.
- A thorough IP Audit should:
 1. identify, catalogue and evaluate the IP
 2. review ownership issues and agreements
 3. identify encumbrances, claims and litigation





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DELL DYCK | LAWYER

Kendall (Dell) Dyck is a rising star of the TDS Privacy and Data Protection Practice Group, advising clients from both the for profit and not-for-profit sectors with respect to access to information requests, anti-spam compliance, and privacy and data protection matters. In addition, Dell has experience in Wills and Estate Planning and Administration, and Aboriginal law.



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Current Privacy Laws in Canada

- *Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5 (PIPEDA)*
- *Alberta's Personal Information Protection Act, S.A. 2003, c. P-6.5 (PIPA)*
- *B.C.'s Personal Information Protection Act, S.B.C. 2003, c. 63 (PIPA)*
- *Quebec's Act respecting the protection o personal information in the private sector, CQLR, c. P-39.1*

PIPEDA-FIVE KEY POINTS

- PIPEDA applies even if your business isn't in Canada
- PIPEDA applies to the collection, use, and/or disclosure of personal information during a commercial transaction
 - What is personal information?
 - What is a commercial transaction?
- PIPEDA requires meaningful consent-understanding the nature, purpose, and potential consequences
- Organizations cannot and should not retain personal information longer than absolutely necessary
- Security breach impose specific obligations depending on the circumstances



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Immigration and Employment Considerations

Presented by
Jen McRae of TDS Law
October 28, 2021



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JEN MCRAE | LAWYER

With more than 15 years of experience as a lawyer with TDS, partner Jennifer McRae's practice focuses primarily on Canadian immigration law. Her immigration practice includes assisting Canadian companies and foreign nationals with a variety of immigration matters including, labour market impact assessments, work permits, immigration employer compliance audits and inspections, visitor visas, study permits, permanent resident status, and citizenship.



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Immigration Considerations

- Travelling to Canada triggers immigration considerations
- Business Visitor vs. Work Permit
- Business Visitor Purposes
 - exploratory visit
 - attend business meetings

Work Permits for Investors/Entrepreneurs

- C-11 Significant Benefit - Entrepreneurs/Self-Employed
- C-12 Intra-Company Transferees
- International Free Trade Agreements (CUSMA/CETA/CUKTCA/CPTPP) - Investors/Intra-Company Transferees
- Permanent Residence based Work Permits - Start-Up Visa Program, Manitoba Provincial Nominee Program

How to Avoid Common Immigration Issues

- Prepare in advance of travel
- Understand and comply with COVID-19 travel restrictions/requirements
- When necessary, apply in advance for business visitor visa or work permit
- Travel with business visitor or work permit document package
- Seek assistance from a Canadian immigration lawyer

Engaging Workers in Manitoba

- Employees vs. Independent Contractors
- Provincial vs. Federal Jurisdiction
- Minimum Standards
- Employment Agreements



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THANK YOU

