

INTERNET LAW

Latest Developments and Strategies



November 13 – 14, 2008
Hyatt Regency
Vancouver

The quickly evolving legal challenges of Internet activity require that you stay current. Experts will address:

- The status of Copyright Reform and trade-marks on the internet
- Privacy in an internet age – update on extraterritorial conduct and jurisdiction from the Privacy Commissioners
- Social networking – can there be privacy in a “Facebook” world?
- Developments in internet privacy and security obligations – Canada, US & Europe
- Net neutrality – the legal issues and jurisdictional consequences
- Online counterfeiting and fraud – is the current law working?
- Investigating user activity on a computer
- Spamming, abuse, intermediary liability and litigation
- Jurisdiction issues – current trends and standards
- Online reputation management
- Electronic mail – effective corporate policies and best practices
- SPAM – Canadian legal approaches to discourage unsolicited email
- Open source software – recent legal developments
- The future of file sharing – approaches to disintermediation in other industries
- Information and communication technology – a standards quality case study *and much more...*

LUNCHEON KEYNOTE ADDRESS

Law Enforcement's Efforts to Locate Internet Criminals

Inspector K.T. (Keith) Davidson
Royal Canadian Mounted Police

Marketing Partners

Media Partner

CANADIAN Lawyer

CANADIAN Lawyer
INHOUSE

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uniting the tech community

PROGRAM CO-CHAIRS

Martin P.J. Kratz
Partner
Bennett Jones LLP (Calgary, AB)

Chris Bennett
Partner
Davis LLP (Vancouver, BC)

Don't miss the pre-conference
workshops – November 12, 2008

Financing the Internet Start Up

Jason Marino
Partner
Bennett Jones LLP (Edmonton, AB)
Ronald G. Murray
Partner
Farris, Vaughan, Wills & Murphy LLP
(Vancouver, BC)

Legal Primer for On-Line Business

David Spratley
Technology and Intellectual Property Law
Davis LLP (Vancouver, BC)

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Dear Colleagues,

The law relating to the use of the Internet continues to change as the Internet and its use continue to evolve and mature, making it critical for practitioners and clients to access the most recent legal developments. This **Insight** conference brings together speakers from various specializations to share their expertise in addressing a wide range of current and timely legal issues relating to the use of the Internet and related technology. **Speakers will examine the latest developments and trends on the protection of intellectual property online meeting the expectations of businesses and consumers for the protection of personal information and dealing with breaches of security; how various forms of digital rights management have evolved and may affect a business; ensuring that online contracts are enforceable; and procuring rights to content for online use.**

This conference will also cover: an examination of jurisdictional issues in the borderless world of the Internet; some of the latest criminal developments in cyberspace; the legal issues arising from the rapid growth of social networks; the manner in which monetary value can be achieved from the online distribution of music; and the issues involved in the net neutrality debate as it has evolved on both sides of the border in North America

As co-chairs of this conference, we are confident that the program will offer a comprehensive update on evolving legal issues that mirror the evolution of the online world.

We look forward to your participation in this conference.



Martin P.J. Kratz
Partner
Bennett Jones LLP (Calgary, AB)



Chris Bennett
Partner
Davis LLP (Vancouver, BC)

WHO SHOULD ATTEND

- In-House Counsel
- **Lawyers Specializing in:**
- Intellectual Property
- Information Technology
- E-Commerce
- Privacy
- Corporate/Commercial
- Advertising
- Entertainment
- Media and Communications

Also

- Presidents, CEOs, CIOs, CPOs
- VPs, Directors and Heads of:
 - Information Technology
 - Privacy
 - Regulatory Affairs
 - Marketing and Business Development Managers

From all Companies and Government Organizations that have:

- An on-line presence
- E-Commerce
- E-Service
- Informational Websites
- ISPs
- ASPs
- Technology Companies

And:

- Media and Entertainment
- Public Advocacy Organizations
- Patent and Trademark Agents
- Consultants

Financing the Internet Start Up

WORKSHOP A | 9:00 A.M. to 12:00 NOON

Jason Marino, *Partner, Bennett Jones LLP (Edmonton, AB)*

Ronald G. Murray, *Partner, Farris, Vaughan, Wills & Murphy LLP (Vancouver, BC)*

In-depth coverage of this topic in a small group interactive format will allow for detailed coverage and individual questions. This workshop will focus on the key issues and practical challenges on:

- Legal and capital structure
 - shareholders' agreements
 - preferred shares
 - stock options
 - M&A considerations
- Sources of financing
 - friends and family
 - angels
 - venture capitalists (U.S. vs. Canadian)
- Financing strategies
- Financing trends

Jason Marino advises domestic and international clients, including public and private companies, investment dealers, private equity firms and banks, on a broad range of corporate and commercial legal matters, with an emphasis in securities, corporate finance, mergers and acquisitions, corporate reorganizations and corporate governance. He has in-depth experience in corporate structures and restructurings involving offshore entities. Jason's experience includes asset and share acquisitions and dispositions, amalgamations, takeover bids, public and private equity and debt financings, group reorganizations and general commercial transactions. Prior to joining the Edmonton office of Bennett Jones, he practised in the firm's Calgary office and in Bermuda with a leading international offshore law firm.

Ronald Murray since his call to the British Columbia Bar in 1994 has focussed his practice in the areas of corporate finance law, mergers and acquisitions and corporate governance, acting for private and public companies, trusts, limited partnerships, investment funds, portfolio managers, securities dealers and institutional investors in a number of industry sectors. Ron is past-chair of the Securities Law Subsection of the Canadian Bar Association (B.C. Branch), a past member of the Securities Law Advisory Committee (SLAC) providing advice to the British Columbia Securities Commission on legal and policy issues relating to securities regulation, and an instructor for various securities law seminars.

12:00 | 1:00 LIGHT LUNCH WILL BE SERVED FOR DELEGATES ATTENDING BOTH WORKSHOPS

Legal Primer for On-Line Business

WORKSHOP B | 1:00 P.M. to 4:00 P.M.

David Spratley, *Technology and Intellectual Property Law, Davis LLP (Vancouver, BC)*

This workshop will focus on the legal and practical challenges organizations face when in on-line business. In-depth coverage of the topic and small group interactive format will allow for individualized learning opportunities and for you to have answers to your questions. Among the issues to be considered are:

- Getting your site up and running – dealing with web developers; domain names and domain disputes
- Regulation of on-line business and e-commerce
- Privacy issues
- Website terms of use
- Protecting your business and your site – trade-marks and copyright

David Spratley is a member of Davis LLP's intellectual property, technology and video game practice groups. He advises clients on issues such as creating, protecting, enforcing and commercializing intellectual property rights, developing, distributing, licensing and supporting software, video games and other technology, and complying with federal and provincial privacy legislation.

8:00 | 9:00

Registration and Continental Breakfast

9:00 | 9:05

Welcoming Remarks from Insight

9:05 | 9:15

Co-Chair's Opening Address

Martin P.J. Kratz

Partner

Bennett Jones LLP (Calgary, AB)

9:15 | 10:15

PANEL DISCUSSION

Privacy in an Internet Age – Update on Extraterritorial Conduct and Jurisdiction from the Privacy Commissioners

Moderator:

Martin P.J. Kratz

Partner

Bennett Jones LLP (Calgary, AB)

David Loukidelis

*Information and Privacy Commissioner, British Columbia
Office of the Information and Privacy Commissioner for
British Columbia*

Frank J. Work Q.C.

*Information and Privacy Commissioner, Alberta
Office of the Information and Privacy Commissioner for Alberta*

- The problem of privacy on the Internet
- Regulatory and jurisdictional issues
- Safe computing and privacy

10:15 | 10:30

Networking Coffee Break

10:30 | 11:30

PANEL DISCUSSION

Social Networking – Can There be Privacy in a “Facebook” World?

Moderator:

Martin P.J. Kratz

Partner

Bennett Jones LLP (Calgary, AB)

Trevor Doerksen

*CEO and Founder
MoboVivo Inc.*

- End-user expectations
- Users may know that we know
- What do we know?
- What do users know?

John Lawford

Counsel

Public Interest Advocacy Centre (PIAC)

- Ensuring privacy: informed consumer consent
- Children's privacy on social network sites
- Targeted Marketing and the social network

Dr. Boris Wertz

Chief Executive Officer

Nexopia.com Inc

- What level of security is sufficient?
 - Data targeting
 - Monitoring
 - Evolving online privacy and security risks
 - Liability – who is (and should be) responsible?
 - Consumer considerations
- David Wotherspoon
Partner
Fasken, Martineau, DuMoulin LLP
- Employer liability
 - Public relations nightmares
 - Removing defamatory content
 - Dealing with IP infringement

11:30 | 12:00

Online Reputation Management

Brian T. D. Bowman

Pitblado LLP

In the age of social networking businesses need to fully appreciate the reputational risks and opportunities of the Web 2.0. Privacy, defamation and intellectual property issues are converging online like never before. As a result, it is vital that businesses are proactive in managing their online reputations.

This speaker will focus on:

- Reputation issues good and bad
- Examples of online reputation management gone badly
- Proactive steps that businesses should be implementing to protect and strengthen their online brand
- A practical discussion about the legal and business risks and opportunities of today's Internet

12:00 | 1:00

Networking Luncheon

1:00 | 1:45

Electronic Commerce – Current Legal Developments

Neil Melliship

Partner

Clark Wilson LLP

- Unilateral imposition of Unfair Terms: How bad does it have to be before the terms are no longer enforceable?
- Experience of internet consumer protection regulation – is it effective?
- E-contracts and the experience with electronic commerce legislation
- Effectiveness of click wrap and browse wrap agreements – current developments

1:45 | 2:30

Developments in Internet Privacy and Security Obligations – Canada, US & Europe

James Bond

Partner

Lang Michener LLP (Vancouver, BC)

- Managing international privacy obligations – the European Union, the United States and Canada
- Computer misuse legislation and its impact on *White Hackers* and internet security programs
- The impact of anti-terrorist legislation on internet privacy and data protection
- Future trends

2:30 | 3:15

Net Neutrality – The Legal Issues

Tom Copeland

Chair, Board of Directors

Organization: Canadian Association of Internet Providers (CAIP)

- Update on ISP ability to monitor and shape traffic
- Customer perspective
- What does it mean to consumers and businesses
- Is it time to regulate internet traffic
- What is the Canadian government's position on Net Neutrality?
- What are the global and jurisdictional consequences?

3:15 | 3:30

Networking Refreshment Break

3:30 | 4:15

Online Counterfeiting and Fraud – Is the Current Law Working?

David Wotherspoon

Partner

Fasken, Martineau, DuMoulin LLP

- What's the harm of counterfeiting?
- Online anonymity for everyone!
- Are ISPs and WHOIS policies enablers?
- What changes should they make?

4:15 | 5:00

Investigating User Activity on a Computer

Pamela Quintero

Senior Manager

KPMG Forensic

Numerous investigations and discovery requests involve electronic media (i.e. hard drives, thumb drives; CDs, DVDs, cell phones and blackberry devices. But the information on a computer hard drive really identifies a user's activity. This presentation will describe how forensic analyses can locate and interpret this data and provide information about web mail and other Internet activity. In addition how to determine if removable media has been physically attached to a computer for the purpose of moving proprietary information. The presentation will conclude with information about keystroke loggers which is software or hardware that records user's keystrokes and sends the information to a specific person to view.

- Locating and interpreting electronic data on a computer to provide information about web mail and other Internet activity
- Determining if removable media has been physically attached to a computer for the purpose of moving proprietary information
- Information about keystroke loggers (software or hardware) that records user' keystrokes and sends the information to a specific person to view

5:00

Co-Chair's Summation and Conference Adjourns for the Day

8:00 | 8:45

Continental Breakfast

8:45 | 8:50

Remarks from Insight

8:50 | 9:00

Co-Chair's Opening Address

Chris Bennett

Partner

Davis LLP (Vancouver, BC)

9:00 | 9:45

Spamming, Abuse, Intermediary Liability and Litigation

Ian C. Ballon

Shareholder

Greenberg Traurig LLP (Los Angeles and Palo Alto, California)

Executive Director, Law School Center for E-Commerce Stanford University

- ISP, blog and social network liability copyright
- DMCA and user generated content defamation
- Torts and other claims against intermediaries that are preempted by the U.S. law
- Spam, phishing and related abuse litigation
- Understanding the differences between US and Canadian law litigation strategies
- Ways to avoid U.S. litigation

9:45 | 10:30

Jurisdiction Issues – Update and Strategic Approaches

James T. Swanson

Partner

Burnett, Duckworth & Palmer LLP (Calgary, AB)

- Current trends and standards – contracts, torts, infringements of intellectual property rights
- Jurisdiction with respect to regulatory tribunals
- Disclaimers and other efforts to avoid hostile jurisdictions
- Personal jurisdiction and choice of venue
- Subject matter jurisdiction
- Territorial jurisdiction
- Intellectual Property infringements – where do they occur?
- Avoiding and minimizing liability

10:30 | 10:45

Networking Coffee Break

10:45 | 11:30

The Latest Developments on Internet Gaming

Eve C. Munro

Partner

Miller Thomson LLP (Vancouver)

- The Canadian legal framework – criminal law regulatory jurisdiction
- The lawyer's role and professional responsibility
- Survey of First Nations activities in Canada
- The Antigua-US WTO dispute on internet gambling
- Role of the intermediaries (e.g. credit card issuers)
- The *Unlawful Internet Gambling and Enforcement Act* and the iMEGA challenge – issues for the future

11:30 | 12:15

Electronic Mail – Acceptable Use Policies and Best Practices

Stephen Burns

Partner

Bennett Jones LLP (Calgary, Alberta)

- Effective corporate policies
- Investigation of policy breaches
- Best practices, document retention, technology issues
- SPAM - Canadian legal approaches to discourage unsolicited email

12:15 | 1:00

Networking Luncheon

1:00 | 1:30

KEYNOTE LUNCHEON ADDRESS

Law Enforcement's Efforts to Locate Internet Criminals

Inspector K.T. (Keith) Davidson

Royal Canadian Mounted Police

- Child pornography vs. child sexual abuse
- Exploitation methodology
- Operation "Clean Sweep"
- "Law Enforcement Requests" and ISP's
- International investigation challenges

1:30 | 2:15

Trade-marks on the Internet and the Status of Copyright Reform

Monica Sharma

Partner

*Intellectual Property and Information Technology Groups
Blake, Cassels & Graydon LLP (Calgary, AB)*

- Domain name, key word sales, web traffic misdirection
- .ca domain name dispute resolution policy – update and case survey
- UDRP – update and case survey
- Website owners and ISP liability and accountability: limitations of the *Canadian Copyright Act* and *Bill C-61*
- American experience: notice and take down under the *Digital Millennium Copyright Act (DMCA)*

2:15 | 3:15

PANEL DISCUSSION

Approaches to Disintermediation

Moderator:

Chris Bennett

Partner

Davis LLP (Vancouver, BC)

Bill Henderson

Vice-President

Songwriters Association of Canada (S.A.C)

Performing Songwriter

Neil Haggquist (Tentative)

Executive Vice-President, B.C. Branch

Canadian Film & Television Production Association (CFTPA)

Pasi Lehtinen

Senior Counsel

Nokia

- The future of file sharing – lawsuits or monetization?
- The CRTC and internet regulation
- Internet neutrality – the value for society
- File sharing and *Bill C-61*
- Broadcast industry's approach to disintermediation
- Other industries
- Disputes, circumstances and outcomes surrounding Canadian and US motion picture industries strikes over the new media usage on the internet and other platforms

3:15 : 3:30

Networking Refreshment Break

3:30 | 4:15

Open Source Software – Recent Legal Developments

Michael R. Whitt Q.C.

Partner

Borden Ladner Gervais (Calgary, AB)

- Recent developments in open source licensing – software and content
- Intellectual property rights and open source – software and content
- Current open source license models
- Enforcement of open source software licenses
- An overview of risks associated with/inherent in the use of open source material

4:15 | 5:00

CASE STUDY

Information and Communication Technology – A Standards Quality Study

Arnaud Le Hors

Program Director, Standards & Emerging Markets

IBM Open Source & Standards Project Office

Recently over 100 thought leaders from the worldwide standards community came together for an unprecedented 6 week online discussion aimed at bringing IT standards and processes into the 21st century. We will present the group's top ideas and recommendations from this unique collaboration with the goal of enabling the global standards community to participate in this modernization effort. Five topics were considered:

- Transparency, availability, and accountability of the standards process
 - value and importance of these attributes, prerequisites and related processes, challenges
- Quality and creation of the technical standard
 - criteria and metrics, consistency, community involvement, validation, speed vs quality
- Rating and accreditation
 - rating system, applicability, authority, neutrality
- Policy and societal implications
 - policies and standards, governments and standards organizations, public interest and vendors, developed countries and emerging markets
- Intellectual property in standards
 - disclosure and licensing requirements, IP entanglement, legal vs technical, voluntary vs regulated

5:00

Chair's Summation and Conference Concludes

