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INTELLECTUAL PROPERTY DISPUTES: RESOLUTIONS AND REMEDIES

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This publication is a one-stop reference for litigators and counsel, whether intellectual property specialists or not, advising and representing parties in disputes over Intellectual Property. It covers every aspect of a dispute including the many subject areas of Intellectual Property and the various options and remedies available to resolve a dispute from risk management to ADR to all stages of litigation. This release features updates to Chapters 6, Competition Law, and 14, Costs.

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Highlights

- **Chapter 6, Competition Law** — This chapter has been updated to reflect significant changes to the *Competition Act* that came into force in 2022 through 2025 pursuant to a series of amendments. As a result of these amendments, more conduct can be subject to competition law scrutiny, and there is greater opportunity for private litigation. The updated chapter reviews the complex interface between intellectual property and competition law, with a focus on disputes, including what constitutes illegal or reviewable conduct, the investigatory powers available to the Competition Bureau, the private litigation landscape, key cases, and notable investigations. There have long been competition law cases that relate to intellectual property across industries as diverse as pharmaceuticals, music and real estate, so intellectual property litigators should be familiar with the core competition law concepts.
- **Chapter 14, Costs** — The Federal Court has broad discretion to award costs in intellectual property litigation. While that discretion depends heavily on the circumstances in each case, a robust body of case law is available to inform litigants' expectations on costs. This chapter has been updated to include important recent decisions relating to lump-sum cost awards, including the circumstances in which lump-sum costs will be awarded and the basis on which they will be calculated. The updates also include guidance from recent case law on the implications of both informal and formal offers to settle and what constitutes a qualifying offer for the purposes of Rule 420. Guidance on proving costs, the types of costs that are recoverable, and circumstances in which the Court will award elevated costs has also been added.

ProView Developments

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