



# Intellectual Property + Technology

**Laura MacFarlane** (She/Her)

400 - 444 7 AVE SW

Calgary, AB T2P 0X8

T 403-260-8577

F 403-264-7084

[lmacfarlane@fieldlaw.com](mailto:lmacfarlane@fieldlaw.com)

## Overview

You need a practical, cost-effective intellectual property (IP) strategy that achieves the goals of your business. We collaborate with you to develop and implement your strategy, through the registration of IP rights, commercialization, enforcement, and protection of your IP in the jurisdictions where you need it. This leaves you free to get back to the field, the lab, or the prototype, and the next brilliant idea. It is important to have experienced counsel to help as you negotiate confidentiality agreements, license agreements and IP purchase-and-sale agreements. We also provide advice on disputes, litigation, infringement and enforcement of IP rights.

IP covers patents, confidential information, trademarks, copyrights, and industrial designs. It includes information, technology and any know-how that is not registrable but is nonetheless protectable.

IP rights apply across industries and sectors and include both the tangible and intangible:

- Equipment and process improvements and designs
- Ideas not yet reduced to practice
- Software, automation, and computer-based systems
- Know-how around making and operating improved equipment and processes, and
- Brands and marks that provide goodwill, and "trade dress" that can be used to a competitor's advantage

To learn more about how to protect and manage your intellectual property rights, visit:

- [Patents](#)
- [Trademarks](#)
- [Copyright](#)
- [Designs](#)
- [Commercializing IP](#)
- [IP Litigation](#)
- [Trade Secrets](#)
- [Emerging Technology](#)
- [Cyber Liability](#)

Contact Laura MacFarlane at [lmacfarlane@fieldlaw.com](mailto:lmacfarlane@fieldlaw.com) or 403-260-8577, or any one of our team of IP professionals to discuss your IP needs and get an initial assessment of your IP strategy. Click [here](#) to sign up to receive invitations to seminars, webinars and events as well as email alerts with the latest information on Intellectual Property + Technology.

## Industries

[Education](#)  
[Emerging Technology](#)  
[Energy + Environment](#)  
[Media + Entertainment](#)

## Services

[Commercializing IP](#)  
[Copyright](#)  
[Designs](#)  
[IP Litigation](#)  
[Patents](#)  
[Trademarks](#)  
[Trade Secrets](#)

## Experience

Packers Plus Energy Services Inc. v. Essential Energy Services Ltd., 2017 FC 1111

1395804 Ontario Ltd. (Blacklock's Reporter) v. Canada (Attorney General), 2017 FCA 185

1395804 Ontario Ltd. (Blacklock's Reporter) v. Canada (Attorney General), 2016 FC 1400

1395804 Ontario Ltd. (Blacklock's Reporter) v. Canada (Attorney General), 2016 FC 1255

Andrews v. McHale and 1625531 (Gemstone Logistics) , 2016 FC 624

Resource Well Completion Technologies Inc. v. Canuck Completions Ltd., 2014 ABQB 209

Online Constructors Ltd. v. Speers Construction Inc., 2011 ABQB 43

Pat's Off-Road Transport v. Campbell et al, 2010 ABQB 443

Stonetile (Canada) Ltd. v. Castcon Ltd., 2010 ABQB 392

Marty Sanders v. Smart & Biggar Intellectual Property & Technology Law, 2010 FC 73

Community Credit Union Ltd. v. Canada (Registrar of Trade Marks), 2006 FC 1119

Canada v. Dawn's Place Ltd. (F.C.A.), [2007] 3 F.C.R. 521, Federal Court of Appeal

Dawn's Place Ltd. v. Canada, [2006] F.C.J. No. 1600, Federal Court of Appeal

Credit Union Central of Canada v. Community Credit Union Ltd., 2005 CanLII 78195

Suzanne's Inc. v. Auld Phillips Ltd., 46 C.P.R. (4th) 81, Federal Court of Appeal, 46 C.P.R. (4th) 81, Federal Court of Appeal

Auld Phillips Ltd. v. Suzanne's Inc., [2005] F.C.J. No. 70, Federal Court of Canada

Auld Phillips Ltd. v. Suzanne's Inc., 39 C.P.R. (4th) 45, Federal Court of Canada

Auld Phillips Ltd. v. Suzanne's Inc., [2005] F.C.J. No. 2084, Federal Court of Appeal

Excalibre Oil Tools Ltd. v. Garay, 1999 CanLII 8705 (FC)

Ital-Press Ltd. v. Sicoli, 1999 CanLII 8048 (FC)

Cookie Florist Canada Ltd. v. 132831 Canada Inc. (c.o.b. Monsieur Felix & Mr. Norton Cookies Inc.), 1998 CanLII 8079 (FCA)

Ital-Press Ltd. v. Sicoli, 1999 F.C.J. No. 837

Norac Systems International Inc. v. Massload Technologies Inc., 1997 CanLII 4900

Cookie Florist Canada Ltd. V. 132831 Canada Inc. (c.o.b. Monsieur Felix & Mr. Norton Cookies Inc.), [1996] F.C.J. No. 1598, Federal Court of Canada - Trial Division

Ital-Press Ltd. v. Sicoli, [1996] F.C.J. No. 1119, Federal Court of Canada - Trial Division

Alwest Neon Signs Ltd. v. Coldwell Banker Achievers Realty, 1994 CanLII 9222 (AB QB)

Gunther's Building Centre Ltd. V. Moli Industries Ltd., [1993] A.J. No. 1037, Alberta Court of Queen's Bench

Strait Line Contractors Ltd. v. Rainbow Oilfield Maintenance Ltd. , 1991 ABCA 78

Nutman Co. v. Magic Afterburners Inc., [1991] F.C.J. No. 1112, Federal Court of Canada - Trial Division

## People

Laura MacFarlane (She/Her) ,  
Practice Group Leader,  
Trademark Agent  
Partner  
Calgary  
[lmacfarlane@fieldlaw.com](mailto:lmacfarlane@fieldlaw.com)

Richard Stobbe (He/Him) ,  
Partner, Trademark Agent, CLP  
Calgary  
[rstobbe@fieldlaw.com](mailto:rstobbe@fieldlaw.com)

Shohini Bagchee, P.Eng.  
Patent Agent  
Edmonton  
[sbagchee@fieldlaw.com](mailto:sbagchee@fieldlaw.com)

Jarett Schaumberger (He/Him)  
Lawyer  
Edmonton  
[jschaumberger@fieldlaw.com](mailto:jschaumberger@fieldlaw.com)

Mirabela Maier  
Paralegal + Patent  
Administrator  
Calgary  
[mmaier@fieldlaw.com](mailto:mmaier@fieldlaw.com)

Marcia Kinash (She/Her)  
Patent Administrator  
Canmore  
[mkinash@fieldlaw.com](mailto:mkinash@fieldlaw.com)

Antony (Tony) Edwards, P.  
Eng, Patent Agent  
Partner  
Calgary  
[aedwards@fieldlaw.com](mailto:aedwards@fieldlaw.com)

Christine Hicks,  
Lawyer, Patent Agent,  
Trademark Agent  
Canmore  
[chicks@fieldlaw.com](mailto:chicks@fieldlaw.com)

Prita Madan  
Patent Agent  
Calgary  
[pmadan@fieldlaw.com](mailto:pmadan@fieldlaw.com)

Maria Hawkins  
Trademark Agent  
Canmore  
[mhawkins@fieldlaw.com](mailto:mhawkins@fieldlaw.com)

Megan Hudson  
Patent + Trademark  
Administrator  
Canmore  
[mhudson@fieldlaw.com](mailto:mhudson@fieldlaw.com)

Lisa Statt Foy, TEP  
Partner, Trademark Agent  
Calgary  
[lstattfoy@fieldlaw.com](mailto:lstattfoy@fieldlaw.com)

Andrew Hicks  
Senior Patent Agent  
Canmore  
[ahicks@fieldlaw.com](mailto:ahicks@fieldlaw.com)

Austin Ward  
Lawyer  
Calgary  
[award@fieldlaw.com](mailto:award@fieldlaw.com)

Brenda Willman  
Trademark Administrator  
Calgary  
[bwillman@fieldlaw.com](mailto:bwillman@fieldlaw.com)

Ayushi Gupta (She/Her) ,  
Patent Technical Specialist  
Edmonton  
[agupta@fieldlaw.com](mailto:agupta@fieldlaw.com)

## News + Views + Events

March 2024 - 3 min read

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November 16, 2023

[Bow Valley Business Series: Intellectual Property 101](#)

October 2023

[IP Explained: 5 Common Copyright Myths](#)

September 2023 - 6 min read

[Addressing the Legal Issues Arising from the Use of AI in Canada](#)

August 2023

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## Helpful Links

- [Canadian Intellectual Property Office](#)
- [U.S. Patent and Trademark Office](#)
- [IPBlog](#)

## Services

The following services are offered by our lawyers and agents in this area of law:

- Patent application drafting and prosecution, searches, freedom-to-use analysis, infringement opinions, patent infringement, ownership disputes and expungement litigation; patent licensing
- Preparing, filing and prosecuting trademark, including US trademark, and copyright applications
- Assessing potential liability for infringement of intellectual property interests
- Assessing the types of intellectual property protection available for new technology
- Conducting intellectual property audits for the purpose of evaluating intellectual property portfolios
- Conducting intellectual property due diligence investigations in connection with business acquisitions and financing
- Developing strategies for the protection and commercialization of intellectual property interests
- Negotiating and preparing agreements for the sale and licensing of intellectual property interests
- Negotiating and preparing research and development agreements
- Providing intellectual property advice on the purchase and sale of businesses, employer/employee relationships and joint ventures
- Representing plaintiffs and defendants in trade secret, fiduciary duty, trademark, copyright, industrial design, patent litigation, and counterfeit goods litigation

## IP Explained

What is intellectual property (IP), and how do you protect it? In this video series, we will explain what IP is, the types of IP your organization may have, and tips and practical considerations to help you protect, enforce, and commercialize your IP.

### The Basics

[Laura MacFarlane](#) explains the four main types of IP and provides examples for each. It is important to be proactive when protecting these valuable assets, and the first step is identifying what your organization has so that you can take the necessary steps to mitigate issues in the future.

### Who Owns a Company's Intellectual Property?

[Richard Stobbe](#) covers factors that determine whether employees or contractors own their creations under the *Copyright Act* and the *Patent Act*, as well as the importance of clear contractual agreements to safeguard valuable IP.

### Is My Invention Patentable?

What is considered a patentable invention and how can you check to see if your invention qualifies? Charlene Lipchen explains the legal tests that your invention needs to pass, what can't be patented, and how to assess whether your invention is patentable.

### Timing Considerations for Filing a Patent Application

What counts as public disclosure of your invention, and can you still file a patent application afterward? Charlene Lipchen explains timing considerations you need to be aware of and best practices when it comes to patenting an invention in Canada or the United States.

## 5 Common Copyright Myths

[Laura MacFarlane](#) dispels common copyright myths surrounding copyright ownership, author/creator attribution, partial use of a copyrighted work, works in the public domain, and the need for formal copyright registration.

Disclaimer: Information in these videos is for informational purposes only. It is not legal advice and should not be perceived as legal advice.

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