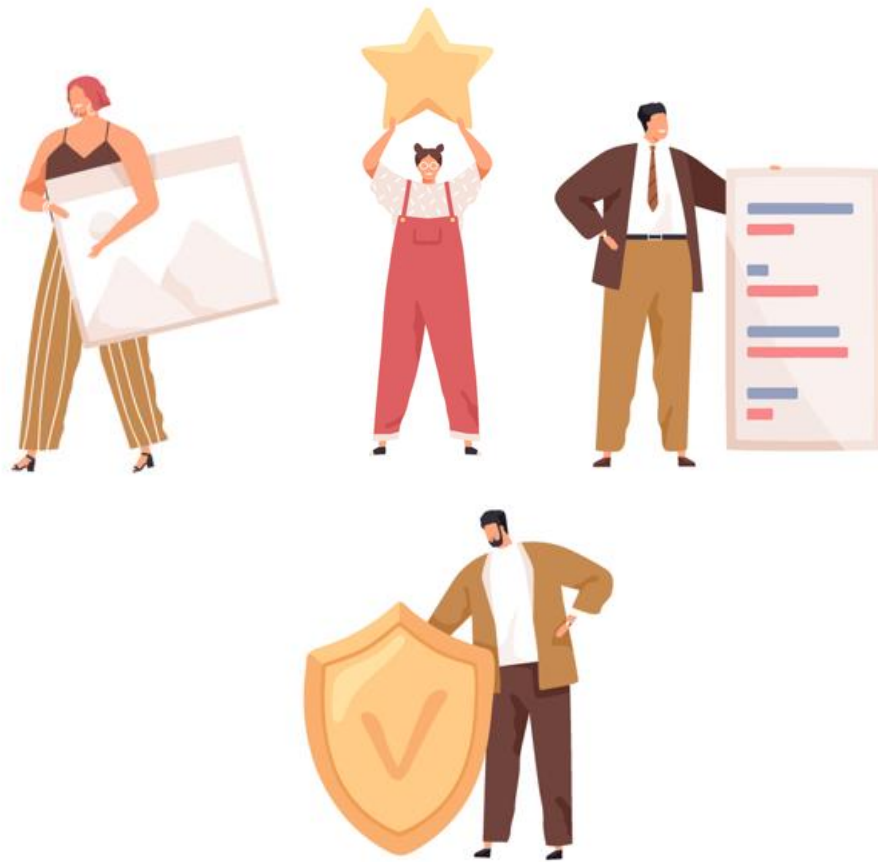


Name: _____

Class: _____

Intellectual Property

Student Guide



Vocabulary

Patent:

Copyright:

Injunction:

Litigation:

Trademark:

Demand letter:

Royalty payments:

1. What is intellectual property?

What I think it is:

Legal definition:

2. Write down the type of intellectual property rights that matches each example!

Example A: _____

Example B: _____

Example C: _____

Example D: _____

Example E: _____

3. You have a great idea for a book, a logo for your shoe company or an invention that will change the world. Does the law protect your idea?

Does anything change if you share your idea with a friend? Why or why not?

4. If you draw on a sheet of paper at home, does the law protect your drawing?

Scenarios

- 1. You recently opened a new shoe store and called it Soulierlala. You're starting to make a name for yourself in Montreal, and you were even featured in a major newspaper!

Six months later, your acquaintance, Samuel, opens another shoe store around the corner. It's also called Soulierlala, and the logo is almost identical to yours.

When you confront him, he says he can do whatever he wants. He says he searched the Canadian Trademarks Database and you never registered your business name or logo.

Is Samuel right?

Samuel is allowed to do this because . . .	Samuel isn't allowed to do this because . . .

Is there anything you can do about Samuel using your name and logo?

_____.

2. Your company is very successful, and you hire new employees to design and create new products for your store. One of your employees even creates a new logo.

Who owns the rights to the logo?

The employee owns the rights to the logo because . .	Your company owns the rights to the logo because . . .

Logos created by an employee usually belong to:

_____.

3. You want to use a Montreal musician’s new song in a post on social media (Instagram, TikTok, etc.). **Are you allowed to do this?** _____

You can use the song because . . .	You can’t use the song because . . .

Scenario based on a real case

Mark, 30, opens his first restaurant in Montreal. It's a bar and grill that mainly serves barbecued ribs, souvlaki, steak, chicken, and seafood. He calls it "Barbie's" as a play on words, and one of the items on the menu is the "BarbieQ." He also designs a logo based on the name. The logo appears at the entrance to the restaurant as well as on menus and some of the restaurant's products.

After a year in business, the restaurant has become quite successful in the Montreal area. Mark therefore decides to register both the name "Barbie's" and the logo. He states in his application that the trademark will be used for "restaurant services, take-out services, catering and banquet services."

The toy company Mattel makes the Barbie doll, which has been a global icon for decades. They're contesting Mark's application to register his "Barbie's" trademark.

This scenario is inspired by a real case that was brought before the courts!

1. Why do you think Mattel is contesting Mark's application?

2. What type of intellectual property is involved in this scenario? _____

3. In your opinion, should the court decide in favour of Mark or Mattel? Complete the following table to help you answer this question.

The court should decide in favour of Mark because...	The court should decide in favour of Mattel because...

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In my opinion, the court should decide in favour of _____.

4. If Mark required his servers to wear uniforms resembling Barbie and Ken dolls, would this change your answer? Why or why not?

5. If Mark decided to open a toy store instead, would this change your answer? Why or why not?

Putting it into practice!

Choose an example from the following list:

- Assassin's Creed
- Moto-Ski
- Céline Dion
- Oasis
- Couche-Tard
- Tigidou !
- Montreal Canadiens
- You'll find it all, even a friend.
- Midi Go!

Look it up in the Canadian Trademarks Database. You can find the database by following this link (<https://ised-isde.canada.ca/cipo/trademark-search/srch>) or by entering "Canadian Trademarks Database" in a search engine.

Next, complete the following table:

Who owns the trademark?	Registration date	Registration expiry date	Does the trademark cover certain types of products only? Which ones?