



firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

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advertising

overview

While creativity and originality are the cornerstones of effective advertising, the potential for elements of a campaign to be imitated by others—or to infringe on the pre-existing rights of others—is very real. Indeed, sometimes protecting an advertising campaign against appropriation can be just as challenging as creating the campaign itself.

While infringements may not be intentional, it is important for organizations to exercise their intellectual property (IP) rights to protect both their creative output, and the competitive advantages that an effective campaign can deliver. Protecting those rights effectively requires expert counsel with not only deep experience in IP law, but also a keen understanding of the creative process.

McMillan's Intellectual Property Group assists clients in a wide range of sectors as they seek to protect their creative advertising work—both its content and execution—from illegal imitation. We help clients identify and confirm instances in which others have co-opted their advertising strategy or execution, and aggressively pursue remedies to preserve their commercial interests.

We also understand that copyright infringement may not always be intentional, and our lawyers frequently work with clients who are defending themselves against copyright infringement claims brought against them.

McMillan lawyers also deal with a full range of marketing and advertising issues.

McMillan professionals help clients lead by:

- Registering advertisement and other copyright protected material with the Canadian Intellectual Property Office
- Assisting in the application and registration of trademarks
- Advising on how to prevent the inadvertent disclosure of trade secrets, including advertising, creative and marketing plans
- Providing representation in litigation claims regarding advertising-related IP claims—either as claimants or defendants
- Advising on relationships with advertising agencies and other third parties with regards to the creation, ownership and protection of IP
- Advising on commercial agreements related to advertising, such as sponsorship agreements and co-branding campaigns
- Reviewing advertising copy to determine if it is infringing third party IP, including comparative advertising