



Athar K. Malik

Associate

Intellectual Property

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Profile

Trademarks, copyrights and other related intellectual property (IP) are increasingly critical to competing in an international market. Procuring, protecting and enforcing IP in a global context is now key to every company's business strategy. As both a lawyer and a registered Canadian trademark agent, Athar Malik is well placed to meet the IP needs of clients.

Whether representing clients in clearing or securing trademarks, drafting confidentiality agreements or advising on copyright and other intellectual property issues, Athar's practical approach and eye for detail allow him to provide solutions that contribute to the success of our clients.

Services

- > Advising clients on the availability (clearance) of trademarks and prosecuting trademark applications in Canada
- > Representing parties in trademark opposition and non-use (expungement) proceedings in Canada
- > Assisting clients with securing trademark rights in other countries
- > Prosecuting copyright applications in Canada and assisting clients with copyright issues in other countries
- > Advising clients regarding all types of intellectual property licensing issues, including the

drafting and reviewing of license agreements

- > Advising clients regarding confidentiality and non-disclosure agreements (NDAs), including the drafting and reviewing of such agreements
- > Assisting with representing parties in intellectual property litigation (including disputes relating to trademarks and copyrights)
- > Advising clients on general intellectual property matters, including intellectual property aspects of commercial transactions, commercial agreements, labour & employment situations and other aspects of intellectual property law

Athar's previous experience as a litigator allows him to identify common issues raised in litigation and to avoid those pitfalls when advising clients on intellectual property matters. Additionally, with an undergraduate degree in business, Athar has a commercial understanding that allows him to suggest practical solutions that meet not only the legal, but also the business priorities of our clients.

Athar is a Fellow of the Intellectual Property Institute of Canada and he is professionally involved with the IP community, including by:

- > Serving as the current editor-in-chief of the Canadian Intellectual Property Review
- > Acting on the Intellectual Property Institute of Canada's Litigation Committee and its Trademark Legislation Committee
- > Sitting on the International Trademark Association's Publications Committee

This involvement gives Athar foresight into upcoming policy and legislative changes that may impact our clients. It also allows him to advise government and organizational stakeholders of the potential impact of any legislative changes to industries represented by our clients.

Having practiced law across Canada, including downtown Toronto and Atlantic Canada, Athar's insight and experience allow him to comfortably navigate Canadian trademark and intellectual property issues for each client in a way that suits their specific needs.

Credentials

Industry Involvement

- > American Bar Association
- > Canadian Bar Association
- > Canadian Intellectual Property Review, Editor-in-chief, 2015-Present
- > Intellectual Property Institute of Canada, Litigation Committee, 2011-Present
- > Intellectual Property Institute of Canada, Trademark Legislation Committee, 2011-Present
- > International Trademark Association, Publications Committee, 2016-Present
- > Licensing Executives Society
- > The Advocates' Society

Community Commitments

- > Saint John Regional Hospital Auxiliary, Director, 2015-2017

Education & Call to Bar

- > Calls to Bar: Ontario, 2008; New Brunswick, 2013; British Columbia, 2017
- > Registered Canadian Trademark Agent, 2010
- > Juris Doctor, University of Toronto, 2007
- > Bachelor of Commerce (Hon.), Queen's University, 2004

External Publications & Presentations

- > "Intellectual Property Law 101: A Primer for the Non-IP Lawyer" (Speaker) - Saint John Law Society CLE - Saint John, NB - December 2016
- > "Case Summary: Graham McKenzie Andrews v. Thomas Hilary McHale and 1625531 Alberta Ltd., 2016 FC 624" (Author) - Intellectual Property Institute of Canada's Bulletin, Vol. 340, p. 6 (November/December 2016)
- > "Intellectual Property Considerations: Intellectual Property Law 101" (Speaker) - Propel ICT Launch Program - Fredericton, NB & Charlottetown, PE - September 2016
- > "Practical Intellectual Property Considerations: Some Everyday Tips & Traps for the General Practitioner" (Speaker) - Canadian Bar Association, New Brunswick Branch CLE - Saint John, NB - December 2015
- > "Corporate Law 101 & Intellectual Property Law 101: Legal Basics for Your Business" (Speaker) - Saint John Region Chamber of Commerce, Business Immigrant Mentorship Program - Saint John, NB - November 2015
- > "DMCA the Canadian Way, Eh?: Canada's New Notice-and-Notice Regime for Copyright Infringement" (Co-author) - Copyright & New Media Law, Vol. 19, No. 1, p. 6 (March 2015)
- > "Fullsail 2015: Raising Capital and Exit Strategies" (Panelist) - Financial and Consumer Services Commission Panel Discussion - Fredericton, NB - March 2015
- > "Case Summary: Denturist Group of Ontario v. Denturist Association of Canada, 2014 FC 989" (Author) - Intellectual Property Institute of Canada's Bulletin, Vol. 329, p. 4 (January/February 2015)
- > "Incorporation, Investment & Intellectual Property Considerations" (Speaker) - New Brunswick Innovation Foundation Breakthru Bootcamp - Fredericton, NB - January 2015
- > "Intellectual Property Law: What Every Lawyer Needs to Know" (Speaker) - Canadian Bar Association, New Brunswick Branch CLE - Saint John, NB - November 2014
- > "R3 Gala - Afternoon Panel Discussion on Innovation" (Panelist) - Fredericton, NB - March 2014
- > "IP in Business Transactions: Canada" (Co-author) - Online: Practical Law Company (March 2012)
- > "Deemed Undertakings in Canada: a Default Rule With Big Implications for Cross-border or Parallel International IP Litigation" (Author) - Intellectual Property (Federated Press), Vol. XV, No. 1, p. 927 (November 2009)
- > "Cross-border Use of Evidence in IP Litigation: Beware the Deemed Undertaking Rule in Canada" (Author) - Journal of Intellectual Property Law & Practice, Vol. 4, No. 10, p. 699 (October 2009)
- > "Mandatory Minimum Sentences: Shackling Judicial Discretion for Justice or Political Expediency?" (Author) - Criminal Law Quarterly, Vol. 53, No. 2, p. 236 (November 2007)