



Athar K. Malik

Partner

Intellectual Property
Information Technology
Indigenous Law
Higher Learning

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Profile

Trademarks, copyrights and other related intellectual property (IP) are now critical to competing in an international market. Procuring, protecting and enforcing IP in a global context are 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 IP 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 our clients' success.

Athar's experience has been recognized in the World Trademark Review's prestigious WTR 1000 - the World's Leading Trademark Professionals.

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 actively involved with the IP community by:

- > Serving on the editorial board of the Canadian Intellectual Property Review (formerly its editor-in-chief)
- > Sitting on the Intellectual Property Institute of Canada's Copyright Committee
- > Sitting on the International Trademark Association's Legislation and Regulation Committee
- > Writing the copyright chapter for the Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice

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.

Credentials

Awards & Distinctions

- > World Trademark Review's WTR 1000 - the World's Leading Trademark Professionals (Prosecution and Strategy), 2021-Present
- > Junior Fellow of Massey College, 2004-2007
- > Recipient of the Medal in Commerce for graduating with the highest overall standing in the Queen's University Commerce program and inducted into the Beta Gamma Sigma Business Honour Society, 2004

Industry Involvement

- > American Bar Association

- > Canadian Bar Association
- > Canadian Intellectual Property Review, Editorial Board, 2009-Present
- > Canadian Intellectual Property Review, Editor-in-chief, 2015-2019
- > Intellectual Property Institute of Canada, Copyright Committee, 2019-Present
- > Intellectual Property Institute of Canada, Litigation Committee, 2011-2021
- > Intellectual Property Institute of Canada, Trademark Legislation Committee, 2011-2019
- > International Trademark Association, Legislation and Regulation Committee, 2020-Present
- > International Trademark Association, Publications Committee, 2016-2019
- > The Advocates' Society

Community Commitments

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

Education & Call to Bar

- > Call to Bar: Ontario, 2008 (non-practicing); New Brunswick, 2013 (retired); 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: Copyright Chapter" (Author) - The Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice (2022)
- > "Intellectual Property Law: Copyright Chapter" (Author) - The Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice (2021)
- > "Implementation of the Changes to Canada's Trademarks Act: One and a Half Years Later" (Speaker) - International Trademark Association - Virtual Meeting - December 2020
- > "CIPO's practice notice alters extension period to respond to an examiner's report" (Co-author with J. Vicq and C. Camp) - World Trademark Review (March 26, 2020), co-publication
- > "Intellectual Property Law: Copyright Chapter" (Author) - The Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice (2020)
- > "Canadian official marks can infringe the rights of prior trademark owners" (Co-author with J. Vicq) - World Trademark Review (March 12, 2020), co-publication
- > "Canadian Trademark Reform" (Speaker) - International Trademark Association - Portland, OR - April 2019
- > "Intellectual Property Law: Copyright Chapter" (Author) - The Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice (2019)
- > "Intellectual Property Law: Copyright Chapter" (Co-author with J. Vicq) - The Continuing Legal Education Society of British Columbia's Annual Review of Law & Practice (2018)
- > "Case Summary: U-Haul International Inc. v. U Box It Inc., 2017 FCA 170" (Author) - Intellectual Property Institute of Canada's Bulletin, Vol. 345, p. 14 (September/October 2017)

- > "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)