



## Chantal Saunders

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Chantal specializes in all areas of intellectual property litigation, with an emphasis on complex patent and trademark litigation.

Her practice includes pharmaceutical patent litigation under the *Patented Medicines (Notice of Compliance) Regulations*, as well as patent litigation in other sectors, copyright and trademark infringement litigation.

She has appeared before the Federal Courts on patent, trademark and copyright matters.

Chantal also advises clients at the intersection of patents and regulatory aspects, such as with respect to Certificates of Supplementary Protection, data protection, and issues related to the Patent Register and the Patented Medicine Prices Review Board. In addition, she provides advice in respect of patentability, validity and freedom-to-operate issues.

She is a lawyer and registered patent agent.

## Experience

- Counsel for innovator companies in proceedings brought pursuant to the *Patented Medicines (Notice of Compliance) Regulations*.
- Counsel in patent infringement and patent impeachment actions.
- Counsel in trademark infringement and expungement proceedings.
- Counsel in copyright infringement proceedings.

- Counsel for innovator companies in judicial review proceedings relating to listing of patents on the Patent Register.
- Advising clients with respect to data protection, listing patents on the Patent Register and reporting patents to the Patented Medicine Prices Review Board.

## Insights & Events

- Author, "Patent is NOT listed on Patent Register when Form IV is filed; only when Minister determines it is eligible", BLG Article, January 2025
- Author, "The FCA concludes PMPRB decision re Differin® exceeded the Board's jurisdiction", BLG Article, December 2024
- Author, "First court decision judicially reviewing decision of investigations committee of CPATA", BLG Article, September 2024
- Author, "Federal Court of Appeal in summary trial on ownership upholds finding that neither party owns the patent", BLG Article, August 2024
- Author, "Full particulars are required when pleading misrepresentation under s. 53 of the Patent Act", BLG Article, August 2024
- Author, "Consultations are open: CIPO proposes amendments to the Trademarks Regulations", BLG Article, June 2024
- Author, "Legislative provisions delineating double patenting would be beneficial for all", BLG Article, June 2024
- Author, "PMPRB's decision that patent pertains to drug held to be reasonable by Federal Court", BLG Article, January 2024
- Author, "Court of Appeal finds abuse of process for second notice of allegation", BLG Article, January 2024
- Author, "The Patented Medicines Prices Review Board is consulting on new guidelines", BLG Article, November 2023
- Author, "Active consultation: Amendments to the Copyright Act relating to generative artificial intelligence", BLG Article, October 2023
- Author, "Much anticipated FCA decision in Benjamin Moore removes prescriptive test ordered by FC", BLG Article, August 2023
- Author, "Accounting of profits remedy for patent infringement in Canada", BLG Article, June 2023
- Author, "Stopping counterfeit goods at the Canadian Border", BLG Article, June 2023
- Author, "SCC provides clarity on accounting of profits remedy in patent infringement", BLG Article, November 2022
- Author, "NOC Regulations do not apply to biosimilars when reference products are not marketed", BLG Article, August 2022
- Author, "Supreme Court confirms that making copyrighted works available online is not a stand-alone interest", BLG Article, July 2022
- Author, "Intellectual property highlights in the Federal Budget 2022", BLG Article, April 2022
- Author, "New prior user rights provision in the Patent Act: first judicial consideration", BLG Article, January 2022
- Author, "Regulatory context for patented pharmaceuticals and biotechnology drugs in Canada", BLG Article, December 2021
- Author, "Scope of patent agent privilege provided by new section 16.1 considered by Court", BLG Article, December 2021
- Author, "Patent validity challenges in Canada", BLG Article, June 2021

- Author, "FCA allows defendant to amend pleadings to allege grounds of invalidity not in NOA", BLG Article, June 2021
- Author, "FCA provides much needed clarification on obviousness and anticipation ", BLG Article, March 2021
- Author, "Ontario Superior Court dismisses Apotex's claims for damages under Statutes of Monopolies", BLG Article, March 2021

## Beyond our Walls

### Professional Involvement

- Member, Canadian Bar Association; Chair, Newsletter Committee, National Intellectual
- Member, County of Carleton Law Association
- Chair, Intellectually Property Institute of Canada, Litigation Committee
- Member, The Advocates' Society
- Member, Chiefs in Intellectual Property (ChIPs)
- Member, Federal Court IP Users Committee

## Awards & Recognitions

- Recognized in the 2025 edition of *The Best Lawyers in Canada* (Intellectual Property Law)
- Recognized in the 2024 edition *WTR 1000 — The World's Leading Trademark Professionals*.
- Recognized in the 2024 edition of *The Canadian Legal Lexpert® Directory* (Life Sciences & Health) and in 2020-2023 editions (Intellectual Property; Litigation - Intellectual Property)
- Recognized in the 2024 edition (and since 2016) of *Intellectual Asset Magazine's (IAM) Patent 1000 - The World's Leading Patent Professionals* (Patent Litigation)
- Recognized in the 2024 edition (and since 2022) of *Lexpert Special Edition: Technology & Health Sciences*
- Recognized in the 2024 edition (and since 2023) of *Who's Who Legal: IP*
- Recognized in the 2024 edition (and since 2023) of *Who's Who Legal: Canada* (Patents)
- Recognized in the 2023 edition (and since 2022) of *Lexpert Special Edition: Litigation*
- Recognized in the 2022 (and since 2020) edition of *Managing Intellectual Property's* IP Stars (Patent, Trademark)
- Recognized in the 2021 edition of *Lexpert Special Edition: Health Sciences*.
- Recognized in the 2021 edition of *Lexpert Special Edition: Technology*
- Recognized in the 2021 and 2020 editions of *The Canadian Legal Lexpert® Directory* (Intellectual Property)

## Bar Admission & Education

- Ontario, 2002
- LLB, Dalhousie University, 2001
- BSc. (Hons.), Biochemistry, Queen's University, 1997



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