



CEO Dr. Ruth Corbin guest speaker at conference organized in response to Supreme Court of Canada *Masterpiece* decision

November 9, 2011 – CorbinPartners Inc. CEO Dr. Ruth Corbin was one of two guest speakers at the monthly meeting of Quebec's Regroupement des praticiens du droit des marques de commerce held in Montreal.

The luncheon conference was held at the office of Fasken, Martineau, DuMoulin LLP on Nov. 2. The discussion was organized in response to the Supreme Court of Canada ruling in *Masterpiece Inc. v. Alavida Lifestyle Inc.* SCS 27, released in May 2011.

The Court, in its written judgment, questioned the value of expert evidence in circumstances where the judge's own common sense might suffice. Dr. Corbin spoke about the future of survey evidence in confusion cases in light of the *Masterpiece* decision, and the impact on the market research industry.

The "necessity" of survey evidence must be determined early, at the case management stage, and be explicitly justified, Dr. Corbin said. A new standard has been set for determining the "pertinent population," and survey design has also been impacted. She also highlighted applications where survey evidence will continue to be helpful to the court.

Dr. Corbin said she was honoured to be invited to address such a sophisticated audience.

"The questions were thought-provoking and creative," she said. "The decision has created some dilemmas. One solution lies in a broader approach to gathering evidence than surveys have provided in the past, while still keeping an eye on costs."

The conference was moderated by Jean-Philippe Mikus of Fasken, Martineau, DuMoulin LLP.

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For more information please contact Fiona Isaacson, Project Manager, CorbinPartners Inc.
416-413-7600, fisaacson@corbinpartners.com