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Casey Chisick

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"He is one of the best." - Client Testimonial, Chambers Global

Casey Chisick* co-chairs the **Intellectual Property** and Sports & **Entertainment** practices at Cassels Brock. He is certified by the Law Society of Ontario as a Certified Specialist in Intellectual Property (Copyright).

Having worked as a law professor, a jazz promoter and a musician – and even as artistic director of an internationally-renowned folk dance company – Casey offers his clients a rare combination of recognized expertise in copyright and other intellectual property matters and first-hand experience in the business of entertainment. His diverse practice spans a number of related areas, including intellectual property, entertainment law, communications, advertising and marketing, and fashion and apparel, with particular expertise in the collective administration of copyright. Casey provides transactional advice and litigation counsel to a host of diverse clients in the music, film, television, broadcasting, theatre, advertising, literary, newspaper, visual arts, new media and fashion industries, as well as to a number of top Canadian universities and to general business clients with intellectual property needs. He also consults on negotiation strategy for businesses of all kinds.

As a transactional lawyer, Casey serves as a trusted advisor to clients on significant deals ranging from the purchase and sale of music, film, television, music publishing, broadcasting and new media assets to the development, financing, production and distribution of TV series, specials and feature films. He has negotiated scores of recording, management, publishing, appearance, branding, and employment agreements for well-known artists and executives in the entertainment and media industries and has served as chief outside counsel to companies in fields as diverse as IT outsourcing, interactive advertising, fitness and nutrition, and functional genomics.

As litigation counsel, Casey has appeared in five seminal copyright cases before the Supreme Court of Canada: *SOCAN v. Bell Canada*, *Entertainment Software Association v. SOCAN*, *Rogers Communications v. SOCAN*, *Alberta v. Access Copyright*, and *CBC v. SODRAC*. He has also represented clients in copyright and entertainment matters before the courts of Ontario and British Columbia, the Federal Court, and the Federal Court of Appeal. Moreover, Casey has extensive experience in rate-setting proceedings before the Copyright Board of Canada.

Some of Casey's most significant cases and engagements include acting as counsel to:

- CMRRA-SODRAC Inc. (CSI) in the historic *CSI Online Music Services Tariff* proceeding, the first proceeding anywhere in the world to establish the royalties payable to songwriters and music publishers for the right to reproduce songs for distribution via the Internet, and in subsequent proceedings to



recertify and enforce that tariff

- CSI, Connect Music Licensing, and SOPROQ in the *Commercial Radio Tariff* proceeding and related judicial review proceedings before the Federal Court of Appeal
- CMRRA and SODRAC in *Baker Estate v. Sony Music Canada Inc. et al.*, an Ontario class action involving royalties due and unpaid by record labels for the reproduction of songs on CDs and other physical media
- A world-famous songwriter in litigation involving the theme song to a hit television program
- Top Canadian producers and broadcasters in litigation alleging infringement of copyright in television scripts and reality formats
- Musicians Rights Organization Canada (MROC), a copyright collective representing the rights of performers, in a number of litigation matters
- Postmedia Network Inc. and the National Post in a host of transactional and litigation matters, including litigation against a prominent media monitoring service
- TVP Canada, an ethnic specialty broadcaster, and its parent companies in litigation to enforce its exclusive rights to certain European content and broadcast signals
- CSI in the judicial review of *SOCAN Tariff 22 (Internet)* before the Federal Court of Appeal and the Supreme Court of Canada
- EMI Music Publishing in *Redwood Music v. EMI Mills Music et al.*, an Ontario proceeding involving the ownership of reversionary and substituted copyright in musical works
- Setanta Sports North America Inc. in a successful motion for an injunction to enforce the terms of a broadcast licence for English Premier League soccer
- Leading Canadian insurance underwriters in a number of entertainment-related disputes
- Jennifer Meyer Inc., a leading California-based jewellery designer, in a dispute over the distribution of infringing knock-offs of its unique products
- A Vancouver-based television producer in the defence of allegations involving the defamation and appropriation of personality of a well-known Canadian athlete
- The creator of a successful television program in an action for infringement of the creator's moral rights
- Various business enterprises in relation to alleged unauthorized use of computer software

In addition, Casey's specialized expertise is frequently sought by clients in relation to special projects and studies involving the exploitation and monetization of copyright in relation to new and emerging business models. He has also authored influential submissions and testified before committees of the Parliament of Canada, including on proposed amendments to the *Copyright Act*.

Casey was selected as one of Lexpert's *Rising Stars* for 2011, identifying him as a Leading Lawyer Under



40. *Managing IP* has named him an "IP Star" every year since that designation was introduced in 2014. Casey is also recognized as a leading practitioner by *Chambers Global*, *Chambers Canada*, the *Canadian Legal Expert Directory*, *Best Lawyers in Canada*, *Who's Who Legal*, *Practical Law* and *Euromoney*, and holds a Distinguished™ rating from *Martindale-Hubbell*. *Chambers Global* has written that Casey is "...recognized for his expertise in copyright and commended for his communication skills, analytical dexterity and novel approach to IP law. Clients declare: 'He is one of the best.'"

Casey was the gold medallist in law at the University of Manitoba, earned a Masters of Law as a Fulbright and Frank Knox scholar at Harvard Law School, and served as law clerk to The Hon. Mr. Justice Frank Iacobucci of the Supreme Court of Canada. He began his professional career as a law professor, first at the University of Manitoba and later at Osgoode Hall Law School, where he taught copyright, intellectual property, corporate law, negotiation and dispute resolution to hundreds of students. Through numerous writing and speaking engagements in Canada and internationally, Casey became, and remains, one of Canada's best-known authorities on digital copyright issues. He has also served as an Adjunct Professor at Osgoode Hall Law School and the University of Toronto and is a frequent commentator on copyright and entertainment issues for CBC television and radio.

Casey is active in the legal community. Currently, he serves as a trustee, officer, and member of the executive committee of the Copyright Society of the USA (CSUSA); founding co-chair of the CSUSA International Chapter; Vice Chair of the International Copyright Laws & Treaties committee of the American Bar Association (ABA); co-chair of the biennial Law Society of Upper Canada (LSUC) Entertainment, Media & Advertising Law Symposium; Course Director for the Copyright Master Class presented annually by the Intellectual Property Institute of Canada and McGill University; and a member of the advisory board of IP Osgoode, a research institute at Osgoode Hall Law School that explores legal and policy issues at the intersection of intellectual property and technology. He has also served on the executive of the Ontario Bar Association (Entertainment, Media & Communications Section) and is an active member of a number of other professional associations, including ALAI Canada, the International Association of Entertainment Lawyers, and the ABA Entertainment & Sports Law Forum.

An in-demand speaker at legal and business events, Casey has appeared at a host of conferences and seminars produced by organizations including:

- Copyright Society of the USA
- ABA Entertainment & Sports Law Forum
- International Association of Entertainment Lawyers
- Canadian Music Week
- North by Northeast
- Copyright Society of the USA
- Beverly Hills Bar Association
- Osgoode Professional Development Program
- Intellectual Property Institute of Canada

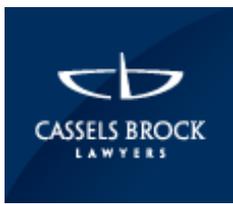


- McGill University
- Western University (formerly University of Western Ontario)
- ALAI Canada
- Association of Corporate Counsel – ACC Ontario
- Law Society of Ontario
- Canadian Newspaper Association
- Ryerson University (Ethics at Ryerson)
- National Screen Institute (NSI FilmExchange)
- The Canadian Institute
- InSight Information
- University of Toronto Technology and IP Group
- Osgoode Hall Entertainment & Sports Law Association
- Playback magazine
- International Association of Jazz Education (IAJE)

Casey's experience on the legal and academic stages has been complemented by stage work of a very different kind. He is a proud board member of Soulpepper Theatre Company and the Young Centre for the Performing Arts. He has also served as the founding executive producer and host of Winnipeg's Asper Foundation Jazz Performances; principal of Case Closed Productions, a concert and event promotion company; artistic director of the Chai Folk Ensemble, North America's oldest and largest Jewish folk dance company; president of the Jazz Winnipeg Festival; vice-president of the Winnipeg Jewish Theatre; and a director and officer of the Toronto Jazz Festival. He also served as Executive Producer of Sophie Milman's Juno Award-winning 2007 album, *Make Someone Happy*, as well as her acclaimed 2009 album, *Take Love Easy*, and her 2008 concert DVD, *Live in Montreal*.

Client Commentary

- "Absolutely one of the biggest names in copyright." – *Chambers Canada* (Intellectual Property)
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- "One of the top experts in the country." – *Chambers Canada* (Intellectual Property)
- "Conscientious and dedicated." – *Chambers Canada* (Intellectual Property)



- "He has a very deep understanding not only of the law but of the way we interact." – *Chambers Global* (Intellectual Property)
- "He is one of the best." – *Chambers Global* (Intellectual Property)
- "Very experienced and understands the nuances of the law." – *Chambers Canada* (Intellectual Property)
- "His practical application is fantastic." – *Chambers Canada* (Intellectual Property)
- "Very knowledgeable of the intricacies of the Canadian Copyright Act and his practical application is fantastic." – *Chambers Global* (Intellectual Property)
- "I trust his instincts as a negotiator." – *Chambers Global* (Intellectual Property)

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Achievements

- Law Society of Upper Canada Certified Specialist (Intellectual Property: Copyright)
- *Managing Intellectual Property* "IP Star" (2014–2019)
- *Martindale-Hubbell*, Distinguished™ rating
- *The Best Lawyers in Canada* 2013–2019 (Intellectual Property Law; Entertainment Law)
- *Canadian Legal Lexpert Directory* 2013–2019 (Entertainment; Intellectual Property)
- *Chambers Canada* 2016–2019 (Intellectual Property; Media & Entertainment)
- *Chambers Global* 2010–2019 (Intellectual Property)
- *Lexpert's Rising Stars: Leading Lawyers Under 40* (2011)
- *Lexpert Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada* 2012 (Corporate Lawyer to Watch)
- *Legal Media Group Guide to the World's Leading Technology, Media & Telecommunications Lawyers* (Media)
- *Who's Who Legal: Canada* 2013–2017 (Sports & Entertainment – "Most Highly Regarded Individual" in 2015 and 2016; "Thought Leader" in 2017 and 2018)
- *World Intellectual Property Review (WIPR) Leaders* 2016–2017

Call to the bar

Ontario
Manitoba



Associations

- ALAI Canada
- Academy of Canadian Cinema & Television
- American Bar Association (Entertainment, Dispute Resolution, and Intellectual Property Sections)
- Beverly Hills Bar Association
- Canadian Academy of Recording Arts and Sciences (CARAS)
- Canadian Association of Law Teachers
- Canadian Bar Association
- Canadian Media Producers Association (CMPA)
- Copyright Society of the USA (CSUSA)
- Intellectual Property Institute of Canada (IPIC)
- International Trademark Association (INTA)
- New York State Bar Association
- Ontario Bar Association

Expertise

Advertising & Marketing
Business
Cannabis
Communications
Copyright & Entertainment
Education
Intellectual Property
Luxury, Fashion & Retail
Sports