

Case Study - Lainco vs Commission Scolaire

Hi, my name is Joella Almeida, co-founder of MedEssist, where we're turning pharmacies into modern proactive Healthcare hubs that are changing the way Healthcare initiatives are scaled across a population. And today I'm talking about copyright.

Case study: Copyright Protection of a Building Plan

Copyright is not just in works of art or literature. Copyright can be found in all sorts of different works. It exists in software code, in liner notes, and in any fixed expression that is a "product of the author's skill and judgement."

Copyright can even be found in buildings. In this case study, we look at Lainco Inc., an architectural engineering firm, which designed an indoor soccer complex in Granby, in southwest Quebec. Compared to more traditional structures for similar complexes, Lainco's unique concept provided a distinct interior look, with an essentially unobstructed ceiling, red beams as steel support and generally a more open design.

The firm became aware of an extremely similar complex in nearby Victoriaville which, as you can see, shared similar characteristics, including the red beams as the steel supports. As a result, Lainco sued the developers, engineers, and architect behind that second complex in Canadian Federal Court.

In September 2017, the court ruled that even though what was copied was primarily structural, the plans were original works for copyright purposes and had been infringed. Lainco was awarded more than \$700,000 in damages based on the copyright infringement.

The take-aways for this case study are:

- 1) Copyright can be found in all different types of works, not just what we traditionally think of as works of art. Even if something doesn't seem "artistic", copyright can still apply
- 2) Make sure your agreements clearly address all forms of IP ownership.

Many thanks to our speaker for presenting this case study: Joella Almeida Co-Founder and COO, MedEssist