

BOWLEY KERR COLLINS

BARRISTERS, SOLICITORS, PATENT AND TRADEMARK AGENTS

NEWSLETTER

Number 27

<http://www.lawteam.ca>

September 2005

Your two cents' worth! This edition contains a survey. We would be very grateful to receive your feedback. How grateful? Check out the survey and see!

It usually takes more than three weeks to prepare a good impromptu speech.

Mark Twain

Business Succession Seminar, September 29– We are teaming up with PricewaterhouseCoopers to present this timely, free evening seminar at the Laurentian Club. Attend if you are contemplating the purchase or sale of a business or passing the business to the next generation. Space is extremely limited. For information or your free attendance pass, call us before September 22.

Mortgage funding– call us first. As an extension of our services, we have access to some of the best rates and the best terms. As well, we actually deal with lenders every day and we get to know which ones are fair dealers and which ones leave something to be desired.

If you already have an existing relationship with a reputable and hardworking mortgage broker or agency, stay loyal, but if not, we might be able to help you.

En français?– Nous serions fiers de vous servir en votre langue préférée.

New faces– Ottawa native and Queens Law grad, Rick Kargus practices real estate, commercial law and litigation. While his down-to-earth common sense and work ethic make Rick a perfect fit in the firm, it doesn't hurt that he can hold his own in hockey debates around the office. After hours, Rick finds time to sit on the Board of the Royal Ottawa Hospital Volunteer Association and Ottawa Crime Stoppers, but his best times are spent with his wife Kim and brand new son, Keaton, born July 6.

Fay O'Brien has worked in trademark law since 1986 and has been a Registered Trade-mark Agent since 1999. A very active member of the Intellectual Property Institute of Canada, the International Trademark Association, the Pharmaceutical Trademark Group and the European Community Trademark Association, Fay sits on four

committees within these organizations. She divides her life between the intensity of trade-mark practice and the serenity of a cottage on Centennial Lake.

Money to invest?– we are often asked to help find private mortgage funds. Money currently sitting in GIC's, bank accounts and self-directed RRSP's will generally earn better returns when placed in private mortgage loans. Call if you would like to look into the possibilities.

Lawful Access– Under FBI and CIA pressure, Canada's police forces want changes to laws which currently inhibit their snooping of your e-mail. What think you?

Check it out– the new website is live! We've worked hard to look professional without being pompous, to provide plenty of useful information in understandable language and to be different from the "brag" sites of the big firms. Only time will tell if we got it right, but nothing will be more important for us than your critiques (subtle or otherwise). Come visit us at <http://www.lawteam.ca> and see if there isn't something useful for you!

"Get it done... get it right." You'll be seeing a lot more of this logo in the future– not some kind of marketing mantra (the world has enough 'mission statements') but a standard by which we measure our work product. If you ever receive service from us and you don't think we got the job done right, we want to know!

The true danger is when liberty is nibbled away, for expedients, and by parts.

Edmund Burke

Labour Law Update–

The sixty hour work week is gone! (or is it?) As of March 2005, the maximum hours of work for most provincially regulated industries in Ontario is back to 48 hours. Overtime is payable on hours worked in excess of 44 (fewer if a contract or collective agreement provides otherwise). Employees can still agree to work more than 48 hours in any one week, as long as they do so in writing, and employers must give the employee a copy of the ESA Information Sheet and must obtain approval from the

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Director of Employment Standards. Apart from adding another couple layers of bureaucratic red-tape, it is hard to see how this really changes anything, or how it adds any value to employees or employers.

You're outta here! Mandatory retirement is "age discrimination" because it makes an employment decision solely on the basis of age, not the person's ability to do the job. So says the Ontario Human Rights Commission, and the Government is taking these complaints seriously. Legislation was introduced in June to amend the Ontario Human Rights Code to protect workers age 65 and over. Employment specialists expect the legislature to pass the

law and effectively eliminate mandatory retirement for most senior workers later this year. Stay tuned!

Compassionate Care Leave. Both the Canada Labour Code (governing federally-regulated employers) and the Ontario Employment Standards Act (governing most others in the province) have been amended to include "compassionate care leave" providing employees up to 8 weeks of unpaid, job-protected leave in a 26-week period. This applies only to leave taken to provide care and support for a spouse, parent or child who has a "serious medical condition with a significant risk of death" occurring within the 26-week period.

e-counsel

Legal and strategic advice for e-business

What does 80 years of progress look like?

Recently a yellowed and dog-eared booklet came into our possession. "***The Telegram: When and How to Use It***" was published by the Canadian National Telegraph Company in the early part of the twentieth century for the benefit of business students. Although undated, internal evidence suggests it was printed in the mid-1920's.

So, how bad was it in those primitive, far-off days? Pretty rough, it would appear:

- Full rate telegrams were accepted for immediate handling at any hour of the day or night, for immediate transmission to any point in North America.
- Overseas cablegrams could be sent in plain language, code language or cipher language.
- "Funds telegraphed to points in the United States and Canada usually are delivered well within the hour."
- "As an auxiliary service ... the Telegraph Company provides messengers on request to run errands for the home, office, shop or factory; deliver parcels, gifts, samples, catalogues, advertising material and articles of all descriptions; wait in line for tickets; pilot strangers about town, or serve as temporary employees."
- Businesses subscribing to any of the Stock Ticker services could rent a Trans-Lux projector for their boardrooms or customer rooms. These devices were capable of projecting ticker tape onto a full-sized screen, yielding virtually instantaneous data from the various stock exchanges.
- They had much to learn about consulting: "Canadian National Telegraphs, upon request, will have its representatives make special studies of the telegraph communications of those who use such service to determine the best and most economical methods for handling different types of business; furnish experienced telegraph people to train employees in the operation of modern telegraph apparatus; suggest how different classes of service can be most economically fitted to the special needs, advise and assist in any communication problem. No charge is made for this service."

Now what was that about getting funds across the continent in under an hour?