

# Albert Formosa

Partner

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**Practice Areas**

- Commercial Litigation
- Employment & Labour
- Indigenous Peoples
- Commercial Leasing
- Litigation & Dispute Resolution
- Privacy & Access to Information
- Technology & Intellectual Property
- Universities & Colleges
- Franchise Law

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Albert Formosa is a litigator with extensive experience dealing with complex commercial litigation.

Al practises in the area of civil litigation with a particular focus on trademark, copyright, information technology and other intellectual property, shareholder rights and remedies, business valuations, commercial disputes, employment matters, real estate, commercial leasing and insolvency matters.

Al is also actively involved in providing advice to universities on research, academic and disciplinary matters as well as intellectual property and risk management issues.

**Called to the Bar**

- Ontario (1986)

**Education**

- LL.B., Queen's University, 1984
- B.A., University of Toronto, 1981

**Affiliations**

- Canadian Bar Association
- Ontario Bar Association
- The Advocates' Society
- Toronto Lawyers Association
- Canadian Association of University Solicitors
- National Association of College and University Attorneys
- Outer Harbour Centreboard Sailing Club

**Notable Mandates**

Acted for an educational institution in connection with a dispute over confidential information, patent infringement and breach of fiduciary duty issues relating to an invention.

Acted for minority shareholders in connection with oppressive conduct by the majority shareholders who were depleting assets.

Acted for a public authority in connection with trademarks and official marks disputes.

Acted on a complex shopping centre title dispute including cross-easements and development projects which triggered protracted and complex litigation.

Acted as the chair of a Research Ethics Board involved in approving drug testing protocols.

Acted for the taxpayer on a judicial review application in the Federal Court concerning the denial of scientific research and experimental development claims under the *Income Tax Act*.

Acted on behalf of the landlord who was obliged to continue to provide use of its leased property under the Proposal provisions of the *Bankruptcy and Insolvency Act* which resulted in a decision that rent payments in the post-Proposal period had to be paid when due under the lease.

## Reported Cases

*El-Ashram v Zachariah* (2008), 169 ACWS (3d) 958 (Ont Sup Ct)

*Omequanutrel Inc. v. Food Systems Innovations Inc.* (August 24, 2006), [2006] F.C.J. No. 1287; 2006 FC 1023, (Federal Court of Canada)

*Commandant v. Wahta Mohawks*, (February 16, 2006), 48 C.C.E.L. (3d) 38; 3 C.N.L.R. 14, (Ontario Superior Court of Justice)

*Commandant v. Whata Mohawks*, (January 5, 2006), 48 C.C.E.L. (3d) 29; 2006 CarswellOnt 23, (Ontario Superior Court of Justice)

*Northumberland County Housing Corp v Harrison* (2006), 151 ACWS (3d) 996 (Ont Sup Ct)

*Dorothea Knitting Mills Ltd. v. Canada (Minister of National Revenue - M.N.R.)* (March 4, 2005), 2005 FC 318; 2005 D.T.C. 5177, (Federal Court of Canada)

*Morganite Canada Corp. v. Wolfhollow Properties Inc.* (October 24, 2003), 47 C.B.R. (4th) 89; 2003 CarswellOnt 4083, (Ontario Superior Court of Justice)

*Society of Composers, Authors and Music Publishers of Canada v. Armitage*, (March 27, 2001), 22 C.B.R. (4th) 248 ; 2001 CarswellOnt 854, (Ontario Court of Appeal)

*ECS Educational Consulting Services Canada Ltd. v. United Arab Emirates (Armed Forces)* (November 16, 2000), 3 C.P.C. (5th) 76 ; 2000 CarswellOnt 4538, (Ontario Court of Appeal)

*Society of Composers, Authors and Music Publishers of Canada v. Armitage*, (October 27, 2000), 50 O.R. (3d) 688 ; 20 C.B.R. (4th) 160, (Ontario Court of Appeal)

*Cosgrove-Moore Bindery Services Limited*, (May 10, 2000), 48 O.R. (3d) 540 (Ontario Superior Court of Justice)

*ECS Educational Consulting Services Canada Ltd. v. United Arab Emirates (Armed Forces)* (March 1, 2000), 44 C.P.C. (4th) 127; 2000 CarswellOnt 558, (Ontario Superior Court of Justice)

*ECS Educational Consulting Services Canada Ltd. v. United Arab Emirates (Armed Forces)* (January 31, 2000), 44 C.P.C. (4th) 111 ; [2000] O.J. No. 211, (Ontario Superior Court of Justice)

*Banks v. Milani*, (March 24, 1997), 32 O.R. (3d) 557 ; 145 D.L.R. (4th) 55, (Ontario Court of Appeal)

*Milani v. Banks*, (November 2, 1992), 98 D.L.R. (4th) 104 ; 1992 CarswellOnt 822, (Ontario Court of Justice, General Division)

*Attorney-General of Canada and Northumberland General Insurance Co., Re.*, (September 5, 1986), 56 O.R. (2d) 609; 31 D.L.R. (4th) 658, (Ontario High Court of Justice)

## Professional Activities

- Guest Lecture on Confidential Information, University of Western Ontario, Privacy and Information Law, 2008
- Guest Lecture on Contracts and Confidentiality issues, University of Guelph, Faculty of Engineering
- Seminar Leader, Advanced Intellectual Property, University of Western, 2000, 2001, 2003 and 2005

## Community Involvement

AI is the manager and assistant coach for a boys competitive basketball team.

## Speaking Engagements

- Instructor, "Preventing and Managing Discrimination and Harassment in the Construction Industry", The Construction Institute of Canada, Online, June 19, 2024
- Confidential Information from a Litigator's Perspective, University of Western Ontario Faculty of Law, 2008
- Privacy, Document Retention and E-Discovery, Canadian Association of University Solicitors, 2007
- Round Table Discussion Leader, Restaurant Uses: Top 4 Issues & Related Clauses, International Council of Shopping Centres, 2006
- Using the Rules In Mandatory Mediation: Effective Timing of Mediation, Gold Standard ADR, ADR Institute of Canada Inc., 2005
- Client Communication and Time Management Done Right, Third Annual New Lawyer Experience, Law Society of Upper Canada, 2004
- Workshop on Investigations and Discipline Procedures, University of Guelph, 2004
- Update on Landlord/Tenant Issues in Insolvency and Bankruptcy, Debtor-Creditor Seminar,

- Law Society of Upper Canada's Continuing Legal Education program, 2003 and 2005
- Workshop on Administrative Decision Making Policies, Academic and Copyright Issues, University of Guelph, 2003
- Program Counsellor Workshop, Council on Undergraduate Academic Advising, University of Guelph, 2003
- Strategies in Dealing with Lease Defaults, Federated Press, 2002
- Employment and Volunteer Issues, Loman Educational Seminar, 2001
- Liability Workshop, University of Guelph, 2001
- Research Issues, Contracts and Liability Issues, Canadian Association of University Research Administrators, 2001
- Liability Issues, Ontario Association of College & University Housing Officers, 2001
- Risk Management in Higher Education - Studies Abroad, Ryerson University, 2000
- Issues of Liability and Due Diligence, University of Guelph, 2000
- Copyright Law: In A Nutshell, Ryerson University, 1999 and 2000
- Distress in Commercial Lease Situations, Canadian Bar Association, 1994

## Publications

- Client Newsletter – Winter 2012, December 03, 2012
- Personal and Ethical Use of Work Computers, December 03, 2012
- Working in Canada: An Overview of Employment Law, October 18, 2011
- The Landlord, the Knock Off, the Potential Liability, August 21, 2008