

# Heenan Blaikie

## Of Counsel

The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984 - 2000)  
The Right Honourable Jean Chrétien, P.C., C.C., O.M., Q.C., Ad. E.  
The Honourable Donald J. Johnston, P.C., O.C., Q.C.  
Pierre Marc Johnson, G.O.Q., FRSC  
The Honourable Michel Bastarache, C.C.  
The Honourable René Dussault, O.C., O.Q., FRSC, Ad. E.  
The Honourable John W. Morden  
Peter M. Blaikie, Q.C.  
André Bureau, O.C., O.Q.

July 11, 2013

Denturist Group of Ontario  
2892 Lakeshore Blvd. West  
Toronto, Ontario M8V 1J2

## **Re: Denturist Association of Canada Claims against Denturist Group of Ontario**

Dear Members:

This is to update you on the status of our communications with the Denturist Association of Canada (“DAC”) regarding its claims that members of the Denturist Group of Ontario (“DGO”) have infringed the DAC’s copyright by using denturist procedure codes in insurance claim forms and in patient files.

On February 4, 2013, the DGO contacted the DAC regarding the fees that the DAC was charging to subscribe to its electronic claims network. In the DGO’s view, these fees were excessively high resulting in an unfair disadvantage to non-DAC members. The DGO requested a solution to this problem.

On February 12, 2013, the DAC’s counsel, Robert Wise, responded to this request by claiming the DAC’s exclusive rights in the denturist’s procedure codes, and they demanded that the DGO and its members stop using those procedure codes in insurance claim forms and in patient files without a license from the DAC.

On March 1, 2013, the law firm of Heenan Blaikie LLP, on behalf of the DGO, responded to this demand and requested proof establishing the DAC’s claim to ownership of the copyright in the procedure codes used by denturists.

The DAC never responded to this request. Rather, on July 5, 2013, the DAC had a different law firm, Fogler Rubinoff, send demand letters to individual DGO members re-iterating the same ownership claims to the denturist procedure codes and requiring each member’s acknowledgement of ownership in exchange for a release of liability.

**Cynthia Mason**

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On July 11, 2013, Heenan Blaikie LLP responded to this letter on behalf of the DGO by maintaining the DGO's position that the DAC has no legal basis for claiming exclusive rights in the procedure codes, and we have again invited the DAC to provide proof that it created these codes. This letter also advises the DAC that it should not be communicating directly with individual DGO members on this matter since the DGO has retained Heenan Blaikie LLP to handle the dispute on their behalf.

We will keep you apprised of any developments in this matter. Should you have any questions or concerns please do not hesitate to contact the DGO Board of Directors.

Heenan Blaikie LLP

A handwritten signature in blue ink, appearing to read "Cynthia Mason".

Cynthia Mason