Case Name:

Techform Products Ltd. v. Wolda

Tiete O. Wolda
v.
Techform Products Limited and M & C Corporation

[2001] S.C.C.A. No. 603

File No.: 28949

Supreme Court of Canada

Record created: November 30, 2001.

Appeal From:

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Status:

Application for leave to appeal dismissed with costs (without reasons) July 11, 2002.

Catchwords:

Commercial law -- Contracts -- Contract of employment -- Consultancy agreement -- Employee Technology Agreement -- Consideration -- Duress -- Applicant developed inventions while engaged as independent contractor -- Issue of ownership of inventions -- Whether the court of appeal erred in reversing the trial judge on the issues of consideration and duress -- Whether the lower courts erred in law regarding the principles governing the ownership of inventions.

Counsel:

Peter F. Kappel (Kappel Ludlow), for the motion.
John R. Morrissey (Smart & Biggar), contra.

Chronology:

1. Application for leave to appeal:

FILED: November 30, 2001. S.C.C. Bulletin, 2001, p. 2273.
SUBMITTED TO THE COURT: May 27, 2002. S.C.C. Bulletin, 2002, p. 850.
DISMISSED WITH COSTS: July 11, 2002 (without reasons). S.C.C. Bulletin, 2002, p. 1037.
Before: L'Heureux-Dubé, Bastarache and Binnie JJ.

The application for leave to appeal is dismissed with costs to the respondent Techform Products Limited.

Procedural History:

Judgment at first instance: Respondent Techform declared owner of Tailgate Hinge Mechanism invention; Applicant declared owner of 3D Hinge invention. Ontario Superior Court of Justice, Sachs J., January 31, 2000.
[2000] O.J. No. 5676.

Ad-dendum to Reasons for judgment: Applicant entitled to $5,100 for breach of contract.
Ontario Superior Court of Justice, Sachs J., February 17, 2000.

Supplementary reasons:
Ontario Superior Court of Justice, Sachs J., May 31, 2000.
[2000] O.J. No. 5677.

Judgment on appeal: Appeal allowed, Techform declared owner of 3D Hinge; appeal allowed with respect to the counterclaim for damages for breach of contract and counterclaim dismissed; cross-appeal dismissed. Ontario Court of Appeal, Charron, Rosenberg and Goudge JJ.A., October 1, 2001.
206 D.L.R. (4th) 171, 56 O.R. (3d) 1, [2001] O.J. No. 3822
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Supplementary reasons:

Ontario Court of Appeal, Charron, Rosenberg and
Goudge JJ.A., November 8, 2001.
56 O.R. (3d) 1, [2001] O.J. No. 4306.