



Yael Bienenstock

PARTNER

With a scientific background and broad experience across industries, Yael is a skilled litigator with robust analytical abilities and an approachable style to working with her clients.

CONTACT

Toronto: [416.865.7954](tel:416.865.7954)

ybienenstock@torys.com

Overview

Yael focuses on commercial litigation, intellectual property cases and public law matters, with broad experience in a variety of industries, including life sciences, media, oil and gas and consumer products.

She has appeared as counsel in various levels of courts, including the Federal Court of Appeal, the Ontario Court of Appeal and the Supreme Court of Canada. She has particular experience in patent litigation under the *Patented Medicines (Notice of Compliance) Regulations* and related regulatory proceedings concerning leading drug products for international and North American pharmaceutical companies.



Yael has never been anything but excellent.’

CHAMBERS CANADA, 2023

Featured Work

NEUPOGEN® proceedings

Torys acted as counsel to Amgen in multiple proceedings before the Federal Court of Canada and the Federal Court of Appeal under the PM(NOC) Regulations concerning its patents for NEUPOGEN® (filgrastim)

Reference on the constitutional validity of sections of the Genetic Non-Discrimination Act

Torys acted as counsel to Canadian Life and Health Insurance Association as an intervener in a reference to the Québec Court of Appeal and the Supreme Court of Canada regarding the constitutional validity of sections 1 to 7 of the *Genetic Non-Discrimination Act*

Packers Plus v. Resource Well Completion

Torys acted as counsel to Resource Well Completion in its successful defence against a patent infringement action brought by Packers Plus Energy Services Inc. and Rapid Completions LLC before the Federal Court concerning certain patents relating to fracturing technology

a biopharmaceutical company in response to patent impeachment proceedings brought before the Federal Court of Canada concerning a patent for a novel bispecific antibody targeting multiple myeloma

the applicants in a successful judicial review of the Chief Electoral Officer of Canada's exercise of his discretion in breach of the Canada Elections Act and the applicants' voting rights and religious freedoms under the Charter

Canada Post in its successful application to the Ontario Superior Court to quash on statutory and constitutional grounds a City of Hamilton by-law controlling the installation of community mailboxes in the municipality, and in successfully defending the City's appeal to the Ontario Court of Appeal

Pfizer Canada proceedings before the Federal Court, Federal Court of Appeal and the Supreme Court of Canada under the PM(NOC) Regulations concerning patents for CELEBREX® (celecoxib), a nonsteroidal anti-inflammatory drug

Pfizer Canada in multiple proceedings before the Federal Court, Federal Court of Appeal and Supreme Court of Canada under the PM(NOC) Regulations concerning patents for VIAGRA® (sildenafil citrate), used in the treatment of erectile dysfunction

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Recognition and Awards

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| 2022-2025 | <i>Chambers Canada</i> —Leading lawyer in intellectual property: litigation, litigation: administrative and public law |
| 2021-2024 | <i>IAM Patent 1000: The World's Leading Patent Practitioners</i> —Leading lawyer in litigation |
| 2020-2024 | <i>Managing IP's IP Stars</i> —Notable practitioner, Trademark star and Patent star |
| 2008-2025 | <i>Best Lawyers in Canada</i> —Leading lawyer in intellectual property law |
| 2024 | <i>Lexpert/American Lawyer's Guide to the Leading 500 Lawyers in Canada</i> —Leading lawyer in intellectual property |
| 2020-2024 | <i>The Canadian Legal Lexpert Directory</i> —Leading lawyer in biotechnology, intellectual property and intellectual property litigation |
| 2020-2022 | <i>Who's Who Legal</i> —Global and National leading lawyer in patents, patent litigation and life sciences |

Insights

Courts have *Power* to order damages for unconstitutional legislation

The Supreme Court of Canada has ruled in a landmark constitutional case that damages claims can be sought from the government as a result of unconstitutional law.

Obtaining permits and approvals

Challenges to project permits and approvals: the latest word from the courts

BWA: Kitsilano Coalition for Children & Family Safety Society v. British Columbia (Attorney General)

BWA: Chippewas of Saugeen First Nation v. South Bruce Peninsula

BWA: Quick hits (Sanis, Barbiero, Aphira and Galderma)

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News

81% of Torys' Canadian partners ranked by *Chambers Canada*

We are pleased to share that 130 Torys partners and 38 of our practice areas have been recognized in this year's guide, including 15 Band 1 rankings.

Women in Business Law recognizes 12 Torys partners in the 2022 guide

Congratulations to our 12 partners who were ranked by *Expert Guides*.

179 Torys lawyers recognized in the 2025 Best Lawyers guide

IAM Patent 1000 recognizes Torys' strength in patent law

161 Torys lawyers named in the 2024 Best Lawyers guide

IAM Patent 1000 names Torys and its partners leading patent professionals

More than three quarters of Torys partners recognized in the 2023 Chambers Canada guide

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Professional Involvement

Yael is a member of the Forums and Seminars Committee of the Intellectual Property Institute of Canada. She is also a member of the Advocates' Society and the Intellectual Property Section of the Canadian Bar Association.

Education and Bar Admissions

Education

JD, 2006

University of Toronto, Faculty of Law

MSc (Atmospheric Chemistry), 2001

York University

BSc (Dean's List, With Great Distinction), 1996

McGill University

Bar Admissions

Ontario, 2007