

Events

November 25, 2015

Music Infringement: Would the “Blurred Lines” Case Be Different in Canada?

Presented by the CBA National Entertainment, Media and Communications Law Section. [Click](#) for details.

December 1, 2015

Alice 101: Patenting Software and Business Methods in the US

A Toronto Intellectual Property Group event. [Click](#) for details.

January 20, 2016

IP Osgoode Speaks Series featuring Jerry Agar

Save the date! 12:30 – 2:30 pm at Osgoode Hall Law School. More details to come.

February 19-20, 2016

7th Annual Fox IP Moot

[Click](#) for details.

February 26-27, 2016

International Patent Drafting Competition

University of Detroit Mercy School of Law and Windsor Law event. [Click](#) for competition rules.

March 2, 2016

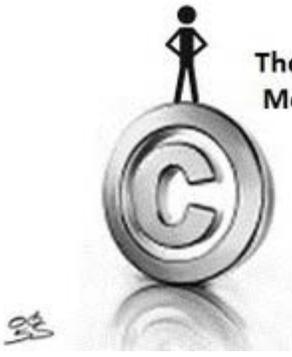
IP Osgoode Speaks Series featuring Prof. Abraham Drassinower

Save the date! 12:30 – 2:30 pm at Osgoode Hall Law School. More details to come.

March 17-19, 2016

The IPIGRAM (17 November 2015)

Feature Posts



The User-Generated Content Exception: Moving Away from a Non-Commercial Requirement

By: Mariam Awan

The User-Generated Content Exception: Moving Away from a Non-Commercial Requirement

November 11, 2015 by [Mariam Awan](#)

Introduction

In December 2006, Time magazine celebrated “You” as the person of the year. [1] In the article, Lev Grossman stated that our history is no longer shaped by a few famous men but by all of us who are part of the new Web.[2] He applauded the fact that over the past year:

We made Facebook profiles and Second Life avatars and reviewed books at Amazon and recorded podcasts. We blogged about our candidates losing and wrote songs about getting dumped. We camcordered bomb runs and built open-source software.[3]

This contagious enthusiasm for user-created works has dampened somewhat over time as we have come to understand the repercussions of some of our activities online. Amateur users are increasingly ignoring copyright law in order to create content online. This is extremely problematic from a public policy perspective since a whole generation of users cannot be deemed criminals. Canada has taken a significant step in the right direction by enacting s. 29.21 of the Copyright Act. It is the first country in the world to make user-generated content an exception to copyright infringement.[4] This user-generated content (“UGC”) exception allows a person to use copyright-protected works to create new content for non-commercial purposes. However, one major flaw in the

The 14th Oxford International Intellectual Property Moot

Taking place at Pembroke College, University of Oxford. [Click](#) for details.

IP Notes

Call for Applications: IPJ

Student Editors

Deadline: Nov. 23, 2015

For Osgoode students only.

Click [here](#) for the application process.

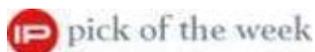
International Patent Drafting Competition

University of Detroit Mercy School of Law and Windsor Law event, February 26-27, 2016. Registration deadline is **November 15, 2015**. [Click](#) for competition rules. Osgoode students interested in competing should contact Osgoode's Director of Mooting and Advocacy Competitions.

Intellectual Property Journal Call for Submissions

Submissions are welcomed to be considered for inclusion in the Intellectual Property Journal (IPJ).

[Click](#) for details.



From November 16-22, 2015, [Global Entrepreneurship Week](#) (GEW) will inspire people around the world through local, national and global activities designed to help them explore their potential as self-starters and innovators. These activities, from large-scale competitions and events to intimate gatherings, connect participants to potential

exception is that it conflates amateur creation with non-commercial use. In the current digital sphere, amateur user-generated content is becoming more and more sophisticated and may have many indirect commercial benefits. The distinction between amateur non-commercial use and professional commercial use is quite arbitrary and cannot sustain itself in modern technological practices. This essay will argue that the proper focus of the user-generated content exception should be on the level of originality of the UGC and its effect on the source material as opposed to its non-commercial or amateur nature. In most cases, if the new content has copyright subsist in it, then it will not have an adverse impact on the source material.

[Read more](#)

Is Google "Feeling Lucky" at the Supreme Court?

November 14, 2015 by [Sebastian Beck-Watt](#)



At the Supreme Court of Canada, Google Inc. will be searching for a more favourable ruling than it got at the Court of Appeal for British Columbia in [Equustek Solutions Inc. v. Google Inc.](#) The appeal stems from the BC Supreme Court's granting of an [injunction](#) requiring Google to de-index certain websites from its search results. Google applied for [leave to appeal](#) to the Supreme Court on September 10, 2015 after the BC court dismissed Google's appeal in June.

[Read more](#)



Announcing the 8th Annual Canada's IP Writing Challenge

November 16, 2015 by [IP Osgoode](#)

The Intellectual Property Institute of Canada (IPIC) and IP Osgoode are delighted to announce our 2016 Canadian writing challenge in intellectual property law.

[Read more](#)

Recent Posts

The TPP and Patents: Expensive Drugs, Questionable Returns

November 16, 2015 by [Matthew Wallace](#)

Modern multi-lateral trade treaties do not habitually soften IP protection. The Trans-Pacific Partnership (TPP), signed October 5th, is no exception. With prescription drug [costs](#) increasingly weighing on Western nations, does the TPP strike the best balance between protecting patents and incentivizing innovation?

[Read more](#)

collaborators, mentors and even investors – introducing them to new possibilities and exciting opportunities.

IP Osgoode Speaks Series Featuring Prof. Matthew Rimmer

November 9, 2015 by [Aviv Gaon](#)

The Trans Pacific Partnership: Copyright Law, the Creative Industries and Internet Freedom

In a timely manner, only three days after the [announcement](#) of the conclusion of negotiations on the Trans-Pacific Partnership Agreement (TPP), Prof. Matthew Rimmer accepted our invitation and shared few of the hidden secrets behind the agreement as part of IP Osgoode speaks series.

This ‘blockbuster agreement’—supposedly a jovial landmark in the sphere of diplomatic international relations—was diluted with a mixture of uncertainty and secrecy. According to Prof. Rimmer, the TPP is a controversial agreement for several reasons. First, many concerns were raised regarding the involvement of major companies, via special advisory groups and executives, in drafting parts of the agreement. Consequently, the companies allegedly had more influence over the TPP than the legislators since the latter could not review the agreement that was protected (and still is) under the blinds of confidentiality. Second, a few notable countries are not signatories of the TPP (China and Russia for example). The reasons underlying China and Russia’s exclusions raise questions regarding the TPP’s true nature—is it really a trade agreement or simply, as Prof. Rimmer implied, ‘the coalition of the willing’ that was established as part of a U.S. global trade strategy.

[Read more](#)



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