



Intellectual Property Law & Technology Program

Events

Friday, February 6

Careers in Intellectual Property law, a panel of speakers who will discuss opportunities in intellectual property law.

Please stay tuned for specific details regarding this and our other upcoming events.

IP in the News

[Vietnamese Authorities Rein In the Country's Vigorous Blogosphere](#)

Vietnam's government has issued several decrees in recent months to curtail blogging, as the number of Internet users soars in the communist country.

[Copyright clash over Santa image](#)

The Guelph Mercury reports on an artist and entrepreneur pitted against each other over a Santa painting.

[Patent King I.B.M. Will Give Away More Ideas](#)

The company that earned the most U.S. patents in 2008 has pledged to open up more of its inventions than ever before to the public.

[Internet Safety Technical Task Force Releases Final Report on Enhancing Child Safety and Online Technologies](#)

The Berkman Center for Internet & Society at Harvard has released the report to the State Attorneys General Multi-State Working Group on Social Networking

[Web surfing leaves trail of pollution](#)

Streaming videos add to global emissions, researcher finds.

[Psystar: We bought Mac OS fair and square](#)

The IPIGRAM (19 January 2009)

Feature Posts

Are totipotent cells patentable in Canada?

January 19, 2009 by Greg Hagen



Greg Hagen is an Assistant Professor in the Faculty of Law at the University of Calgary.

While James Thomson's claims to primate embryonic stem cells in U.S. Patent 5,843,780 (granted December 1st, 1998) were finally upheld on reexamination by the U.S. Patent and Trade-mark office in 2008, no Canadian patent was ever granted on these claims. Canadian patent application 2190528 claims a purified preparation of primate embryonic stem cells that is capable of proliferation in vitro for over a year while maintaining its ability to differentiate into any of the three main germ cell layers *or into an embryo itself*. (See description, p. 21) The remarkable capability of these primate totipotent cells to develop into primate embryos and ultimately a primate (including a human being) raises the issue of whether totipotent stem cells, generally, are a patentable kind of subject matter in Canada.

[Read more](#)



Reversing the vicious circle of custom

January 16, 2009 by Wendy Gordon

Wendy Gordon is the Philip S. Beck Professor of Law, Boston University School of Law, and is currently serving as the Bacon-Kilkenny Distinguished Visiting Professor of Law at Fordham University School of Law.

Now that Apple is removing DRM from its itunes songs, newspapers are trumpeting the move in ways like this: "COPY AN ITUNES SONG? GO AHEAD, APPLE SAYS."

The copyright purist that lurks in me has the urge to remind the news-writers that removing DRM doesn't also remove copyright's legal restraints. But then... if no one corrects the error, and the public begins assuming that an absence of DRM amounts to a permission to copy... and if the record companies don't correct the prevalent error... then music copyists will get a defense of IMPLIED CONSENT wherever

The Mac clone maker has revised its complaint in its dispute with Apple, arguing under the first-sale doctrine that it has the right to sell its machines with the Mac OS X pre-installed.

[Star wins 'landmark' court fight over records](#)

Ontario Court of Appeal ruling requires municipal government institutions to produce electronically stored information, even if it requires using technical expertise to develop new software. (The **court decision** is available [here](#))

[Cash-Strapped Technology Small-Caps Hold Patent Sales](#)

Article on Bloomberg describes how small-cap technology companies are increasingly selling their patents to raise money.

[Judge: Rambus Destroyed Documents Related to Patent Lawsuit](#)

Rambus plans to appeal a decision ruling its patents unenforceable due to documents that were destroyed as part of a document retention policy.

[Privacy watchdog warns companies on self-serving privacy policies](#)

The Information Commissioner's Office in the UK states that privacy policies are full of jargon and has published guidelines on what privacy policies should look like.

IP Poll of the Week

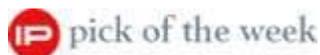
What do you think is the optimal IP ownership model between universities and its researchers?

IP should be owned by the institution

IP should be owned by the researcher

There should be some form of joint ownership

Visit <http://www.iposgoode.ca/> to vote.



[Intellectual Property Watch](#), is a non-profit independent news

DRM is absent from a song they've purchased.

[Read more](#)

Recent Posts

Internet Textbook Businesses Could Help Curb Textbook Piracy

January 19, 2009 by Julian Ho (IPilogue Editor)

Funding for higher education has always been a touchy topic for politicians. While few dispute that an educated population is beneficial for society, it is often less clear who should foot the bill for this benefit. Of course, a large part of the cost is tuition, but more and more, the costs of textbooks are beginning to factor in. A Toronto Star article recently observed that a common method of reducing these costs is to photocopy entire textbooks. Although students often argue that this is the only way they can afford these books, this may not necessarily be the case as there are many internet businesses which may allow cost savings without breaking copyright law.

[Read more](#)

Anti-Counterfeiting: The Success of Louis Vuitton

January 15, 2009 by Sanjukta Tole

Sanjukta Tole is an Osgoode Hall alumnus and practiced with the IP group of a large Vancouver law firm.

In 2008, Louis Vuitton Malletier S.A. and Louis Vuitton Canada Inc. (collectively "LV"), the famous luxury goods maker, made headlines when it was awarded damages of over \$1,000,000, the highest amount ever awarded in a counterfeit matter in Canada. The case was brought by LV in the British Columbia Supreme Court against three individual defendants and two corporate defendants involved in the sale and importation of counterfeit goods (see *Louis Vuitton Mulletier S.A. v. 486353 B.C. Ltd.* 2008 BCSC 799 [Lee]).

[Read more](#)

Recognizing Canada's Public Domain

January 14, 2009 by Carys Craig

Carys Craig is an Associate Professor at Osgoode Hall Law School.

In copyright law, the term "public domain" is commonly used to describe the sphere in which contents are free from copyright protection. The typical example is that of a work

service, reporting on the design and implementation of international intellectual property policies.

whose protection has expired, or one that fails to meet the minimum requirements. Such works belong in what Pamela Samuelson has famously called the "core" of the public domain. Also within this "core", however, are those aspects of copyrighted works that copyright does not protect. Ideas, concepts, theories, systems, methods, facts, information, and unoriginal elements all belong in the public domain, notwithstanding that their expression, description, illustration, compilation, selection or arrangement may be protected.

[Read more](#)

IPRs and the Second Coming of a Knowledge Economy: From Anomie to Utopia?

January 13, 2009 by Ikechi Mgbeoji

Ikechi Mgbeoji is an Associate Professor at Osgoode Hall Law School.

An interesting phenomenon in civilised circles these days is the wonderful ability of both the popular and academic *commentariat* to reduce or at least purport to reduce complex issues to convenient and potable sound-bites. Perhaps, the benevolence of "experts" in sparing members of the public the excruciating details and nuances of difficult issues is a reflection of the "fast-food" age in which we live. In the age of super-sized McDonalds burgers and "take-away" nuggets of wisdom reduced to neatly packed shiny boxes of chloroform, there is little patience with nuance and complexity.

[Read more](#)

IP Osgoode | Intellectual Property Law & Technology Program
Osgoode Hall Law School | York University
4700 Keele Street | Toronto, ON | Canada M3J 1P3
416.650.8449 | iposgoode@osgoode.yorku.ca | www.iposgoode.ca



This email was sent to [% member:email %]. To ensure that you continue receiving our emails, please add us to your address book or safe list.

[manage](#) your preferences | [opt out](#) using TrueRemove®.

Got this as a forward? [Sign up](#) to receive our future emails.

