



Intellectual Property Law & Technology Program

Events

June 24, 2014

Crossing the Border: The Intersection of Taxation and IP

A Licensing Executive Society Toronto Chapter event. [Click](#) for details.

July 6-9, 2014

33rd Annual ATRIP Congress IP Perspectives on the Regulation of New Technologies

Held at Université Montpellier I, Faculté de Droit. [Click](#) for details.

IP Notes

June 30th, 2014

IT.CAN Student Writing Contest 2014

Held by the Canadian IT Law Association, this competition is open to students with publishable papers in a suitable IT/IP field. [Click](#) for details.

July 1st, 2014

Canada's IP Writing Challenge 2014

The Intellectual Property Institute of Canada (IPIC) and IP Osgoode invite submissions from law students, graduate students, and professionals. [Click](#) for details.

The IPIGRAM (20 June 2014)

Feature Posts



Fundamental Change to Trade-mark Law Opposed by Business and Trade-mark Professionals

by Sheldon Burshtein and Antonio Turco

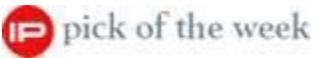
Fundamental Change to Trade-mark Law Opposed by Business and Trade-mark Professionals

June 13, 2014 by [Antonio Turco](#) and [Sheldon Burshtein](#)

Bill C-31, the *Economic Action Plan 2014 Act No. 1*, which will legislate into law the federal government's recent budget, includes amendments to a number of statutes. Of particular interest are the amendments to the *Trade-marks Act* ("TMA"). The changes would reverse what has been the fundamental basis of Canadian trade-mark law for over 150 years.

While the Bill will enable Canada to implement several international trade-mark treaties and make other welcomed changes to the law, the proposed elimination of the requirement to "use" a trade-mark before obtaining a registration for the mark is a major departure from the foundation of Canadian trade-mark law. This is significant because the law of trade-marks is based on use.

It is understood that the goal of Bill C-31 is to improve the position of Canadian businesses, including by reducing their costs. However, the proposed amendments to the TMA to delete the requirement for an applicant to have made "use" of a trade-mark before obtaining registration in Canada will negatively impact Canada's trade-mark system. This will



IP Osgoode would like to introduce [Catherine Frid](#) and [Julie Lassonde](#) as Osgoode's newest Artists in Residence! Catherine is a playwright whose work deals with issues including domestic terrorism, drug testing, homelessness and the crippling of athletes through competitive sports. Julie is a performance artist and social justice lawyer, whose work involves movement, sound and manipulation of objects. We look forward to Catherine and Julie using their artistic creativity to explore justice and the law at Osgoode!

result in significant adverse consequences to Canadian businesses by increasing costs, causing delays, adding uncertainties and creating risks.

The proposed change will also increase litigation, which will stress the already overburdened resources of the Trade-marks Opposition Board and the federal court system. The elimination of "use" as a precondition for registration is not required by any of the treaties Canada intends to join pursuant to the amendments.

[Read more](#)

Sheldon Burshtein and Antonio Turco are partners at the Toronto office of Blakes, Cassels & Graydon LLP. Mr. Burshtein's practice includes the clearance, prosecution, acquisition, enforcement and exploitation of patents, trade-marks, copyright, industrial designs and other forms of IP. Mr. Turco's practice focuses on litigation related to intellectual property rights, including disputes related to patents, copyright, trade-marks, industrial designs and trade secrets.

Winners of the Gowlings Best Blog in IP Law and Technology Prize



June 17, 2014 by [IPOsgoode](#)

IP Osgoode would like to congratulate the winners of the Gowlings Best Blog in IP Law and Technology Prize for 2013-2014. Four prizes in total are awarded each year to Osgoode students and the winning blog posts are featured in the IPilogue. Recipients also receive a \$500 award, are announced at Convocation and receive a permanent notation on their official Osgoode transcript.

[Read more](#)



No Autocorrect for Apple and Samsung in their Patent Wars

June 19, 2014 by [Maggie Reid](#)

The seemingly never ending saga between Apple and Samsung that began in 2011 has seen another day (month) in court. On the surface this may seem like another sweeping victory for Apple, but the war isn't over and that might be what really matters.

[Read more](#)

Maggie Reid is an IPilogue Editor and PhD candidate in the Communication and Culture program at York/Ryerson University.

Recent Posts

Canadian Digital Copyright's Second Decade: What's at Stake

June 18, 2014 by [Joseph Turcotte](#)

For the first time in some twenty years, Canada's copyright law framework is set for the foreseeable future. Previous attempts (in [2005](#), [2008](#), and [2010](#)) to update the country's copyright legislation for contemporary realities were stalled or aborted due to the problematics of successive minority governments during the mid-2000s. After attaining a parliamentary majority in 2011, the governing Conservative Party's [Copyright Modernization Act \(Bill C-11\)](#) received Royal Assent on 29 June 2012. This followed a series of [Supreme Court of Canada \(SCC\) copyright decisions](#) between 2002 and 2012, which together form the basis of Canada's copyright framework moving forward. However, with mandated five-year reviews of copyright law included in Section 58 of Bill-C11 (see s 92 of the [Copyright Act](#)), debates surrounding the current and future shape of Canada's copyright regime are destined to continue in the coming years.

[Read more](#)

Joseph F. Turcotte is an IPilogue Editor, a PhD Candidate and SSHRC Doctoral Fellow in the Communication & Culture Program (Politics & Policy) at York University, and a Nathanson Graduate Fellow at the Jack & Mae Nathanson Centre on Transnational Human Rights, Crime and Security at Osgoode Hall Law School.

Reminder: Canada's IP Writing Challenge 2014

June 18, 2014 by [IPOsgoode](#)

There are just under two weeks left to submit your entry to our 6th annual Canada's IP Writing Challenge. The winner from each category will receive a prize of \$1000 (CAD), publication on the IP Osgoode website, and consideration for publication in the Canadian Intellectual Property Review and/or the Intellectual Property Journal. The deadline to submit is **5pm EDT, Tuesday July 1, 2014**. Submissions can be sent to iposgoode@osgoode.yorku.ca.

[Read more](#)



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