



Intellectual Property Law & Technology Program

## Events

## The IPIGRAM (6 January 2009)

Friday, February 6

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

IP Osgoode would like to wish each of you a Happy New Year! After taking a break for the holidays, we have resumed our blogging on IPilogue.

Friday, March 13

**Business Method Patents: Bilski and Beyond**, a conference exploring the effect in Canada of recent US business method patent jurisprudence.

Our first blog of 2009 is by IP Osgoode Research Affiliate, Professor Graham Dufield (University of Leeds), who makes an appeal for a more multidisciplinary approach to studying intellectual property. You can read his Feature Post below.

As we look forward to the upcoming year, we have also created a short list of the top Canadian IP and technology issues (in no particular order) that we expect will continue to heat up in 2009. As for 2008, on our IP Poll of the Week we ask what you think was the biggest story.

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

As always, we appreciate your interest and support and welcome your participation in all IP Osgoode activities in the year ahead.

## IP Poll of the Week

**Which of the following Canadian IP & tech stories were the biggest of 2008?**

CRTC decision on Bell Canada's traffic shaping

New WHOIS policy for .ca domain names

SCC decision on selection patents in *Apotex v. Sanofi*

Proposed copyright reform legislation (Bill C-61)

Best wishes for 2009 and enjoy!

Pina D'Agostino  
Director, IP Osgoode

## Feature Post

**A plea for disciplinary disloyalty in intellectual property studies**  
by Graham Dufield

*Graham Dufield is Professor of International Governance at the University of Leeds and is an IP Osgoode Research Affiliate.*

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

## IP in the News

**[Warners defiant over Watchmen ruling](#)**

Fox is seeking an injunction against the March 6 release of the movie.

This is a plea for disciplinary disloyalty in intellectual property studies. I realise that sounds very bad - what's good about disloyalty? But it's not in the way I mean it. I am a geographer of sorts who was introduced to intellectual property not by a legal scholar but by ethnoecologist and indigenous rights activist Darrell Posey. And yet I have worked exclusively in law faculties since becoming a professional academic. I do ivory tower research, but my interests are also deeply practical. I have dealt over the years with diplomats, intergovernmental organisations, practitioners and activists. I have learned to write a bit like a lawyer, and I deeply respect

### [Facebook sues social-network aggregator Power.com](#)

Power.com has been storing users' log-in information for various social networks in order to let users access a number of social networks through one portal.

### [Pinball Machine's Depiction in Mel Gibson Movie Ruled Too 'Trivial' to Support Copyright Action](#)

Southern District of New York court finds that the unauthorized appearance of a pinball machine in the movie was "De Minimus" and not actionable.

### [Tech Amici Target High Damages in Microsoft-Lucent IP Case](#)

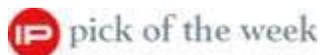
A number of technology companies have filed friend of the court briefs urging the court to rein in the "entire market value rule".

### [Discord on golden oldies' earning power](#)

An article in The Observer looks at the extension of the term of protection for copyright in sound recordings.

### [GateHouse Media Sues New York Times For Infringement](#)

Boston.com's practice of linking to GateHouse articles and displaying their headlines and first sentences has resulted in a lawsuit.



### [The Patent Librarian's Notebook](#)

contains excellent patent information resources.

It is a blog run by Michael White (librarian in the Engineering and Science Library at Queen's University).

the marvellous precision, erudition and balance one finds in the best legal scholarship. But I am definitely not one. Am I disadvantaged by this? From my admittedly partial perspective I think not. Indeed, my lack of attachment to any one academic discipline has served me well as a scholar committed to both blue skies research and policy work in intellectual property.

[Read more](#)

## Recent Posts

### European Year of Creativity and Innovation 2009

by Afroditi Theodoridou

*Afroditi Theodoridou is a PhD student at Osgoode Hall Law School.*

Now that we are heralding a New Year, the European Union is welcoming in Prague, on January 7, 2009, its European Year of Creativity and Innovation (EYCI) with the aim to promote an innovation and creativity-friendly environment.

[Read more](#)

## IP Law and Technology Forecast for Canada

**Net Neutrality:** The Canadian Radio-Television and Telecommunications Commission (CRTC) will be [holding hearings on the issue of network neutrality in July](#) of this year. Without question, there will be a need for detailed discussion of the technological context of the issues and a clear definition of what is actually meant by the term "[net neutrality](#)". Leading up to the hearings, plans by the [U.S. Congress to introduce net neutrality laws](#) will be closely watched closely.

**Privacy online, in the clouds, and on mobile devices:** Social networks will continue to be under great scrutiny with respect to their privacy policies and practices. In May 2008, the [Canadian Internet Policy and Public Interest Clinic \(CIPPIC\) filed a complaint](#) against Facebook under Canadian Federal privacy legislation. The Canadian Privacy Commissioner will render her findings this year. As more personal information works its way in and out of [cloud computing](#) environments and mobile devices, [privacy concerns will affect the development](#) of more and more telecommunications services and products.

### Patentable subject matter:

The scope of patentable subject matter (particularly in the software and biotechnology sectors) will continue to be hot issues. This year will continue to see further developments in business method patent jurisprudence in the U.S. What influence will the [In Re Bilski case](#) have on Canada? Will it have an effect beyond the business method and software domains? Another attempt in the U.S. at pushing the Patent Reform Act

through will also be of great interest to Canada.

**New media regulation:**

The [CRTC has scheduled hearings in February](#) of this year on the issue of regulating broadcasting in the new media environment. This will be very closely watched by many, with numerous stakeholders providing input.

**Copyright reform:**

2009 may again see the introduction of copyright reform legislation. Copyright will continue to resonate strongly with the public in Canada. However, how successful this latest attempt at reform will be is uncertain, given [Canada's recent political turmoil](#).

**Trade-marks online:**

Brand and reputation management in the online environment will be an increasing area of concern. ICANN's new proposal that will expand domain names by allowing applicants to apply for their own self-selected top level domains is [set to launch this year](#).

**Competition and the pharmaceutical industry:**

The Canadian pharmaceutical industry continues to debate the competitiveness of the drug market. The recent [European Commission inquiry](#) will likely provide fodder for similar discussions in Canada. A [Federal Court decision will be rendered this year](#) with respect to the 8 year data protection period in Canada for innovator clinical data.

Did we miss a potential story? Contact us at [iposgoode@osgoode.yorku.ca](mailto:iposgoode@osgoode.yorku.ca)

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