

Events

**April 9, 2015**

**York Startup PitchFest 2015**

Deadline to apply for pitching your idea at the event is April 5 [Click](#) for details.

**April 23-25, 2015**

**East Meets West 2015**

EPO's annual forum on Asian patent information. [Click](#) for details.

**April 30 - May 1, 2015**

**Entertainment & Media Law Symposium 2015**

IP Osgoode's Prof. Giuseppina D'Agostino will be speaking, and IP Osgoode's Advisory Board member, Casey Chisick, and Ron Hay are the co-chairs. [Click](#) for details.

**April 30 - May 2, 2015**

**AIPLA Spring Meeting**

Los Angeles, USA. [Click](#) for details.

**May 1-10, 2015**

**2015 Canadian Music Week**

[Click](#) for details.

**May 2-6, 2015**

**International Trademark Association Annual Meeting**

San Diego, USA. [Click](#) for details.

IP Notes

Congratulations to IP Osgoode's own **Prof. Carus**

## The IPIGRAM (1 April 2015)

### Feature Posts



#### Virotech Patents, Viropiracy, and Viral Sovereignty

April 1, 2015 by [Peter Yu](#)

#### INTRODUCTION

Access to medicines goes hand in hand with the protection of intellectual property rights. At a time when the United States is undertaking large-scale reforms in both the intellectual property and healthcare arenas, it is worth thinking more deeply and broadly about the connections between the two. In March 2010, Congress enacted the Patient Protection and Affordable Care Act[1] and the Health Care and Education Reconciliation Act of 2010.[2] The passage of these highly controversial statutes led to a constitutional challenge to the first statute before the United States Supreme Court. In the 5–4 decision of *National Federation of Independent Business v. Sebelius*, Chief Justice John Roberts upheld the statute's individual mandate while striking down its Medicaid expansion provisions.[3]

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Teaching Award!

**IPilogue: Call for Applications Positions Available:**

Graphic Artist & Illustrator, [click](#) for details.

Features Editor, [click](#) for details.

**Gowlings IPilogue Prize**  
**Deadline: April 10, 2015**

[Click](#) for details.

**LaunchYU Accelerator Program 2015**

**Application Deadline: April 12, 2015**

[Click](#) for details.

**IT.CAN Student Writing Competition**

**Deadline: June 29, 2015**

[Click](#) for details.

**Canada's IP Writing Challenge**

**Deadline: July 1, 2015**

[Click](#) for details.

**Intellectual Property Journal Call for Submissions**

Submissions are welcomed to be considered for inclusion in the Intellectual Property Journal (IPJ). [Click](#) for details.



Check out CIPO's revised [practice guidance](#) for the examination of patent applications respecting medical use claims following the recent Federal Court decision [AbbVie Biotechnology Ltd. v. The Attorney General of Canada](#), 2014 FC 1251. The changes clarify the examination practice to "ensure efficient, predictable and reproducible examination of applications for the benefit of both patent examiners and the patenting public."

Featured here is the Introduction of a paper by [Peter K. Yu](#), IP Osgoode Research Affiliate, Kern Family Chair in Intellectual Property Law and Founding Director of the Intellectual Property Law Center at Drake University Law School. Born and raised in Hong Kong, Professor Yu is a leading expert in international intellectual property and communications law. He also writes and lectures extensively on international trade, international and comparative law, and the transition of the legal systems in China and Hong Kong. The full article was published in 45 Ariz.St. L. J. 1564 (2013) and can also be found [here](#).

**CBC v SODRAC Episode III: Oral Arguments Heard at the SCC**



March 30, 2015 by [Jaimie Franks](#)

On March 16th, the Supreme Court of Canada (SCC) heard oral arguments in [CBC v SODRAC](#). The SCC granted leave to appeal from the Federal Court of Appeal (FCA) [decision](#) back in September, which originally stemmed from a 2012 Copyright Board (the "Board") [decision](#). The issue centers on whether broadcasters should be required to pay royalties on ephemeral or incidental copies of audiovisual works that are created during the process of making a final copy for broadcast. However, what really is at stake here are the principles and scope of technological neutrality – and with a number of [interveners](#) and parties interested in the outcome, the IP world has its eyes turned to how this case unfolds.

[Read more](#)

*Jaimie Franks is an IPilogue Editor and a JD Candidate at Osgoode Hall Law School.*

**It is All About the Maize and the Bees as Osgoode Attends the Oxford International IP Moot**



March 27, 2015 by [Jennifer R Davidson](#) and [Anastassia Trifonova](#)

On March 19th-21st, 2015, the 13th Annual [Oxford International Intellectual Property Moot](#) took place in Oxford, England. It is the largest student moot competition in the world, attracting top IP talent from every corner of the globe. The moot is judged by some of the most prominent IP professionals and academics.

[Read more](#)

*Jennifer Davidson and Anastassia Trifonova are JD Candidates at Osgoode Hall Law School and IPilogue Editors.*

## Recent Posts

### **An Unexpected Infringement: There and Back Again**

March 31, 2015 by [Lou Chang](#)

On March 16, 2015, Justice Barnes held that AstraZeneca's Patent No [1,292,693](#) ("693 Patent"), a formulation patent for omeprazole, was valid and infringed by Apotex ([2015 FC 322](#)). This decision represents the latest entry in the 22-year old cross-jurisdictional Omeprazole saga between AstraZeneca and Apotex. Because the proceedings were bifurcated, a separate reference for damage calculations is scheduled for January, 2017 ([Ontario Federal Court Hearing List](#)).

Although this decision primarily turned on the facts, there are some notable points of interest for infringement, claims construction and expert evidence.

[Read more](#)

*Lou Chang is a JD Candidate at Osgoode Hall Law School and a fan of JRR Tolkien.*

### **After Swift Shakes it Off with Spotify, US Copyright Office Promises to Shake it Up**

March 30, 2015 by [Andrew Hunter](#)

The US Copyright Office has [published](#) a report that, at the very least, promises to reopen the debate surrounding rights of remuneration for performers and makers of sound recordings. This followed huge publicity generated in the United States about artist remuneration rates for webcasting, which in turn was sparked by pop pixie Taylor Swift's [pronouncement](#) that her music would no longer be available via Spotify and similar services.

[Read more](#)

*Andrew Hunter is an IPilogue Editor and a JD Candidate at Osgoode Hall Law School.*



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