



Intellectual Property Law & Technology Program

Events

On **November 26, 2008**, Professor David Vaver delivered the prestigious [IP 2008 Stephen Stewart Lecture](#) entitled "Reforming IP Law: An Obvious and Not-so-obvious Agenda" to over 150 attendees in London, UK.

Click [here](#) to read the paper he presented. The final version of this paper will be published in (2009) Intellectual Property Quarterly.

Thursday, Dec 11, 2008
12:40pm-2:00pm

Jason Kee, Director of Policy & Legal Affairs, Entertainment Software Association of Canada

Title: "IP: Perspectives from the Video-Game Industry"

Location: [Ogilvy Renault](#), 200 Bay Street (Suite 3800, Royal Bank Plaza, South Tower)

Please RSVP by 5:00pm on Tuesday, Dec 9 to iposgoode@osgoode.yorku.ca

Professor Ikechi Mbeoji will be participating in a workshop on Indigenous Knowledge & Intellectual Property at **University of Ibadan**, Feb 1-6, 2009. [Invitation and details here.](#)

If you missed **Lord Justice Jacob's** lecture, "The Scope of a Patent: Claim Construction and Equivalents", you can view the webcast in our [events archive](#).

IP Poll of the Week

This week's question:

Should patents on developing human embryonic stem cells be allowed, if the process involves destroying the embryo that the stem cells come from?

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

The IPIGRAM (December 1, 2008)



(Image Source: University College London)

It is with great sadness that we have learned of Sir Hugh Laddie's recent passing. Professor David Vaver shares his memories below.

[Sir Hugh Laddie - Commemoration](#)

December 1, 2008 by David Vaver

Sir Hugh Laddie QC, who passed away last week after a long battle with illness, will be remembered for many things. For those who knew him, he was entertaining and witty company and a loyal friend, always ready to lend a hand; for those who appeared in court against him, he was a brilliant advocate; for those who read legal texts, his co-authored book on UK copyright law has become a standard for many to emulate but few to attain; for those who read judgments on intellectual property, the ones he delivered as a trial judge during the decade of 1995-2005 will stand out as masterly authorities; for those who sat on committees with him, his judgment, energy and insight will be remembered; for those who saw him at conferences, his cheerful voice and incisive talks and comments will no longer be heard; for those who were his students at University College London over the last few years, they will somehow have to get along without a witty, enthusiastic and provocative lecturer and mentor. His many contributions to a better understanding of intellectual property remain despite his departure. A decent human being is no longer with us, and the IP world has lost one of its great enthusiasts and most acute constructive critics.

Numerous other blogs have shared their memories in tribute of Sir Hugh Laddie including: [IAM Blog](#), [Howard Knopf](#), [William Patry](#), and [IP Kat](#).

IP in the News

[Google's Gatekeepers](#)

Professor Jeffrey Rosen has an article in the New York Times discussing Google's role as a gatekeeper of the Internet

[EU watchdog puts bite on big pharma](#)

Competition commissioner states that "Competition in the drug industry does not work as well as it should"

[European agency rules against stem cell patents](#)

An appeal panel at the European Patent Office has upheld a decision to reject a patent on developing stem cells. The EPO stated that "European patent law prohibits the patenting of human stem cell cultures whose preparation necessarily involves the destruction of human embryos". (Decision available [here](#)).

[Producer of fake Vancouver Sun cannot argue freedom of expression](#)

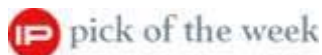
In a judgment on a motion to strike portions of the Statement of Defence, the B.C. Supreme Court master also rules that parody cannot be invoked as a defence of copyright infringement under the Copyright Act

[Apple Sued Over iPhone Browser](#)

A Los Angeles real estate developer is suing Apple for patent infringement over the way the iPhone navigates Web sites.

[Facebook wins faceoff with Montreal spammer](#)

\$873 million in damages ordered in lawsuit filed under the U.S. CAN-SPAM Act



Osgoode Professor **Carys Craig** appears in a new film ("[Why Copyright?](#)") to discuss copyright law.

Feature Posts

[Copyright law and policy articles in latest issue of Osgoode Hall Review of Law and Policy](#)

December 1, 2008 by Adrian Scotchmer

Adrian Scotchmer is the Editor-in-Chief of the Osgoode Hall Review of Law and Policy.

The [latest issue](#) of the [Osgoode Hall Review of Law and Policy](#), released November 24, 2008, may be of interest to readers of *IP Osgoode* as it contains three papers regarding copyright law. [Read more](#)

[Tony Chapman: "Made in Canada: Why creativity and invention must become the life blood of our economy"](#)

November 27, 2008 by George Nathanael (IPilogue Editor)

This past Tuesday, as part of the *IP Osgoode Speaks* series, Tony Chapman, founder and CEO of [Capital C Marketing Group](#), gave a talk about the need for Canada's industries to generally change the way they do business. The event was hosted in one of the vibrant seminar rooms of Capital C in downtown Toronto. [Read more](#)

IPilogue - Recent Posts

[Think Twice Before You Click Send!](#)

November 30, 2008 by Adrienne Ng (IPilogue Editor)

E-mail emerged as an informal and humble means of electronic global communication. Now ubiquitous in business communications and transactions, e-mail is on the verge of becoming a key mover and shaker of modern day contract law. [Read more](#)

[Fair application of 'Fair Dealing': A look at uncertainties](#)

November 28, 2008 by Reshika Dhir (IPilogue Editor)

In George Nathanael's post titled "[Protecting Graffiti Artists](#)", he proposed that withholding copyright protection for graffiti is the best response to the question of whether creators of graffiti should be protected the same way as other artists who create murals on their own property. The dilemma of rewarding someone who created a work of art in a public area without authorization played a major role in reaching that conclusion. [Read more](#)

[What would an ordinary observer do?](#)

November 26, 2008 by Daniel Hartrell (IPilogue Editor)

In the U.S. case *Egyptian Goddess v. Swisa*, the the US Court of Appeals for the Federal Circuit adopted an "ordinary observer" test for determining whether a design patent (also known as an industrial design) has been infringed. Prior to this case, courts often used a "point of novelty" test: identify the point of novelty that makes the design distinct from prior art, and then determine whether that point of novelty has been copied by the alleged infringer. [Read more](#)

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