

Events

February 14-March 7, 2011

Loyola Patent Law Interview Program - Registration

Student registration has begun. The deadline for registration is March 7, 2011. See [Notice](#) for details.

February 17, 2011

Darlene Carreau, Chair of the Trade-marks Opposition Board

6pm-7pm, Vari Hall C, Osgoode Hall Law School, York University, Toronto

February 18, 2011

2011 Fox IP Lecture

Featuring Lord Justice Robin Jacob of the Court of Appeal of England and Wales (member of IP Osgoode's International Advisory Council), "The Common Law of IP" 12:00 pm Luncheon Lecture (Sheraton Centre Toronto Hotel 123 Queen Street West, Toronto, Canada)

April 1, 2011

IP/Gender: Mapping the Connections

American University Washington College of Law
[See call for papers and symposium details](#)

IP in the News

[Coke denies that trade secret recipe was revealed](#)

A Chicago Public Radio program says it uncovered the original recipe for Coca-Cola — a claim the company is disputing.

[EU lawmakers back plans to establish regional patent system](#)

The IPIGRAM (16 February 2011)

Feature Posts



Consumers' Rights in Copyrighted Works: A Play Back for Balance on Bill C-32 "Trio Provisions"

February 9, 2011 by Pascale Chapdelaine

Pascale Chapdelaine is a PhD candidate at Osgoode Hall Law School, member of IP Osgoode. Her current research seeks to define and substantiate consumers' rights with respect to copies of copyrighted works that consumers lawfully access.

In a Brief submitted to the Legislative Committee on Bill C-32, I offered some comments on the "Trio Provisions". These provisions seek to clarify the rights of individuals who access copyrighted works, e.g., the provisions on "Non-commercial User-generated Content", "Reproduction for Private Purposes" and "Fixing Signals and Recording Programs for Later Listening or Viewing". To read the Brief, click [here](#).

Blogging, Tweeting and the Next Generation of Scholarly Collaboration

February 13, 2011 by Leslie Chong (IPilogue Editor)

Leslie Chong is a JD candidate at Osgoode Hall Law School.

Academic bloggers gathered at Osgoode Hall Law School to discuss their insights and experiences working with online forums through blogging and other social media sites. The [panel discussion](#) took place on February 9, 2011 and included Professors [Simon Fodden](#), [Sonia Lawrence](#), [Kate Sutherland](#), and [Giuseppina D'Agostino](#).

As the internet and social media become increasingly important tools in facilitating communication and connection to larger academic communities, it is important that we look to some of the pioneers in this field to determine how we can use these devices to increase knowledge, make space for discussion, and encourage further online pedagogic endeavors.

[Read more](#)



The European Parliament adopted a proposal, which allows supporters of the plan to press ahead without the full support of all the EU's 27 nations.

[White House seeks to speed up generic drugs' path to market](#)

Two proposals in the Obama administration's proposed 2012 budget blueprint could help cheaper medicines come to market more quickly.

[Obama touts plan to get wireless internet to 98 percent of US](#)

President Obama outlined a plan to create economic success stories by expanding super-fast wireless internet connections.

[UK campaign to stop copyright infringement on TV and film](#)

The UK film and television industry's campaign asks audiences to show greater respect for copyright and creativity.

[US university claims donor lists are trade secrets](#)

The University of Connecticut is fighting to prevent the release of donor lists under FOI legislation, arguing they amount to trade secrets that other institutions could use to lure away supporters.

[Bell pulls web-use counting tool](#)

Bell Canada has removed the tool it uses to monitor consumers' Internet data usage and started reversing charges to some customers.

[Nortel patent sale delayed despite intense interest](#)

Tech giants are lining up to buy patents held by bankrupt telecommunications company Nortel Networks, but a formal auction has been delayed.

[Facebook, Google size up takeover of Twitter](#)



Fair Use for Poetry: Best Practices for Parody, Satire, Remixes, Epigraphs and Other Uses

February 13, 2011 by Dan Whalen (IPilogue Editor)

Dan Whalen is a JD candidate at Osgoode Hall Law School.

"Poetry, as a highly allusive art form, fundamentally relies on the poet's ability to quote, to copy, and to 'play' with others' language" – so says the Center for Social Media of American University (CSM). CSM has assembled the [Code of Best Practices in Fair Use for Poetry](#) to assist poets to exercise their [fair use rights](#) in using copyrighted materials in their work in the US.

[Read more](#)

Recent Posts

Bill C-32 Hearings Continue

February 16, 2011 by pwong

Pauline Wong is the Assistant Director of IP Osgoode.

The Legislative Committee on Bill C-32 is [continuing to hear](#) from stakeholders regarding the proposed Copyright Modernization Act. Most recently, the Committee heard from the Canadian Civil Liberties Association (CCLA), the Professional Writers Association of Canada (PWAC), la Société québécoise de gestion collective des droits de reproduction (COPIBEC), l'Union des écrivaines et des écrivains québécois (UNEQ), and Howard Knopf.

Best of Luck to Fox IP Mooters!

February 16, 2011 by IP Osgoode

IP Osgoode wishes the best of luck to the Osgoode team for the [3rd Annual Harold G. Fox Moot](#) (2011 Canadian IP Moot): Anna Koppelman, Devin Doyle, Jonathan Park, Kimberly Lawton, and Leanna Yue. Many thanks to their coaches, Casey Chisick, Shane Hardy, and Timothy Pinos from Cassels Brock & Blackwell LLP.

US Court Confirms: There is No Fair Use Exception to Digital Lock Provisions under the DMCA

February 15, 2011 by Matt Lonsdale (IPilogue Editor)

Matt Lonsdale is a JD candidate at Dalhousie University.

There has been heated debate in Canada regarding technological protection measures (TPMs), particularly against the backdrop of the amendments to the *Copyright Act* proposed by Bill C-32. At issue in many of these discussions is the extent to which circumventing TPMs

Google Inc. and Facebook Inc. have held low level takeover talks with Twitter that give the Internet sensation a value as high as \$10-billion.

[CRTC details metered internet review process](#)

The CRTC announced the terms and principles by which it would review its controversial decision on usage-based billing for internet service.

[Bell admits internet metering problem](#)

Bell's internet usage tracker may overstate the amount of bandwidth its customers use, the company acknowledged this week.

[Sunset provisions in Patriot Act to expire soon](#)

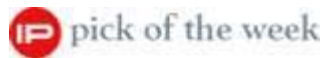
Congress has taken procedural steps that virtually guarantee that three key spy provisions in the Patriot Act will be extended in an upcoming vote.

[English Court tells law firm file-sharing cases must continue](#)

A controversial law firm that sent letters to alleged illegal file sharers has been told it cannot drop its cases to "avoid public scrutiny".

['Twitter messages not private' rules UK press regulator](#)

The decision follows a complaint by a Department of Transport official that the use of her tweets by newspapers constituted an invasion of privacy.



The blog, [law.arts.culture](#), explores the intersection of law and the arts: literature, music, theatre, film, visual art and more.

should be illegal; for instance, should it be illegal in all circumstances or only if the purpose of the circumvention was to further an act of copyright infringement. TPM proponents typically argue that [such provisions are necessary](#) for Canada to comply with its international treaty obligations and to support new business models in the digital age. Others have argued that these provisions [unduly restrict the rights of consumers](#) and grant too much control to copyright holders. A case in Southern California is shedding light on how this debate is playing out in the United States, where the legislation at issue is the [Digital Millennium Copyright Act](#) (DMCA).

[Read more](#)

To Mix or Not to Mix: Bill C-32 "Mash Up" Provision is Getting Attention

February 12, 2011 by IP Osgoode

Wendy Serres is a JD candidate at Osgoode Hall Law School and is taking the course, Law & Social Change: Law & Music.

DJs throughout Canada may well rejoice when they hear that Parliament is proposing to make unauthorized mash ups legal. [Bill C-32](#) has been tabled in the House of Commons to update Canada's *Copyright Act*. As currently drafted, the amendment will include parody, satire and user-generated content (UGC) under the umbrella of fair dealing.

[Read more](#)

Consumer: Time to get your Head out of the Clouds?

February 11, 2011 by IP Osgoode

Jennifer Webb is a JD Candidate at Osgoode Hall Law School and is taking the course, Law & Social Change: Law & Music.

Although the definition of cloud computing can be somewhat hazy, the growth and popularity of "clouds" is not. In addition to being an integral tool for contemporary businesses, web-based cloud applications are giving consumers what they want: a convenient, reliable, and most importantly, [green](#) and [affordable](#) way to share and manage their data or watch and listen to media. In light of the CRTC's recent decisions on usage-based billing (UBB), will consumers continue to look to the clouds for their entertainment and business needs?

[Read more](#)

The Evolution of the Online Revolution and How the Egyptian Government Stopped It

February 10, 2011 by Leslie Chong (IPilogue Editor)

Leslie Chong is a JD candidate at Osgoode Hall Law School.

As protests continued in Cairo's Tahrir Square, Egyptian President Hosni Mubarak's regime had prepared to wage a cyber counter-attack in an attempt to [forestall an imminent rally](#). As the authorities prepared themselves for a day of anticipated mass protest, the government made an unprecedented move that struck Egyptians (and the world) by surprise: it shut down the internet.

[Read more](#)

Update on Usage-Based Billing

February 10, 2011 by Pauline Wong

Pauline Wong is the Assistant Director of IP Osgoode.

The CRTC is not the only one reconsidering the question of usage-based billing for internet service. Further to last week's statements by its Chairman, Konrad von Finckenstein, the CRTC has [announced](#) the approach it will take to reviewing its decision. Meanwhile, Bell has [acknowledged](#) that its internet usage tracker, used by customers, may overstate the amount of bandwidth used. Shaw Communications has gone a step further in its [response](#) to popular outrage. It is suspending plans to charge customers for exceeding internet usage limits, and its president, Peter Bissonnette, said that one option would be to consider a no-cap, unlimited internet service.

For further discussion on this issue, see our [earlier post](#) on usage-based billing.

Licence to Kiss? Harlequin Files Application to Patent Kissing

February 9, 2011 by Dan Whalen (IPilogue Editor)

Dan Whalen is a JD candidate at Osgoode Hall Law School.

It's no secret that Valentine's Day has become as much, if not more of, a holiday for marketing and merchandising profiteers as for lovers. With the big day approaching, one such company has made the rather unusual move of seeking to patent the kiss. Indeed, Harlequin Enterprises has filed an [actual application](#) with the US Patent and Trademark Office for what it describes rather coldly as "a method by which two people can reciprocate their romantic feelings towards one another in a manner that deepens attachment, provides pleasure and promotes physical and emotional well-being." If a patent is granted to the company, which produces romance novels, it very graciously plans to allow everyone to employ the invention

free of charge.

[Read more](#)

‘Global Repertoire Database’ Proposed as First International Copyright Compendium

February 8, 2011 by Leslie Chong (IPilogue Editor)

Leslie Chong is a JD candidate at Osgoode Hall Law School.

Deloitte, a global consultancy firm, has recently begun [putting together a global copyright database](#) that is aimed at simplifying the current system being used to calculate and distribute royalties in the music industry. Formally referred to as the “[Global Repertoire Database](#)” (GRD), it has been [supported by industry heavyweights](#) such as EMI Music Publishing, Universal Music Publishing, iTunes, Amazon, Nokia, [STIM](#), [SACEM](#) and [PRS for Music](#).

[Read more](#)

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