

Events

August 24 – 28, 2015

Justice Design Project

A Winkler Institute for Dispute Resolution at Osgoode Hall Law School event.

[Click for details.](#)

September 10, 2015

AIPLA Biotech Patent Law

Boston, MA.

[Click for details](#)

September 17, 2015

For Your Eyes Only; Selfies, Cyberbullying and C-13

An OBA Women Lawyers Forum, Criminal Justice and Child & Youth Law Sections event.

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IP Notes

Intellectual Property Journal Call for Submissions

Submissions are welcomed to be considered for inclusion in the Intellectual Property Journal (IPJ).

[Click for details.](#)

IP pick of the week

In their new book "[International Copyright Law: U.S. and E.U. Perspectives, Text and Cases](#)", Professor Jane C. Ginsburg and Professor Edouard Treppoz, two of the leading lights in international copyright law, bring their expert commentary and provocative

The IPIGRAM (19 August 2015)

Feature Posts



CETA: An Opportunity to Fix Canada's Broken Pharmaceutical Patent Linkage System

By: Adam Falconi

CETA: An Opportunity to Fix Canada's Broken Pharmaceutical Patent Linkage System

August 18, 2015 by [Adam Falconi](#)

In September of 2014 the consolidated text of the Comprehensive Economic and Trade Agreement ("CETA") was released to the public.[1] CETA is a landmark free trade agreement between Canada and the European Union that has been in negotiations since 2009.[2] CETA has been touted by the Canadian Government as its "most ambitious trade agreement to date" and the agreement looks to have far-reaching effects on the economy through provisions covering everything from dairy tariffs to investor-state disputes.[3] However, the issue that has attracted the most commentary and fierce debate throughout the CETA negotiations is the agreement's potential impact on Canada's pharmaceutical industry. This controversy was primarily due to the fact that the European Union had been putting pressure on the Canadian government during the CETA negotiations to allow for provisions that would strengthen its patent protection for pharmaceuticals,[4] despite the fact that according to some commentators, Canada already provides for some of the strongest amount of protection for pharmaceuticals in the world.[5] Irrespective of this debate, the official consolidated CETA text contains two provisions that increase patent protection for pharmaceuticals in Canada through (1) the availability of patent term restoration for time lost in pharmaceutical regulatory processes,[6] and (2) the implementation of "equivalent and effective right of appeal" for all litigants that engage in a "linkage" mechanism where the granting

questions to judiciously selected extracts from cases, analytical texts, and the texts of the treaties themselves, to develop a deeply nuanced understanding of this field. The approach centres on comprehending the international law and international treaties and, rather than analyzing the treaties in turn and in abstract, offers a concrete issue-by-issue treatment of the subject.

of market authorization for pharmaceuticals is linked with patent protection.[7]

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This is an excerpt from a paper by Adam Falconi, the recipient of the 2015 Barry D. Tomo Memorial Prize for best research paper on a subject related to industrial or intellectual property law. The full paper will appear in the upcoming edition of the Intellectual Property Journal (IPJ).

IPJ: Call for Submissions

August 18, 2015 by [IP Osgoode](#)



The editorial staff of the [Intellectual Property Journal](#) welcome submissions to be considered for inclusion in one of the three editions of the journal to be published in 2015.

Founded in 1984, the Intellectual Property Journal (IPJ) covers matters relating to all aspects of Intellectual Property such as patents, trade-marks, copyright, designs, trade secrets, and related areas such as privacy. The focus of the journal is on Canadian material with a mix of comparative and international law content. The IPJ contains articles, opinions, book reviews, case commentaries and writings on legal developments around the world. The IPJ accepts submissions from any interested parties, including students, provided that they meet a high standard of scholarly rigour.

To read the submission guidelines, please click [here](#).



Kimble v Marvel gets caught up in SCOTUS's web

August 17, 2015 by [Jacquilynne Schlesier](#)

United States Supreme Court Justice Elena Kagan is a fan of comics. If you had not already read that in [her bio](#) at SCOTUS-tracking blog *Supreme Court Review*, you might have inferred it from the Spiderman references she included in her [Kimble v. Marvel](#) ("Kimble") decision. She even supported her final decision, declining to overturn the limits on patent licensing established in [Brulotte v. Thys](#) ("Brulotte"), with a quote from the original appearance of Spiderman: "With great power there must also come – great responsibility".

Despite its light-hearted framing, the majority decision in *Kimble* rests on the bedrock of judicial decision-making: *stare decisis*.

[Read more](#)

Jacquilynne Schlesier is an IPilogue Editor and JD Candidate at Osgoode Hall.

Recent Posts

Canadian Banking Industry Releases Payments Security White Paper

August 18, 2015 by [Ana Badour](#) and [Diego Beltran](#)

The re-posting of this [article](#) is part of a cross-posting agreement with [CyberLex](#).

The Canadian banking industry recently released the [Payments Security White Paper](#), prepared by the six largest Canadian banks (BMO, CIBC, National Bank, RBC, Scotiabank, TD). The white paper outlines the evolution of mobile payments in Canada, reviews risks associated with various types of mobile payments, and explores potential considerations for the future.

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How to Discipline Cyber-Snooping Employees

August 18, 2015 by [Laura DeVries](#)

The re-posting of this [article](#) is part of a cross-posting agreement with [CyberLex](#).

In a digitized world, it can be all too easy for unauthorized employees to access confidential information in the workplace, as recent [breaches](#) at the Saskatchewan Cancer Agency and some [Ontario hospitals](#) have shown. Employers should be prepared to take appropriate disciplinary action against employees who snoop into personal information. In some instances, termination of employment may be appropriate. To minimize liability for wrongful dismissal claims, employers should take careful steps to prevent snooping in the first place and be ready to investigate and discipline employees appropriately if an incident occurs.

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Do War Criminals Have Copyrights? The Role of Morality in Controversial Works

August 18, 2015 by [Gosia Piasecka](#)

At first, a request for royalties by the estate of Nazi propagandist Goebbels was considered a [joke](#) by counsel for Random House. But the publisher now finds itself in the middle of a legal controversy after releasing a [biography about the notorious World War 2 Nazi](#), which largely draws from Goebbels's diaries.

[Read more](#)

Gosia Piasecka is an IPilogue editor and a JD Candidate at Thompson Rivers University Faculty of Law.



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