

## FEATURE POSTS



### From the Practitioner's Perspective: Are the New Trademark Regulations an Improvement or Hindrance?

November 27, 2019 by Summer Lewis

As of June 17, 2019, the [new trademark regulations](#) announced by the Government of Canada in November 2018 came into force. There have been several notable changes, including the implementation of the Madrid Protocol for international trademark applications and a reduced term of registration before renewal from 15 to 10 years. While these amendments were meant to [simplify the registration process](#) and put Canadian law in line with international treaties, the question of its practical impact remains. I am grateful to [Kelly Gill](#), a partner and IP lawyer at Gowling WLG, who spent some time helping me understand the changes from a practitioner's point of view.

When asked about the most significant changes the regulations implemented, Gill highlighted that the ability to register without having first used a mark is one of the most significant changes, in addition to joining the Madrid Protocol. There are also a number of challenges that practitioners must deal with when reconsidering filing strategies with their clients.

*Written by Summer Lewis, a second year JD Candidate at Osgoode Hall Law School. Summer is also the Content Editor of the IPilogue.*

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### Professor Amir Asif appointed as the new Vice President of Research and Innovation at York University

IP Osgoode congratulates Professor Amir Asif on his appointment as the new Vice President of Research & Innovation at York University for a five-year term beginning May 1, 2020. IP Osgoode wishes Professor Asif much success in his new role and looks forward to working together through our Innovation Clinic and fostering further collaborative partnerships and entrepreneurship initiatives.



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## LATEST POSTS



### China's Patent Policy: Pros, Cons, and an AI Solution

November 28, 2019 by Keenan Fast

China has historically been a small player in regard to patent filing. [As recently as a decade ago](#),<sup>[i]</sup> China's patent office, SIPO, which serves a country with three times the population of the United States, processed less than half as many patent applications as the USPTO, America's patent and trademark office. Since the late 1990's, Chinese patent filing has grown meteorically, and China has become a patent powerhouse. This increase has occurred both within China, [turning SIPO into the busiest patent office in the world](#)<sup>[ii]</sup>, and internationally.

*Written by Keenan Fast, Osgoode JD Candidate, enrolled in Professors D'Agostino and Vaver 2019/2020 IP & Technology Law Intensive Program at Osgoode Hall Law School.*

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### A Legal Framework for Artificial Intelligence

November 25, 2019 by Maya Medeiros

Artificial intelligence (AI) is a field of computer science referring to intelligence demonstrated by machines, in contrast to the natural intelligence displayed by humans. Social media platforms use artificial intelligence

technologies such as natural language processing to understand text data, and image processing for facial recognition.

In some instances, regulation tries to create a "legal" definition of AI. For example, a [law](#) requiring disclosure of chat bots defines "bot" as "an automated online account where all or substantially all of the actions or posts of that account are not the result of a person." [Article 22 of GDPR](#) provides for the right not to be subject to a decision based solely on "automated processing, including profiling" with legal or significant impact. AI laws also refer to driverless vehicles. These legal definitions of AI determine whether the law applies to the particular AI process or system.

*Written by Maya Medeiros, partner, lawyer, patent agent, and trade-mark agent at Norton Rose Fulbright LLP Canada (Toronto). Maya Medeiros' practice focuses on the creation and management of intellectual property assets in Canada, the United States and around the world.*

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### The Precarious Position of Streaming Video Games – Potential Repercussions from the European Copyright Directive

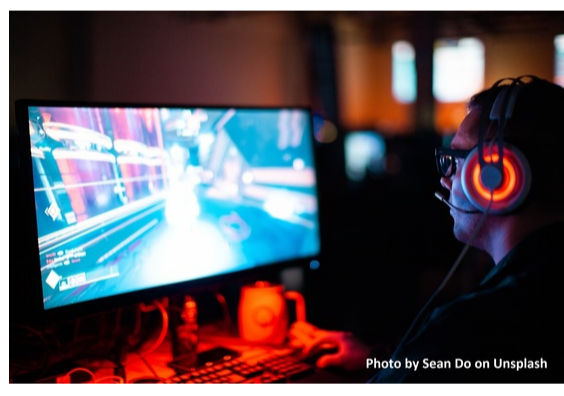
November 28, 2019 by Matthew Drinovac

Esports and video game streaming have become a popular pastime and a big business with gaming platforms such as Twitch and [Mixer](#)<sup>[i]</sup> attracting millions of viewers apiece and tournaments for popular games such as [Fortnite awarding substantial prizes](#).<sup>[ii]</sup>

This leads to the assumption that streaming is a safe legal activity. Instead, most streamers are in a [legal grey area](#) <sup>[iii]</sup> through the public performance of a copyright protected work. While this area [surprises the public](#) who would expect that activities that are likely illegal would not develop into a growing mainstream business, the tolerance of infringing content by the game publishers is logical in this instance from a business standpoint as streaming is free advertising <sup>[iv]</sup> that could help grow the game.

*Written by Matthew Drinovac, Osgoode JD Candidate, enrolled in Professors D'Agostino and Vaver 2019/2020 IP & Technology Law Intensive Program at Osgoode Hall Law School.*

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## Events

### An Industry Transformed: Securing Sustainable Growth for Today's Digital Music Industry

2 December 2019

Presented by Music Canada and Cassels Brock & Blackwell LLP, this event will take place from 4:00pm to 6:30pm at 40 King St W, Suite 2100, Toronto.

For more details and to register visit [here](#).

### IP Strategy Within a Global Marketplace

4 December 2019

The Intellectual Property Institute of Canada Presents: IP Strategy Within A Global Marketplace. This event will take place from 8:00 am to 10:00am at 7 Bayview Station Road, Ottawa.

For more details and to register visit [here](#).

## IP Picks of the Week

On January 1, 2020, the fees for industrial designs, including examination, maintenance, reinstatement and advanced examination will increase by 2.2%, in accordance with the [Service Fees Act](#). Note that not all fees are subject to an annual adjustment. See more details [here](#).

On November 27, 2019 the Observatory published the Online Copyright Infringement in the European Union study. This report analyses consumption of copyright-infringing music, films and TV programmes in the 28 EU Member States. According to the study Europeans accessed 15% less pirated music, film and TV content between 2017 and 2018. The full report can be found [here](#).



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