

## FEATURE POSTS



Denys Nevozhai on Unsplash

### [Breaking the Lock: A Proposed 'Bug Hunt' Exception for TPMs](#)

December 4, 2019 by Christopher Tsuji

In 2012, Parliament amended the [Copyright Act](#) and updated it to address the realities of the new internet environment and new technologies. Among the changes was the introduction of technological protection measures (TPMs), sometimes known as digital rights management (DRMs). The [Act](#) defines TPMs as “any effective technology, device or component that, in the ordinary course of its operation... controls access...or... restricts access.”<sup>[1]</sup> In some instances, TPMs may be a copyright-protected work itself – a computer program, which is the focus of this post. I argue that the [Act](#)'s narrow exceptions for TPM circumvention are detrimental for both privacy and copyright and propose a new “bug hunt” exception.

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

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**Exam season is here and we wish all students the best of luck !**



## LATEST POSTS



Photo by Kym Ellis on Unsplash

### [Wine From ... Israel?](#)

December 3, 2019 by Jared Sues

Is it the responsibility of a producer of a product to convey to the consumer a clear label, even when the government provides conflicting stances on the subject? Without directly saying it, Mactavish MJ answered this question in the affirmative, when she ruled in [Kattenburg v Canada \(Attorney General\)](#) that wine from West Bank settlements could not be sold in Canada with a “Made in Israel” geographical indication.

The primary issue in this case was whether the labeling on the wine was false, misleading, or deceptive contrary to [subsection 5\(1\) of the Food and Drugs Act \(FDA\)](#) and [subsection 7\(1\) of the Consumer Packaging and Labelling Act \(CPLA\)](#). This issue arose from the requirement in [section B.02.108 of the Food and Drug Regulations](#) that “a clear indication of the country of origin shall be shown on the principal display panel of a wine.” Mactavish MJ's key consideration was whether the “Made in Israel” label reasonably met these standards set out in the [FDA](#) and [CPLA](#).

*Written by Jared Sues, a second year JD Candidate at Osgoode Hall Law School. Jared is an IP Osgoode IPilogue Editor and Innovation Clinic Coordinator*

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### [TO REQUIRE CONSENT OR TO NOT REQUIRE CONSENT? THAT WAS \(AND COULD STILL BE\) THE QUESTION](#)

December 2, 2019 by Madison Black

On September 23, 2019 the Office of the Privacy Commissioner of Canada (“OPC”) [concluded their consultation on transfers of personal information for processing purposes](#). The [consultation sought stakeholder feedback](#) on the matter by posing 11 specific questions related to the current and future law of data transfers, but at the heart of the consultation was whether consent should be required when transferring personal information to a third party for processing in a different jurisdiction. The [OPC received 87 submissions](#) during the consultation, some of which were on behalf of more than 90 stakeholders. The majority of the submissions rejected the proposition that the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) required organizations to seek consent for transfers to third parties for processing, [prompting the OPC to ultimately restore their initial interpretation of PIPEDA](#) to that effect. It was the OPC's recent deviation from this interpretation in their April 2019 Report of Findings in the [Investigation of Equifax Inc. and Equifax Canada](#) (the “Equifax Decision”) that received widespread [attention](#) and sparked the consultation in the first place.

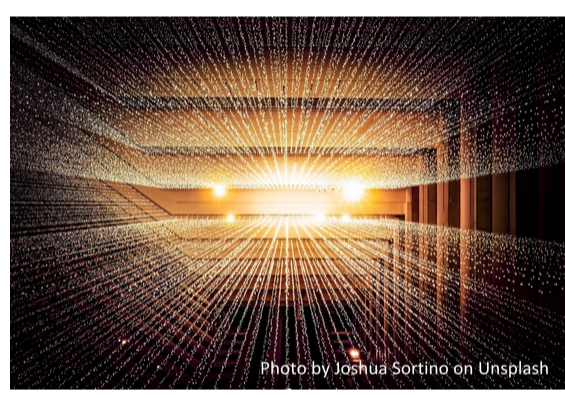


Photo by Joshua Sortino on Unsplash

*Written by Madison Black, 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

### **The New College of Patent Agents and Trademark Agents Webinar**

13 December 2019, 1:00pm - 2:00 pm

 Visit [event page](#) for registration and more details.

### **TIPG December Social 2019**

16 December 2019, 5:30pm - 9:00pm

 For more information and to register, please click [here](#).

## IP Picks of the Week

Producers of Italian vinegar from the region of Modena lost a challenge at the European Court of Justice to stop German rivals from using parts of their protected name Aceto Balsamico di Modena. The Court ruled that protection of the name “Aceto Balsamico di Modena” (Balsamic Vinegar from Modena) “does not extend to the use of the individual non-geographical terms of that name”. Click to read [Press Release](#) and [Judgment](#) of the Court.

On December 3rd, 2019, Music Canada in partnership with Cassels Brock & Blackwell LLP held a discussion on sustainable growth for today's digital music industry. Music Canada's most recent report on Closing the Value Gap can be downloaded [here](#).



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