

## FEATURE POSTS



### What USMCA Ratification Means for IP in Canada

April 29, 2020 by Andrei Teju

On March 13, 2020, Canada's House of Commons and Senate both passed Bill C-4, the [Canada-United States-Mexico Agreement Implementation Act](#) (the "Act"), which received royal assent the same day. This makes Canada the third and final country to ratify the USMCA (officially known as [CUSMA](#) in Canada), although the agreement does not come into force domestically until ordered so by the Governor in Council. This will likely happen following a three-month period during which the member nations must agree on implementation regulations (e.g. naming each country's representatives for the conflict resolution mechanism), a period which may well be prolonged due to the global COVID-19 crisis.

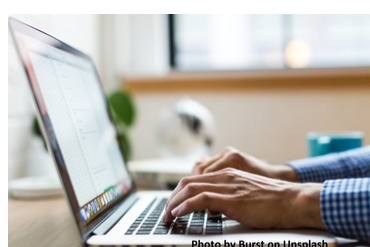
*Written by Andrei Teju, IP Innovation Clinic Fellow and JD Candidate at Osgoode Hall Law School*

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## LATEST POSTS

### High Court of Justice of England and Wales Determines Fabrics Considered Works of Artistic Craftmanship

May 1, 2020 by Alessia Monastero

Earlier in April 2020, in *Response Clothing Ltd v The Edinburgh Woollen Mill Ltd*, [\[2020\] EWHC 148](#), the High Court of Justice of England and Wales (the Court) determined that fabrics could be works of artistic craftsmanship in the UK for copyright purposes.

The claimant, Response Clothing, designs and markets various pieces of clothing. The defendant, Edinburgh Woollen, is a major clothing retailer with about 400 stores in the UK. Between December 2009 and 2012, Response Clothing provided Edinburgh Woollen with various women's tops made of a jacquard fabric. This jacquard material consists of wave-like designs that are woven into the fabric. When Response Clothing increased the price of the tops sold to the defendant in 2012, Edinburgh Woollen decided to change suppliers. The defendant provided the new supplier a sample of Response Clothing's top and has changed suppliers various times throughout the last five years while maintaining the same wave-like jacquard design. As a result, Response Clothing claims that copyright subsists in its fabric's design, either as a graphic work or as a work of artistic craftsmanship as per section 4 of the [Copyright, Designs and Patents Act 1988](#) (the *CPDA*).

*Written by Alessia Monastero, IPilogue editor and articling student at Deeth Williams Wall LLP.*

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### She The North – Commercializing Hype Using IP

May 1, 2020 by Stephanie Cho

It is safe to say that 2019 was a good year for Canadian sports. In June, the Toronto Raptors became the [first](#) Canadian National Basketball Association (NBA) team to win the championship, and the frenzy surrounding their playoff run was nothing short of feverish. Notably, fans from both Canada and the United States used the #WeTheNorth hashtag to demonstrate their support, and the slogan quickly became synonymous with grit, determination, and ultimately victory.

The value of the intellectual property (IP) rights behind the We The North slogan is hard to quantify, but it is evident that the phrase was a pivotal component of the team's [marketing campaign and business strategy](#). WE THE NORTH is a trademark registered in 2014 and is owned by the Raptors' parent company, Maple Leaf Sports & Entertainment Ltd., in both [Canada](#) and the [US](#).

*Written by Stephanie Cho, a second year JD Candidate at Osgoode Hall Law School. Stephanie is also a Clinic Fellow at the Osgoode Innovation Clinic.*

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## Events

#### Regulatory Issues during COVID-19

6 May 2020

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

#### Founder Fundamentals - IP, Trademarks & Patents

7 May 2020

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

#### Primed for AI – the basics of artificial intelligence and machine learning

May 13, 2020

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

## IP Picks of the Week

This week [United States Patent and Trademark Office](#) (USPTO) ruled that an AI program cannot be an inventor, only natural persons may be named as an inventor. The decision is [available here](#).

The new [Canada-United States-Mexico Agreement](#) (CUSMA) will come into force on July 1, 2020, the first day of the third month after being ratified by each member country. The full text of CUSMA is available [here](#).



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