

FEATURE POSTS



Implications of “Social Distancing” on the Entertainment Industry

March 24, 2020 by Jason Clarke

Since its initial identification, the Coronavirus (or COVID-19) has spread at alarming rates, resulting in a global pandemic. Due to the highly infectious nature of the disease, individuals around the world have been forced into social isolation, as Ontario has joined the list of provinces to declare a [state of emergency](#).

The film/entertainment industry is just one of many industries being largely impacted by the spread of the virus. At a macro level, the industry has seen closures of movie theatres, live shows, festivals, and concerts. For example, Vancouver, also known as “Hollywood North”, brought in \$3.2 billion dollars to the economy last year through movie productions, however recent estimates show that [25 of 46 productions were being forced to suspend](#) or cancel production completely.

Written by Jason Clarke, a third year JD Candidate at Osgoode Hall Law School. Jason is also a Clinic Fellow at the Osgoode Innovation Clinic.

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Gowling WLG Best Blog in IP Law and Technology Prize

The prizes were pioneered in Professor Giuseppina D’Agostino’s Intellectual Property class in Fall 2007 and have been generously sponsored each year since then by Gowling WLG. Four prizes in total are awarded each year to full-time Osgoode Hall Law School students. In each academic semester, there is one prize for the best post and one prize for the best comment.

All Osgoode students are invited to submit entries to the IPilogue, which will be considered automatically for the Gowling WLG Prize.

The submission deadline for consideration for the prizes is the last day of classes for the academic year (e.g., for the 2019-2020 academic year, it is Friday, April 3, 2020). Please submit your blog post to iposgoode@osgoode.yorku.ca. Comments on an existing IPilogue post can be made directly on the website, please use your Osgoode email so that your comment can be identified as an eligible entry by an Osgoode student.

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IPIC & IP OSGOODE Canada’s IP Writing Challenge

Entries must be received by 5 p.m. (ET) on **Wednesday, July 1, 2020**

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LATEST POSTS

The Adoption and Existence of the American Doctrine of Patent Exhaustion in Canada

March 23, 2020 by Emily Papsin

My participation in the [Harold G Fox IP Moot](#) was an opportunity for me to learn far more than just patent law. I entered the moot with a notion that the Canadian and American legal systems were so economically, socially, and fundamentally different in principle, that we would seldom find ourselves in a position where we wanted to follow the lead of our southern neighbours. Our moot problem tackled that notion head on, asking half of us to advocate for legal integration, and the other to fight against it. Thanks to the arguments we made vying for the adoption of the American doctrine of patent exhaustion, I learned that Canadian patent law can, and should, take guidance from our American counterparts, in spite of my false preconceptions about the mutual exclusivity of our legal systems.

The doctrine at issue, patent exhaustion, is best defined by a recent American Supreme Court case called [Impression Products v Lexmark](#). At paragraph 4, the Court stated that “...patent exhaustion is uniform and automatic. Once a patentee decides to sell – whether on its own or through a licensee – that sale exhausts its patent rights, regardless of any post-sale restrictions the patentee purports to impose, either directly or through a licensee.” In brief, the doctrine states that selling an article without imposing contractual limitations on that sale means you can no longer control what the buyer does with what you’ve sold them.

Written by Emily Papsin, a second year JD Candidate at Osgoode Hall Law School. Emily is also a Clinic Fellow at IP Osgoode Innovation Clinic.

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Policy Questions Regarding Protection of Scent Marks

March 26, 2020 by Anupriya Dhonchak

One of the cutting-edge topics in trademark law today is the issue of non-conventional trademarks. As per the Indian [Trade Marks Act](#) a ‘mark’ includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof. The non-exhaustive nature of this list makes the definition abstract and focuses more on the rationale for affording protection to marks i.e. their capability to distinguish goods and services for consumers on the basis of trade source.

Non-conventional trademarks however include smell and sound marks. In this post, I will discuss smell marks, which have had a chequered history in different jurisdictions. In 2001, the European trademark registry held in the landmark case of [Ralf Sieckmann v Deutsches Patent und Markenamt](#)

Written by Anupriya Dhonchak, an international exchange student at Osgoode Hall Law School from National Law University, Delhi and is currently working as a Research Assistant to Dr. Carys Craig.

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Events

Resource Management: Navigating The Impact On Canadian Businesses

March 31, 2020

IP Innovation Clinic's partner Sandbox invites you to join a FREE webinar that will help you navigate through the available resources and funding opportunities that the business can leverage during these unprecedented times. Visit the [website](#) for registration and more details.

Webinar - Clean-tech and Intellectual Property

April 27, 2020

This webinar will outline what to consider when developing an IP strategy with a focus on the clean-tech sector, to help you extract value from your IP, protect your business from competitors and gain a competitive advantage.

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



IP Innovation Clinic's client offers free weekly webinars on essential oils

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IP Picks of the Week

[Bill C-13](#) entitled “An Act respecting certain measures in response to COVID-19” was passed this week by Canadian lawmakers, introducing Canada’s COVID-19 Economic Response Plan. Part 12 of Bill C-13 contains provisions that amend the [Patent Act](#) allowing the Government “to make, construct, use and sell a patented invention to the extent necessary to respond to the public health emergency”. This bill speeds up the process of issuing compulsory licences for medical products until September 30, 2020.



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