

FEATURE POSTS



Wiseau Studio, LLC v Harper: Good News for Canadian Filmmakers on Fair Dealing and Documentaries

June 30, 2020 by Meghan Carlin

Justice Paul Schabas has provided artists in Canada with the most authoritative statement yet on the bounds of fair dealing as it applies to documentary films in releasing his decision in the case of [Wiseau Studio, LLC v Harper](#) on April 23, 2020.

The journey to Justice Schabas' 2020 decision begins back in 2003, when the plaintiff Tommy Wiseau released *The Room*, widely acknowledged as one of the [worst movies of all time](#). The film's unwatchability (it has been described as a "[car crash of incompetence and catastrophic misjudgment](#)") that is "[rife with flimsy sets, terrible acting and wanton misogyny](#)"), along with the mystery surrounding its creator, helped the Room to develop a cult fan base. The film has [continued to screen regularly since its 2003 release so that audiences might mock it](#), and has lent inspiration to James Franco's 2017 Hollywood release, *The Disaster Artist*, as well as a lesser-known documentary about *The Room* created by the Defendants and titled *Room Full of Spoons*.

Written by Meghan Carlin. Meghan is entering her second year of studies at Osgoode Hall Law School. In addition to her work with the IPilogue, Meghan is a Fellow with the Innovation Clinic and is Co-President of the Osgoode Entertainment and Sports Law Association.

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LATEST POSTS



Sorry AI Enthusiasts, Your Tech is no Inventor

July 1, 2020 by Nicholas Heinrich

It replaces jobs previously done by humans and creates ideas and products that would normally count as an invention, and yet, artificial intelligence (AI) cannot be an inventor. This was the [decision of the United States Trademark and Patent Office](#) (USPTO), which held that the term "inventors" in the [United States Code](#) only pertains to "natural persons." This decision is in line with decisions out of the [United Kingdom](#) and [European Union](#). Such a stance, while adhering to the plain statutory text, is seemingly at odds with the circumstances of the 21st century and has the potential to have grave effects on technological development and protection of intellectual property.

Nicholas Heinrich is a fourth year undergraduate student at the University of Toronto studying Political Science and Economics.

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RESTRICTIONS ON CANNA-MARKS

July 2, 2020 by Elif Babaoglu

Recently, I came across several news articles stating that cannabis sales hit [new highs](#) amid the Coronavirus pandemic. The [Ontario Cannabis Store](#) (OCS) reported that there was an 80% increase over an average Saturday. In the United States, cannabis [sales growth peaked at 64%](#) during the week of March 16. Though the [initial pantry-loading of cannabis in late March](#), ended, it made me re-think the legalization of cannabis from an intellectual property implications point of view.

Canada was the [first G7 nation](#) to legalize recreational cannabis. The [Cannabis Act](#) came into force on October 17, 2018. Its stated purpose is to [protect](#) the health of young persons by restricting their access to cannabis, to protect young persons and others from inducements to use cannabis, and to deter illicit activities concerning cannabis by providing a legal supply of cannabis. While Canada's [black market has declined by 21%](#) since recreational pot was legalized, [some argue](#) that the regulations governing the promotion of cannabis do not allow sufficient flexibility for companies to develop their brands in this emerging market due the strict provisions governing the promotion of cannabis.

Written by Elif Babaoglu, IPilogue Editor. Elif is also the Co-Director of Events of the Osgoode Privacy Law Society.

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Events

Women in Tech Webinar: The Ripples you Create - A workshop on amplifying women's voices in the media

7 July 2020

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

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7 July 2020

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The Virtual IP Court Hearing: What You Should Know Before You "Zoom" into Court

10 July 2020

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

IP Picks of the Week

This week, the US Supreme Court issued a ruling on the status of website names, deciding that "Booking.com" is eligible for a federal trademark even though it's based on a generic term. This decision gives Booking.com, owned by Booking Holdings Inc., nationwide legal protection against competing trademarks. Read [full decision here](#).

On January 1, 2021, the Canadian Intellectual Property Office (CIPO) will be raising the fees related to trademarks and industrial designs for examination, maintenance, reinstatement and advanced examination by 2%, in accordance with the [Service Fees Act](#). Read [more here](#).



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 416.650.8449 | iposgoode@osgoode.yorku.ca | www.iposgoode.ca



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