

# Cassels

## Cassels on IP: July 2022

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July 28, 2022

In this edition: The Supreme Court of Canada rules on making available, the Federal Court grants the first-ever dynamic site-blocking injunction in Canada, and a trademark registration is successfully invalidated for “bad faith” trademark squatting. Plus, a spotlight on our patent team.

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### Hot Off the Press

#### **Supreme Court Confirms Copyright Protection for All Acts of Making Available >**

The Supreme Court of Canada recently released its highly-anticipated decision in *Society of Composers, Authors and Music Publishers of Canada v. Entertainment Software Association*. The decision recognizes the right of copyright owners to control the making available of their works on demand over the internet.

#### **Dynamic Site Blocking North and South of the Border: The Federal Court of Canada and a New York Court Grant Injunctions to Block Unauthorized Streaming Websites >**

The Federal Court recently granted the first-ever dynamic site-blocking injunction in Canada.

#### **Trademark Invalidated as “Bad Faith” Attempt to Extort Legitimate Owner >**

Success breeds success and imitation is the sincerest form of flattery. Foreign trademark owners, particularly those associated with successful business models and popular services are vulnerable to “bad faith” trademark squatting in Canada. A solution is emerging to that problem.

#### **Important Intellectual Property Implications Contained in Bill C-19 and the 2022 Federal Budget >**

Bill C-19 implements changes to a broad range of legislation, including several notable updates to intellectual property laws.

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## Cassels Wins

### **Casey Chisick Elected President of the Copyright Society >**

Casey Chisick recently began a two-year term as President of the Copyright Society. This is the first time in its almost 70-year history that the Copyright Society has elected a president from outside of the United States.

### **Alison Hayman Named Among the Top 250 Women in IP >**

For the sixth year in a row, Alison Hayman has been honoured by Managing Intellectual Property as among the “Top 250 Women in IP” in the world. She is one of a select group of just 15 Canadians recognized on a list dominated by practitioners from the United States and Europe.

### **Cassels Partners Recognized as 2022 IP Stars >**

Cassels partners Casey Chisick, Mark Davis, Alison Hayman, Stephen Selznick, and Jessica Zagar have all been recognized as “IP Stars” by Managing Intellectual Property, with Steven Kennedy and Eric Mayzel named Noted Practitioners.

### **Cassels Partners Recognized by Lexpert Special Edition >**

Cassels partners Casey Chisick, Mark Davis, and Bernice Karn have been recognized among the best in the country by Lexpert’s Special Edition on Technology & Health Sciences.

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## In Case You Missed It

### **Canada Extends Term of Copyright in Works to Life of Author Plus 70 Years >**

After years of consultation and debate, the Parliament of Canada has passed legislation to extend the term of copyright protection in literary, dramatic, musical, and artistic works from 50 years to 70 years after the end of the year of the author’s death.

### **Trends in the Alcohol Industry and How They Are Regulated >**

The alcohol industry is adapting to changing consumption patterns and the increased desire among

consumers for more information about what they are drinking.

## **Canada's 2030 Emission Reduction Plan: Opportunities for Intellectual Property Innovators >**

Now more than ever, businesses can grow their success by recognizing the financial value that a robust intellectual property portfolio and strategy can bring them.

## **Bill 96 Will Have a Significant Impact on Trademark Owners >**

A look at Quebec's new rules on the display of trademarks on public signage and labels.

## **New Mandatory Front of Pack Symbol for Foods High in Saturated Fats, Sugars, and/or Sodium >**

New regulations require most prepackaged foods sold in Canada that are high in saturated fats, sugars, and/or sodium to display a "front-of-package nutrition symbol." Health Canada has given the food industry to January 1, 2026 to comply.

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## **Practice Spotlight: Patents**

The patent lawyers at Cassels are trusted partners and strategic advisors to many of the world's leading companies. By building a deep understanding of our clients' strategic priorities, we have developed a proven track record for designing practical solutions that achieve their objectives.

Our patent lawyers regularly act for cutting-edge companies, with demonstrated expertise in many innovative industries, including pharmaceuticals, chemical, medical devices, consumer goods, agriculture and food, manufactured goods, aerospace, energy and nuclear, and transportation.

Our patent lawyers have earned the trust of companies to handle their complex disputes and litigation from start to finish. Our team is invested in client success, whether that means obtaining a judgment in the courtroom, developing, and implementing alternative dispute resolution mechanisms, or negotiating favourable settlement terms. Our patent litigators are also preferred counsel in high-stakes and multi-jurisdictional litigation, and they have successfully argued some of the patent cases in Canada.

At the same time, our patent lawyers also serve as trusted business advisors. They regularly help clients with commercial transactions and provide practical advice on regulatory issues affecting life sciences companies. Our team leverages this expertise to deliver advice tailored to the specific commercial and regulatory interests of their clients' business.

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For more information, please contact Mark Davis, Chandimal Nicholas, Stephen Selznick, or Kassandra Shortt.

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## A Few More Things...

**Stay Tuned! >**

The latest from our Intellectual Property Group: where we've been and where we'll be next.

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*This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.*