

# Cassels

## Cassels on IP: November 2022

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**In this edition: A look at reversion of copyright in Canada, Health Canada announces the independent review of the *Cannabis Act*, and the latest from our team...**

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### Hot Off The Press

#### **A Message From Your Future: Reversion of Copyright in Canada >**

Reversion is one of the most overlooked aspects of Canadian copyright law. Parties cannot contract around reversion. However, they can plan for it and manage the risks.

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### In Case You Missed It

#### **Health Canada Announces the Independent Review of the Cannabis Act – Considerations for the Promotion Provisions >**

Health Canada has announced the review of the federal *Cannabis Act* by an independent expert panel. Among the many aspects of the Act expected to undergo review are the sections on the promotion and advertising of cannabis. Could revisiting current branding restrictions play a role in achieving the Act's stated public health and safety purposes?

#### **Failure to Launch? Documenting Your Efforts to Launch Your Franchise System Just Might Save Your Trademark Registration >**

A recent trademark cancellation proceeding in which a franchisor saved its trademark registration provides helpful guidance for the preservation of trademark rights in economically challenging circumstances.

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## Cassels Wins

### **Proud to be Ranked Among the Best by ManagingIP 2022 >**

Cassels is proud to be ranked among the best in the country by *ManagingIP*.

### **Chambers Canada Recognizes Cassels Among the Country's Best for IP >**

Casey Chisick, Mark Davis, Alison Hayman, and Jennifer McKenzie have been recognized among the best practitioners in the country for Intellectual Property law by the 2023 edition of *Chambers Canada*.

### **Best Lawyers in Canada Ranks Multiple Cassels Practitioners as Leaders in IP: Best Lawyers > & Ones to Watch >**

Casey Chisick, Mark Davis, Len Glickman, Alison Hayman, Eric Mayzel, Jennifer McKenzie, and George Wowk have all been ranked as leaders in their field by the 2023 edition of *Best Lawyers*.

In addition, Christie Bates and Nosh Leszcz have been ranked as "Ones to Watch" in the area of IP law.

### **Cassels Lawyer Named to Canadian Bar Association Committee**

Jennifer McKenzie has been named as Vice Chair of the Marketing Practices Committee of the CBA Competition Law Committee.

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## Did You Know?

While copyright in a work gives the owner exclusive rights, fair dealing is a frequently relied upon exception to infringement or "user's right."

Fair dealing allows for the reproduction and other uses of copyright-protected materials for certain limited purposes: research, private study, education, parody or satire, as well as criticism or review and news reporting, if the source and the name of the author, performer, maker or broadcaster are mentioned. To qualify for the exception, the dealing must also be "fair." Whether something is fair will depend on the circumstances. In determining whether a dealing is fair, Canadian courts will consider the purpose of the dealing, the character of the dealing, the amount of the dealing, alternatives to the dealing, the nature of the work, and the effect of the dealing on the work.

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Fair dealing differs from the American doctrine of fair use, which is generally considered to be broader and not limited to enumerated purposes.

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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 – including next week's INTA Leadership Meeting in Miami.

Cassels Community >

We believe in giving back to the communities in which we work and live.

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