

Quarterly Copyright Blog

For those who are interested in recent cases and developments relating to copyright please see below:

- CPTPP - Comprehensive and Progressive Agreement for Trans-Pacific Partnership - After the withdrawal of the United States from the TPP the 11 remaining countries have agreed to the CPTPP which incorporates much of the TPP, including all of the tariff reductions and goods-market access outcomes with the exception of 22 items from the original TPP. Notably the Copyright term will remain the same and is not extended as required by the TPP. <https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/index.aspx?lang=eng>
- Pursuant to section 92 of the *Copyright Act* the Standing Committee on Industry, Science and Technology of the House of Commons will review of the provisions of the *Act*
- How to determine if sufficient skill and judgment has been exercised in the creation of a compilation to satisfy the requirement for originality and copyright protection and the criteria relevant to the determination. *The Toronto Real Estate Board v Commissioner of Competition* 2017 FCA 236 <https://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/301595/index.do>
- Ten matters to consider when assessing a claim for joint ownership of copyright in the U.K. *Martin v Kogan* [2017] EWHC 2927 (IPEC) <http://www.bailii.org/ew/cases/EWHC/IPEC/2017/2927.html>

- The application of the limitation defence when the discovery of material facts is in issue *907687 Ontario Inc. v. 1472359 Ontario Ltd.* 2017 FC 969

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/300732/index.do>

- The effect of the Charter right to freedom of expression on a claim for an interlocutory injunction. *Aquarium Marine Science Centre v. Charbonneau* 2017 BCCA 395

<https://www.canlii.org/en/bc/bcca/doc/2017/2017bccca395/2017bccca395.html?resultIndex=1>

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These comments are of a general nature and not intended to provide legal advice as individual situations will differ and should be discussed with a lawyer