

IP Currents

ANTI-SPAM LEGISLATION UPDATE

By: Colleen Spring Zimmerman

The Canadian government gave Royal Assent on December 10, 2010 to its new anti-spam legislation ("CASL"), which we expect will be proclaimed into force some time in 2013. Certain regulations under the CASL were published in 2011 for feedback. On January 5, 2013, the revised draft Electronic Commerce Protection Regulations ("the "Regulations") were published. The revisions represent the government's response to the feedback received to the original version. There was a 30 day consultation period, until February 4, 2013, for the public to submit their comments on these Regulations. Many submissions were received and certain of them were posted on the Government of Canada's CASL website at fightspam.gc.ca. [More...](#)

BILL C-56 – A New Trade-Marks Act for Canada

By: Nancy A. Miller

Bill C-56, titled the Combating Counterfeit Products Act, was introduced into the Canadian Parliament for first reading on March 1, 2013. This Bill is intended to amend both the Copyright Act and the Trade-Marks Act to add new civil and criminal remedies and new border enforcement measures relating to counterfeiting.

Canada has long been criticized for its failure to deal effectively with counterfeit products, and this Bill represents an attempt to redress these perceived failures. The primary focus of the Bill is with respect to adding new tools which will be available to copyright and trademark owners to fight against the manufacture, import, sale and distribution of counterfeit goods. However, it is noted that there is a "personal use" exemption which will likely cause complications until the precise meaning of "personal use" in the context of counterfeit goods has been determined. [More...](#)

Success for Valeant Pharmaceuticals

By: Colleen Spring Zimmerman

We acted on behalf of Valeant Pharmaceuticals, the requesting party, in a Section 45 cancellation proceeding against the registration for the mark RIPPED FX8 design. The registrant filed an affidavit which included an advertisement with a picture of a bottle of the product at issue which was labeled with the trade-mark. The Hearing Officer indicated that the product clearly showed the manner in which the mark was physically affixed to the product. The advertisement included text which identified an entity by the name of NO1 Science as the developer of the product. The advertisement made reference to the www.No1science.com website. Additionally, there was a public notice at the bottom of the advertisement that the mark was a registered trade-mark of NO1 Science. [More...](#)

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