Topical Research Guide: Intellectual Property

Intellectual property law is an arising area and it covers copyright, patents, trademarks, industrial design, and other intangible property. Although the focus of this guide is Canadian, some foreign countries, as well as international sources, are mentioned. Before starting to research on IP, it should be kept in mind that IP law falls mostly under the federal jurisdiction in Canada.

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Primary Sources:

1. Statutes and Regulations:

The major statutes on IP include but are not limited to:

Copyright Act, R.S.C. 1985, c. C-42.
Patent Act, R.S.C. 1985, c. P-4.
Trade-marks Act, R.S.C. 1985, c. T-13.
Industrial Design Act, R.S.C. 1985, c. I-9.

To **browse** a more complete list of statutes and regulations on IP:

a. Use *Canadian Encyclopedic Digest* (CED) (Toronto: Carswell Co., 1973-). Call number: DIG A242: Title 34, Copyright; Title 107, Patents of invention; Title 141 Trade Marks. CED is also electronically available through Westlaw*e*Carswell. Under each title, CED has included the tables of statutes and regulations.

b. Use *Consolidated Intellectual Property Statutes and Regulations* (Scarborough, Ont.: Carswell, 2006), call number: KF 2979 C65 (on reserve).

To **search** statutes and regulations by keywords:

a. WestlaweCarswell >> IP Source >> Legislation and Related Materials

b. QuickLaw >> Legislation

Other Internet resources such as CanLII, Justice Canada Web site can also be used to search federal statutes and regulations, and use E-laws for Ontario provincial statutes and regulations.

2. Case law:

To **browse** cases on IP:

a. Use *The Canadian Abridgement*, call no. DIG B35 3ed. Vol. 58, 59: Intellectual property, or electronically available through WestlaweCarswell.

b. Use *Canadian Statutes Citation*, call no. DIG B35 Canada, to browse cases citing statutes in question.

c. Use annotated acts to browse relevant cases. For example:

   Barrigar, Robert H. *Canadian Patent Act annotated,* 2nd ed. (Aurora, Ont.: Canada Law Book, 1994-). Call number: KF 3114 C3 B372

   Richard, Hugues G. & Carrière, Laurent et al eds. *Canadian Copyright Act annotated* (Scarborough, Ont.: Carswell, 1993-). Call number: KF 2991.5 C25 1993

   Richard, Hugues G. ed. *Canadian Trade-marks Act annotated* (Don Mills, Ont. : R. Deboo, 1984-). Call number: KF 3178.4 C35 CUR.

   Pinsonneault, Marie. *The 1995 annotated Robic-Leger Trade-marks Act* (Toronto: Carswell, 1994). Call number: KF 3180 P55 1994.

   Tamaro, Normand. *The Annotated Copyright Act* (Toronto, Ont.: Carswell, 2006).

d. Subject case reporters:

   Canadian Patent Reporter. (1941-)
   Copyright Board Reports. (1990-1994)

e. Check Federal Court Web site and Supreme Court of Canada Judgments Web site regularly to keep track of recent decisions. Decisions can be browsed chronologically. However, topical guides are not available from those Web sites.

Use keyword to **search** cases on IP:

a. Quicklaw >> Source Directory >> Filter by Country (Canada) and Topics (Intellectual Property Law) >> Cases (include case digests as well).

b. WestlaweCarswell >> IP Source >> Cases

Secondary Sources:

Secondary sources include treatises and articles. Such sources not only interpret the law, but also provide citations to relevant primary sources and other secondary sources.

1. Books:

Vaver, D. *Intellectual property law: copyright, patents, trade-marks* (Concord, Ont.: Irwin Publishing, 1997). Call number: KF2979 V38 1997 (On reserve)

Judge. Elizabeth F. & Gervais, Daniel. *Intellectual Property: the law in Canada* (Toronto: Thomson/Carswell, 2005). Call number: KF2979 J84 2005 (On reserve)

Intellectual property law: the year in review / the Law Society of Upper Canada (Toronto: Dept. of continuing legal education, the law society of upper Canada, 199-). Call number: KF2972 I58

Vaver, D. *Copyright Law* (Toronto: Irwin Law, 2000). Call number: KF2994 V38 2000 (On reserve)

McKeown, John S. *Fox Canadian law of copyright and industrial design* (Scarborough, Ont.: Thomson/Carswell, 2003). Call number: KF2994 F692 (On reserve)

Nimmer, M. *Nimmer on copyright: a treatise on the law of literary, musical and artistic property, and the protection of ideas* (New York: M. Bender, 1978-). Call number: KF 2991.5 N55

Handa, Sunny. *Copyright law in Canada* (Markham, ON: Butterworths, 2002). Call number: KF2994 H35 2002 (On reserve)

Hughes, Roger T. Halsbury's *Laws of Canada – Patents, trade secrets and industrial designs* (Markham, Ont. : LexisNexis, 2006-). Call number: DIG B56 P3.

----. *Hughes & Woodley on patents* (Markham, Ont.: LexisNexis Butterworths, 2005). Call number: KF 3114 H852 (On reserve)

----. *Hughes on trade marks* (Markham, Ont.: LexisNexis Butterworths, 2005). Call number: KF3180 H852 (On reserve)

----. *Hughes on copyright and industrial design* (Markham, Ont.: LexisNexis Butterworths, 2005). Call number: KF2994 H852 (On reserve)

Fox, Harold G. Fox on Canadian law of trade-marks and unfair competition (Toronto: Carswell, 2002-). Call number: KF 3180 F6 2002

To search other books on IP law:

a. Search York Library Catalogue: use subject terms such as "intellectual property Canada", "copyright Canada", "trademarks Canada", "patents Canada" or any other related terms.

b. Search Worldcat: use similar keywords in either subject or title field to retrieve a wider range of books. Books found through WorldCat may not be available at York libraries; however, they may be obtained through InterLibrary Loan (RACER) service.

c. Subject bibliography on Intellectual Property: available through Queen's University Law Library website.

2. Articles & Other Documents:

a. Use article indices to search journal articles and other documents:

QuickLaw >> Source Directory >> Filter by country "Canada" >> Legal Indices & Tables >> Index to Canadian Literature on Intellectual Property

QuickLaw >> Source Directory >> Filter by country "Canada" and Topics "Intellectual Property Law" >> Search under "Commentary", "Legal Indices & Tables", "Legal Journals".

WestlawCarswell >> IPSource >> Commentary
or
WestlawCarswell >> LawSource >> Index to Canadian Legal Literature (ICLL) (also available in print, call number: KF 8 C35 1985-2000)

b. Browse the table of contents of major journal titles on IP:

University of Ottawa law & Technology Journal (Ottawa: University of Ottawa, Faculty of Law, Common Law Section, 2004-), call number: PER UN727,

Annual report / Canadian Intellectual property office, call number: KF2979 C37

Intellectual property journal (Agincourt, Ont.: Carswell Company, 1984-), call number: PER IN748.

Intellectual property law: the year in review / the Law Society of Upper Canada, call number: KF 2972 I58.

Check Law Library Web site, research databases for other journal article indexes such as LegalTrac, Index to Legal Periodicals, and Heinonline.

3. Current Awareness:

It is very important to track the recent development in the legal field when doing legal research. Therefore, it is becoming increasingly critical to be current on the topic of legal research through legal news and current discussions.

a. News, recent decisions on IP:

WestlaweCarswell >> IPSource >> Dimock Stratton's Intellectual Property Law Newsletter / Latest Supreme Court of Canada Cases

QuickLaw >> Source Directory >> Filter by country "Canada", by Topics "Intellectual Property Law" >> Legal News

b. Journal Content Service:

Subscribe to major journal titles on IP to track the latest table of contents through Washington & Lee Current Law Journal Content service.

Or Legal Scholarship Network for electronically published legal scholarships. (http://www.ssrn.com/lsn/index.html)

Current Index to Legal Periodicals (http://cilp.nellco.org/cilp/index.cfm): publishes weekly index by subject. Check under subject term "Intellectual Property" for a list of latest articles.

c. Blogs from IP legal professionals:

Michael Geist's Blog: as the Canada Research Chair in Internet and E-commerce Law at University of Ottawa, Professor Geist has created and maintained this blog to discuss topics such as intellectual property law current issues.

IPilogue (http://www.yorku.ca/dapina/lw2970/ip/): created by Prof. Giuseppina D'Agostino and maintained by Osgoode Hall Law School students, this blog discusses and comments on pressing intellectual property issues of the day.

Digital Copyright Canada (http://www.digital-copyright.ca/): a forum originally created in 2001 in response to the Canadian copyright revision process. Although focusing on digital copyright issues, this forum also covers widely on other IP issues, including patents, trademarks.

CopyrightWatch.ca: this blog is supported by "a team of academics, public interest advocates, and creators concerned that copyright serve the interests of ordinary Canadians". Discussions are mainly about the Canadian copyright reform and digital copyright issues.

Copyfight: This weblog has authors from the top American law schools such as Harvard and Yale law schools. It covers topics such as intellectual property conflicts, technical architecture and innovation, the evolution of copyright, private vs. public interests, lobbying and the law…

Canadian Trademark Blog: a recent developed trademark blog maintained by three Canadian practitioners in this field.

ELegal Canton: created and maintained by David Canton, a Canadian business lawyer and trademark agent with a practice focusing on technology issues. Topics covered in this blog focus mainly on technology and law, e-commerce, trademark issues, and etc.

Internet Resources:

1. Governmental Sites:

CIPO: Canadian Intellectual Property Office Web site is the official governmental information provider on IP. This Web site not only includes news, upcoming events, and registration procedures for IP, it also provides access to a huge amount of IP data in Canada through its Patents database, trademarks database, copyright database, industrial designs database, where users can search for registered patent, trademarks, copyright and industrial designs information.

Canadian Heritage, Copyright Policy Branch (http://www.canadianheritage.gc.ca/progs/ac-ca/progs/pda-cpb/index_e.cfm)

Industry Canada, Intellectual Property Policy Directorate (http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/en/Home), provides governmental information about Canadian Intellectual Property policies and reforms.

Canada Copyright Board (http://www.cb-cda.gc.ca/new-e.html): publishes recent decisions of the Board, provides links to copyright statutes, regulations and government documents.

2. Other Meta Sites:

McGill Centre for Intellectual Property Policy Web site: This Web site has been created and maintained by a group of professors and researchers from McGill. Although some parts of the Web site is still under construction, cipp's Resource Center provides key links and reading guides on IP. The centre has a strong Canadian focus, while covering foreign and international materials as well.

Centre for Innovation Law and Policy Web site: CILP was established by the University of Toronto and the Province of Ontario to promote teaching and researching innovation law and policy. This Web site provides all types of innovation law related information such as legislations, Law and Technology Journal list, and other related publications.

Canadian Internet Law Resource Page >> Intellectual Property: Although not being updated for a couple of years, this Web site, which has been created and maintained by Professor Michael Geist, offers researchers a handy list of internet resources on legal topics including intellectual property law.

Bereskin & Parr: Intellectual Property Law: http://www.bereskinparr.com/English/flash/mainflash.html, as the site of one of the leading intellectual property firms in Canada, the web site provides links to leading IP newsletters published in Canada, links of IP legislation, publications of the lawyers in the firm on IP issues, etc. Information on this site has more practical other than academic value.

U.S.

Research Guides:

There are a large number of research guides available on US Intellectual property research. To start with a handy guide can save you lots of time. Here are some examples:

General Intellectual Property Resources: available from Tarlton Law Library's Web site at the University of Texas at Austin;

Research: Intellectual Property, available from Boston University Law Library's Web site.

Other Sources:

Quicklaw >> Source Directory >> Filter by Country "United States", by topic "Intellectual Property"

JURIST Intellectual Property Page, from University of Pittsburgh School of Law, serves as an entry point to a huge wealth of intellectual property resources online, including news, latest book titles, law reviews, article abstracts, Web sites, and etc. It covers mostly US materials, as well as some international ones.

Current Copyright Literature: http://web.austin.utexas.edu/law_library/copyright/, prepared by a librarian at Tarlton Law Library, University of Texas, this site is frequently updated to present a comprehensive list of literature published on American copyright issues.

U.S. Code Collection from Cornell Law Library Web site and THOMAS from Library of Congress are good sources for searching US statutes. LegalTrac is good for search secondary materials from the United States.

Other Countries: (Foreign countries' domestic laws)

Collection of National Copyright Laws: available through United Nations Educational, Scientific and Cultural Organization's Web site.

WorldLII >> Categories >> Subjects >> Intellectual Property >> By Country: covers about one hundred countries in the world. Sources include the Web site of major government agencies, organizations, case laws, legislations, research centres, and etc. Coverage varies from country to country.

Intellectual property reports (Sydney: Butterworths, 1983-): covers Australia, New Zealand, United Kingdom, Signapore, Malaysia, Hong Kong, Canada, and United States. Call number: REP-AUS D46 I45 1984.

International:

Research Guides:

Schultz, Jon S. *International Intellectual Property Protection for Computer Software: a research guide and annotated bibliography* (Littleon, CO: F.B. Rothman, 1994-). Library Call Number: K1443 C6 A14 S34 1994 (Lawref).

Germain, Claire. *Germain's Transnational Law Research* (Ardsley-on-Hudson, NY: Transnational, 1991-). Library Call Number: K85 G47 (Lawref). Chapter VI-185-216 for IP.

Cornell Law Library: International Intellectual Property Resource Guide:

University of Chicago: Researching International Intellectual Property Law: Internet Resources:

LLRX: Update to Researching Intellectual Property Law in an International Context, by Stefanie Weigmann, a senior reference librarian at the Boston University School of Law.

International Organizations:

WIPO: World Intellectual Property Organization is a specialized agency of the United Nation system of organizations and its mandate is to administer intellectual property matters among member states. WIPO Web site is a comprehensive source for international IP materials, including IP laws from a wide range of countries, international treaties, conference documents, recent IP news, and many other types of IP information.

WTO: TRIPS Gateway provides information on trade-related aspects of intellectual property rights at the World Trade Organization forum. Free access is available to TRIPS news, disputes concerning the TRIPS Agreement, specific TRIPS issues, and etc.

International Treaties:

Quicklaw >> Source Directory >> Search for a source >> "Intellectual Property Treaties"

International Treaties on IP, from Industry Canada (http://strategis.ic.gc.ca/epic/internet/inippd-dppi.nsf/en/h_ip00008e.html): lists all treaties on IP and signed by Canadian government. Full-text available.

WorldLII >> Categories >> International >> Treaties & International Agreements >> By Subject >> Intellectual Property : this site provides direct links to full text of IP international treaties with simple annotations for each link. Most links provided are official links to the treaty in question.

Other Resources:

WestlawCarswell >> IPSource >> International IP Materials (including Derwent World Patents Legal, Trademarks & Trade names).

QuickLaw >> Source Directory >> Canada >> Topical >> Intellectual Property >> International Law Update (ILU)

Key Journals on international IP:

The Journal of world intellectual property, Call number: PER J3224.
Global review of cyberlaw, call number: PER G384
Intellectual property quarterly (London: Sweet & Maxwell, 1997-), call number: PER IN7504
European Intellectual Property Review (Oxford, UK: World Intellectual Property Organization, 1979-).

IPRsonline.org: an internet portal that collects IP related online documents, including those from the WTO and WIPO. It also provides regional IP research development news, and IP related other areas of international legal materials, such as biotechnology, food, health, and etc.

Oxford IP Research Center Papers (http://www.oiprc.ox.ac.uk/papers.html): some full text of recent academic papers on subject of IP.

AG IP News: specialized global IP news agency, providing IP news, events and activities worldwide.

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