

Publisher's Note

2019 — Release 1

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Manzer

Canada-U.S. Commercial Law Guide

This publication is a practical guide to commercial business and legal issues that can arise for businesses operating in both Canada and the United States. An examination of each of Canada and the United States, on a comparative basis, indicating areas that should be considered by a business commencing, or continuing, business in both countries. The book highlights commercial law in areas where similarities or differences in the legal systems can affect business operations, legal decisions, legal documentation and practices and processes.

What's New in this Update

This release features the addition of case law summaries under section 50 (Enforcement of Award) of Ontario's *Arbitration Act*, 1991 in the Appendix to Chapter 2 (Arbitration and Mediation); the addition of the Canada Border Services Agency Memorandum D-19-4-3 Copyright, Trade-marks and Geographical Indications to the Appendix of Chapter 11 (Intellectual Property); and the addition of the Competition Bureau

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Immunity and Leniency Programs under the *Competition Act* to the Appendix of Chapter 19 (Competition Law).

Highlights

Arbitration and Mediation — Excerpts from the Ontario Arbitration Act, 1991 — Section 50 — No reason to refuse to grant order enforcing arbitration award — Given that the judge found the charging orders were not to be enforced against the property, there was no reason to refuse to grant the order enforcing the arbitration award: *Halton Standard Condominium Corp. No. 627 v. Grandview Living Inc.*, 2017 CarswellOnt 5963, 2017 ONSC 1761 (Ont. S.C.J.).

Intellectual Property — Memorandum D-19-4-3 Copyright, Trade-marks and Geographical Indications — Recent amendments made to the Copyright Act and the Trade-marks Act provide for the implementation of IPR border measures that allow the Canada Border Services Agency to detain commercial shipments that contain suspected counterfeit protected marks and pirated copyright goods, and also allow the CBSA to share certain information about those shipments with RHs/owners that have filed a Request for Assistance with the CBSA to allow them to seek remedy in civil court as per ss. 107(5)(1.1) and (1.2) of the *Customs Act*, s. 44.04(1) of the *Copyright Act*, and s. 51.06(1) of the *Trade-marks Act*.

Competition Law — Competition Bureau — Immunity and Leniency Programs under the *Competition Act* — Updates to the programs include the discontinuation of automatic coverage under a corporate immunity agreement for all directors, officers and employees. Instead, individuals who require immunity will need to demonstrate their knowledge of, or participation in, the unlawful conduct and their willingness to cooperate with the Bureau's investigation.