

Publisher's Note

2019 — Release 2

Previous release was 2019-1

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Gahtan Electronic Commerce: A Practitioner's Guide

Written with the practitioner in mind, this work is organized in an accessible format and offers a comprehensive guide to all aspects of Electronic Commerce.

This release features the addition of the Copyright Board Tariffs — Private Copying 2108 and 2019) (December 2, 2017) and Reasons (December 1, 2017), and Copyright Board Re:Sound Tariff 1.B — Non-Commercial Radio Other than the Canadian Broadcasting Corporation (1998-2021) — Tariff (July 7, 2018) and Reasons (July 6, 2018) as appendices in Chapter 1 (Copyright and E-Commerce). This release also includes the addition of the *Trademarks Regulations*, SOR/2018-227 (October 30, 2018), including the Regulatory Impact Analysis Statement, to the Appendices in Chapter 2 (Trade-Marks and the Internet). This release also features the addition of the CRTC's Compliance and Enforcement Bulletin, CRTC 2018-415 — Guidelines on the Commission's Approach to Section 9 of Canada's anti-spam legislation (CASL), November 5, 2018, as Appendix G.21 to Appendix G (Electronic Communication). This release also features the addition of the Competition Bureau's Draft Intellectual Property Enforcement Guidelines, November 1, 2018, as Appendix Q.4 to Appendix Q (Enforcement of IP Rights in the Digital Environment).

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Highlights

- **Electronic Communication — Compliance and Enforcement Bulletin, CRTC 2018-415 — Guidelines on the Commission’s Approach to Section 9 of Canada’s anti-spam legislation (CASL)** — This bulletin discusses the Commission’s general approach to section 9 of CASL and provides examples of parties to whom section 9 of CASL may apply, activities that could result in non-compliance, and measures for managing associated risks. This bulletin builds on previous guidance and best practices outlined in the Compliance and Enforcement Information Bulletin 2014-326.
- **Competition Bureau’s Draft Intellectual Property Enforcement Guidelines** — The Guidelines discuss the circumstances in which the Competition Bureau would seek to restrain anti-competitive conduct associated with the exercise of IP rights to maintain competitive markets. When developing the Guidelines, the Competition Bureau considered the current global economic and technological environment and, in particular, the rapid rate of technological changes occurring in many industries. The document is organized into six parts: Part 2 discusses the purpose of IP laws, lists the various IP statutes, reviews the purpose of competition law and lists the principal provisions of the Act that relate to IP; Part 3 discusses the interface between IP law and competition law; Part 4 outlines the principles underlying the application of the general provisions and section 32 of the Act to business conduct involving IP; Part 5 describes the Bureau’s analytical framework, which is sensitive to the particular characteristics of IP; Part 6 discusses the Bureau’s mandate to promote competition, which may include intervening in proceedings in which IP rights are being defined, strengthened or extended inappropriately; and Part 7 presents a discussion and a series of hypothetical scenarios to illustrate how the Bureau would apply the Act to a wide variety of business conduct involving IP, including price-fixing; exclusive licensing; contracting; patent pooling; competitor collaborations; refusals to license; product switching and the settlement of patent litigation proceedings in the pharmaceutical industry; the sending of false and misleading claims; and certain forms of conduct in the context of standards development organizations.