



More Changes to Come for Canada’s Intellectual Property Laws

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On April 21, 2015 the Federal Government released its 2015 [budget plan](#). The announcement contains proposals to amend Canada’s cornerstone IP Acts—the *Trademarks Act*, *Patent Act*, *Industrial Design Act*, and *Copyright Act*—to, in the Government’s words, “further modernize Canada’s intellectual property framework to keep pace with internationally recognized best practices”. The proposed changes continue the trend that we saw started in last year’s budget plan, of Canada positioning itself to be able to accede to international IP treaties.

Trademarks Act, Patent Act, and Industrial Design Act Amendments—Statutory Privilege and Force Majeure Relief

The proposed changes to the *Trademarks Act*, *Patent Act*, and *Industrial Design Act* will provide patent and trademark agents with a statutory privilege for confidential communications with clients. This should provide certainty surrounding communications between clients and intellectual property agents and will bring Canada in line with the approach taken to such communications in other common law countries such as Australia, New Zealand, and the United Kingdom. The proposed changes are also to provide the “Canadian Intellectual Property Office with the ability to extend key deadlines in cases of *force majeure* events such as floods or ice storms”, such as the Montreal-Ottawa ice storm of 1998, the Eastern seaboard blackout of 2003, and the Calgary flood of 2013.

These changes—both with respect to statutory privilege and *force majeure* relief—have been long sought by the IP community in Canada, and are welcome.

Copyright Act Amendments—Performances, Sound Recordings, and the Marrakesh Treaty

The budget plan recognizes that “[t]he mid-1960s were an exciting time in Canadian music, producing many iconic Canadian performers and recordings”, and proposes changes to the *Copyright Act* to extend the term of protection of sound recordings and performances from 50 to 70 years following the first release of the sound recording. These proposed changes are discussed in more detail in a separate [article](#) by Jill Tonus, Catherine Lovrics, and Tamara Winegust.

The proposed changes are also intended to enable Canada to implement and accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

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