



CBA Privacy Law Session Counterfeit Goods

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AGENDA

- History of Bill C-8
- Catalysts for Change
- International Background
- *Copyright Act*
- *Trade-marks Act*



BILL C-8 HISTORY

- 1 Combating Counterfeit Products Act
- 2 New Offences and Actions
- 3 New Enforcement Powers

BILL C-8 HISTORY

- Modernization Features
- Innovation Features
- Administration Features
- Procedural Features



CATALYSTS FOR CHANGE

- 1 Health and Safety Risks
- 2 Value of Counterfeit Goods
- 3 Association with Criminal Activity

INTERNATIONAL



- Anti-Counterfeiting Trade Agreement
- International Cooperation & Standards
- International Legal Framework

COPYRIGHT ACT

- 1 New Importation & Exportation Regime
- 2 **New Customs Powers/Procedures**
- 3 New Court Powers/Procedures

© *Prohibition Against:*

- Copies of works being imported/exported
- AND made without © owner's consent
- AND would infringe © if made in Canada

© *Act – Request for Assistance*

- From © Owner
- To Minister Public Safety
- Re Imports/Exports
- 2 Year Validity Period





© *Act – Customs Detention*

- Provide Info
- Provide Samples
- Restrict Use of Info
- Detain Time Limits
- Extend Time Limits
- Allow Inspection

TRADE-MARKS ACT

- 1** New Importation and Exportation Regime
- 2** New Customs Powers/Procedures
- 3** New Court Powers/Procedures

TM Prohibition Against:

- Imports/Exports of goods, labels, or packaging:
- with TM that is identical to ® ; OR
- with TM that is not distinguished from ®; AND
- without consent of owner of ®.

TM ACT – Court Powers

- Order continued detention
- Impose conditions for storage
- Require security by owner of ®
- Order injunction or destruction



TM ACT – Liability Issues

- Crown & Customs not liable for detention
- Importer/Exporter liable for forfeited goods
- Owner of ® liable for storage
- Owner of ® liable for damages

QUESTIONS

