



CANADA'S INTERNET LAW

IN A NUTSHELL

Martin P.J. Kratz, Q.C.

CARSWELL®

CANADA'S INTERNET LAW IN A NUTSHELL

Martin P.J. Kratz, Q.C.

常州大学图书馆
藏书章

CARSWELL®

© 2013 Martin P.J. Kratz, QC

NOTICE AND DISCLAIMER: All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written consent of the publisher (Carswell).

Carswell and all persons involved in the preparation and sale of this publication disclaim any warranty as to accuracy or currency of the publication. This publication is provided on the understanding and basis that none of Carswell, the author/s or other persons involved in the creation of this publication shall be responsible for the accuracy or currency of the contents, or for the results of any action taken on the basis of the information contained in this publication, or for any errors or omissions contained herein.

No one involved in this publication is attempting herein to render legal, accounting or other professional advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The analysis contained herein should in no way be construed as being either official or unofficial policy of any governmental body.

ISBN 978-0-7798-5481-3

A cataloguing record for this publication is available from Library and Archives Canada.

Composition: Computer Composition of Canada LP

Printed in Canada by Thomson Reuters.

TELL US HOW WE'RE DOING

Scan the QR code to the right with your smartphone to send your comments regarding our products and services.

Free QR Code Readers are available from your mobile device app store.
You can also email us at carswell.feedback@thomsonreuters.com



CARSWELL, A DIVISION OF THOMSON REUTERS CANADA LIMITED

One Corporate Plaza
2075 Kennedy Road
Toronto, Ontario
M1T 3V4

Customer Relations
Toronto 1-416-609-3800
Elsewhere in Canada/U.S. 1-800-387-5164
Fax 1-416-298-5082
www.carswell.com
E-mail www.carswell.com/email

Acknowledgements

This book was written to serve the need for an accessible introduction to some of the key issues in the increasingly complex and rapidly changing field of internet law in Canada.

I have sought to cover a few of the more important elements in the law. The topics covered are encountered in many kinds of internet-related issues. Due to the limited scope of the text some areas, such as criminal law, are not addressed.

The more research one does, the more there is a temptation to include more detail. That can affect readability, especially in an introductory text. I have sought to keep the text accessible and place some more detailed nuances and areas for further study in the footnotes. I hope that will be found helpful for readers. In some areas I have provided more expanded examples and lessons from key cases in order to make the text more usable for those studying in challenging areas such as assessing the emerging fair dealing user's right under the *Copyright Act*.

I am grateful to the many thoughtful questions from my students over the years at, respectively, Osgoode Hall Law School, LLM program and my co-instructors in Osgoode Hall Law School's unique *e-Business LLM* program; Concordia University College of Alberta, M.Sc. program; and the University of Alberta law school and University of Calgary law school where I have offered courses in *Internet Law*. An instructor benefits from that intellectual stimulation as much as the students do. I am also grateful to my colleagues and friends Sebastien Gittens, Mary Beth Currie, Michael Whitt, Duncan Card, Stephen Burns, Robert Irani, Ciara Toole, Cody Olsen, Cassia Prentice and Bryan West, who each helped share some insights, experience and wisdom with me and also often shared some early work on selected topics in the text. Their efforts and creativity are acknowledged and benefit this text. Any errors in the text are my own.

The text was written using the Word™ program of Microsoft Office™ 2010 on both a MacBook® Pro and a MacBook Air®. I welcome suggestions and comments at mpjkratz@gmail.com.

I thank the efficient team at Carswell (Thompson Reuters), and especially Lisa Gordon, Product Development Manager, for her patience, support, feedback and guidance.

A work such as this text involves countless hours on weekends and evenings reading cases, thinking, writing, and redoing this cycle leading to editing and more refinements. That is time away from my family and I am grateful to them for their patience. I thank my children, Alexandra, Robert and Marcus, for their quiet support. I am grateful for my wife Christina's patience, support and encouragement.

Martin P.J. Kratz, Q.C.
January 2013

TABLE OF CASES

<i>A&M Records v. Napster</i> , 239 F. 3d 1004 (9 th Cir., 2001)	124
<i>A.B. (Litigation Guardian of) v. Bragg Communications Inc.</i> , 2012 SCC 46, 2012 CarswellNS 675, 2012 CarswellNS 676, 95 C.C.L.T. (3d) 171, 25 C.P.C. (7th) 1, 350 D.L.R. (4th) 519 (S.C.C.)	48
<i>AB Hassle v. Canada (Minister of National Health & Welfare)</i> (2001), 2001 FCT 1264, 2001 CarswellNat 3595, 2001 CarswellNat 2636, [2002] 3 F.C. 221, 213 F.T.R. 161, 16 C.P.R. (4th) 21, [2001] F.C.J. No. 1725 (Fed. T.D.), affirmed 2002 FCA 421, 2002 CAF 421, 2002 CarswellNat 3241, 2002 CarswellNat 4358, 234 F.T.R. 218 (note), 22 C.P.R. (4th) 1, 298 N.R. 323, [2002] F.C.J. No. 1533 (Fed. C.A.), leave to appeal refused (2003), [2002] S.C.C.A. No. 531, 2003 CarswellNat 742, 2003 CarswellNat 743, 23 C.P.R. (4th) vii, 313 N.R. 199 (note) (S.C.C.)	290
<i>ABKCO Music Inc. v. Harrisongs Music Ltd.</i> , 722 F.2d 988, 221 U.S.P.Q. 490 (2d Cir., 1983)	137, 177
<i>Ablesoft Corp. v. Fish</i> , CIRA Decision 00095 (2008)	432
<i>Acrobat Construction/Enterprise Management Inc. v. 1550507 Ontario Inc.</i> , CIRA Decision 00013 (2003)	431, 433
<i>Adam v. Ward</i> (1917), [1917] A.C. 309, [1916-17] All E.R. Rep. 157 (U.K. H.L.)	73
<i>ADI Ltd. v. Destein</i> , 68 C.P.R. (2d) 262, 141 D.L.R. (3d) 370, 1982 CarswellNB 401, 41 N.B.R. (2d) 518, 107 A.P.R. 518 (N.B. Q.B.)	312
<i>Air Products Canada Ltd. v. Index Quebec Inc.</i> , CIRA Decision 00007 (2003)	432
<i>Aladdin Industries Inc. v. Canadian Thermos Products Ltd.</i> , 57 C.P.R. 230, [1969] 2 Ex. C.R. 80, 41 Fox Pat. C. 26, 1969 CarswellNat 19 (Can. Ex. Ct.), affirmed (1972), 6 C.P.R. (2d) 1, 1972 CarswellNat 430, 1972 CarswellNat 430F, [1974] S.C.R. 845 (S.C.C.)	237
<i>Alberta (Minister of Education) v. Canadian Copyright Licensing Agency</i> , 2012 SCC 37, 2012 CarswellNat 2419, 2012 CarswellNat 2420, 38 Admin. L.R. (5th) 214, 102 C.P.R. (4th) 255, 347 D.L.R. (4th) 287, 432 N.R. 134 (S.C.C.)	140, 150
<i>Al-Fagih v. H.H. Saudi Research & Marketing (U.K.) Ltd.</i> , [2001] EWCA Civ 1634 (Eng. C.A.)	79

TABLE OF CASES

<i>Alphalogix Inc. v. MarketPoints.com</i> , FA 491557 (Nat. Arb. Forum, 2005)	440
<i>Amazon.com Inc., Re</i> (2011), 2011 FCA 328, 2011 CAF 328, 2011 CarswellNat 4865, 2011 CarswellNat 5990, (<i>sub nom.</i> Amazon.com Inc. v. Canada (Attorney General)) [2012] 2 F.C.R. 459, 97 C.P.R. (4th) 171, 340 D.L.R. (4th) 577, 423 N.R. 337, [2011] F.C.J. No. 1621 (F.C.A.)	292, 298
<i>America Online Inc v. Huang</i> , 106 F.Supp 2d 848 (E.D. Va., 2000)	452
<i>American Airlines Inc. v. WebWide Internet Communication GmbH</i> , Claim No. FA0204000112518 (Nat. Arb. Forum, June 13, 2002)	444
<i>American Civil Liberties Union v. Reno</i> , 929 F. Supp. 824 (E.D. Pa., 1996), affirmed 117 S. Ct. 2329 (U.S. S.C., 1997).....	1, 2, 38, 50, 423, 460, 507
<i>AMF Inc. v. Sleekcraft Boats</i> , 599 F.2d 341 (9 th Cir., 1979)	436
<i>Andrews v. Law Society (British Columbia)</i> , [1989] 1 S.C.R. 143, 1989 CarswellBC 16, 1989 CarswellBC 701, EYB 1989-66977, 34 B.C.L.R. (2d) 273, 25 C.C.E.L. 255, 56 D.L.R. (4th) 1, [1989] 2 W.W.R. 289, 10 C.H.R.R. D/5719, 36 C.R.R. 193, 91 N.R. 255, [1989] S.C.J. No. 6 (S.C.C.)	421
<i>Anemostat Scotland Ltd. v. Michaelis</i> , [1957] R.P.C. 167	297
<i>Angle v. LaPierre</i> , 2008 ABCA 120, 425 AR 378, [2008] A.J. No. 298, 2008 CarswellAlta 393, 89 Alta. L.R. (4th) 56, [2008] 7 W.W.R. 600, 418 W.A.C. 378 (Alta. C.A.)	73, 74
<i>Anne of Green Gables Licensing Authority Inc. v. Avonlea Traditions Inc.</i> , [2000] O.J. No. 740, 2000 CarswellOnt 731, 4 C.P.R. (4th) 289, [2000] O.T.C. 133 (Ont. S.C.J.)	254, 260
<i>Apotex Inc. v. Canada (Minister of National Health & Welfare)</i> , 9 C.P.R. (4th) 289, 2000 CarswellNat 2926, 189 F.T.R. 320 (note), 194 D.L.R. (4th) 483, 265 N.R. 90, [2000] F.C.J. No. 1919 (Fed. C.A.)	162, 236
<i>Apotex Inc. v. Canada (Registrar of Trade Marks)</i> , 2010 FC 291, 2010 CF 291, 2010 CarswellNat 2125, 2010 CarswellNat 562, 366 F.T.R. 77 (Eng.), 81 C.P.R. (4th) 459 (F.C.), affirmed 2010 FCA 313, 2010 CAF 313, 2010 CarswellNat 5362, 2010 CarswellNat 4353, 91 C.P.R. (4th) 320, 410 N.R. 196 (F.C.A.), leave to appeal refused 2011 CarswellNat 1575, 2011 CarswellNat 1576, 424 N.R. 394 (note) (S.C.C.)	240
<i>Applause Store Productions Ltd. v. Raphael</i> , [2008] EWHC 1781 (Q.B.)	397

<i>Apple Computer Inc. v. Mackintosh Computers Ltd.</i> (1986), 8 C.I.P.R. 153, 28 D.L.R. (4th) 178, 1986 CarswellNat 606, 1986 CarswellNat 705, [1987] 1 F.C. 173, 3 F.T.R. 118, 10 C.P.R. (3d) 1, [1986] F.C.J. No. 278 (Fed. T.D.), additional reasons 14 C.I.P.R. 315, 1987 CarswellNat 675, 12 F.T.R. 287, 43 D.L.R. (4th) 184 (Fed. T.D.), varied (1987), 16 C.I.P.R. 15, 1987 CarswellNat 720, 1987 CarswellNat 887, [1988] 1 F.C. 673, 18 C.P.R. (3d) 129, 44 D.L.R. (4th) 74, 81 N.R. 3 (Fed. C.A.), affirmed 71 D.L.R. (4th) 95, 1990 CarswellNat 736, 1990 CarswellNat 1027, EYB 1990-67237, 36 F.T.R. 159 (note), [1990] 2 S.C.R. 209, 30 C.P.R. (3d) 257, 110 N.R. 66 (S.C.C.).....	99, 104, 105, 116, 118, 121, 133, 174
<i>Application No. 178,117 for patent by Farbwerke Hoechst AG, Re,</i> 13 C.P.R. (3d) 212, 1980 CarswellNat 563, 10 C.I.P.R. 138 (Can. Pat. App. Bd. & Pat. Commr.), reversed (<i>sub nom.</i> Farbwerke Hoechst AG v. Commissioner of Patents) 16 C.P.R. (3d) 91, 1985 CarswellNat 918 (Fed. C.A.)	293
<i>Applied Information Management, Inc. v. Icart</i> , 976 F.Supp. 149 (E.D.N.Y., 1997).....	325
<i>Architectonics Inc. v. Control Systems Inc.</i> , 935 F.Supp. 425 (S.D. N.Y. 1996)....	320
<i>Arcon Canada Inc. c. Arcobec Aluminium Inc.</i> , 7 C.P.R. (3d) 382, 1984 CarswellQue 88, 5 C.I.P.R. 94, [1984] C.S. 1027 (Que. S.C.)	175
<i>Arista Records LLC v. Lime Group LLC</i> , No. 06 Civ. 5936, 2010 WL 2291485 (S.D.N.Y., May 25, 2010).....	171
<i>Arista Records LLC v. Usenet.com, Inc.</i> , 633 F. Supp. 2d 124 (S.D.N.Y., 2009) ...	171
<i>Arizona Retail Systems, Inc. v. The Software Link Inc.</i> , 831 F.Supp. 759 (D. Ariz., 1993)	318
<i>Asbjorn Horgard A/S v. Gibbs/Nortac Industries Ltd.</i> , 14 C.P.R. (3d) 314, 1987 CarswellNat 867, 1987 CarswellNat 643, [1987] 3 F.C. 544, 12 F.T.R. 317 (note), 38 D.L.R. (4th) 544, 13 C.I.P.R. 263, 80 N.R. 9, [1987] F.C.J. No. 245 (Fed. C.A.), additional reasons 81 N.R. 1, 1987 CarswellNat 1140 (Fed. C.A.), reconsideration / rehearing refused 16 C.P.R. (3d) 112, 1987 CarswellNat 650, 14 C.I.P.R. 17 (Fed. C.A.)	256
<i>Ascot Jockey Club Ltd. v. Simons</i> , 64 W.W.R. 411, 1968 CarswellBC 81, 56 C.P.R. 122, 39 Fox Pat. C. 52 (B.C. S.C.)	174, 175
<i>Associated Newspapers Group plc v. News Group Newspapers Ltd.</i> , [1986] R.P.C. 515 (Eng. Ch. Div)	140
<i>AT&T Corp. v. Amjad Kausar</i> , WIPO D2003-0327.....	437

TABLE OF CASES

<i>Athans v. Canadian Adventure Camps Ltd.</i> , 80 D.L.R. (3d) 583, 17 O.R. (2d) 425, 1977 CarswellOnt 453, 4 C.C.L.T. 20, 34 C.P.R. (2d) 126 (Ont. H.C.)	262
<i>Attorney-General v. Times Newspapers Ltd.</i> (1973), [1973] 3 All E.R. 54, [1974] A.C. 273, [1973] 3 W.L.R. 298 (U.K. H.L.)	275
<i>Aubry v. Éditions Vice-Versa inc.</i> , [1998] 1 S.C.R. 591, 1998 CarswellQue 4806, 1998 CarswellQue 4807, 45 C.C.L.T. (2d) 119, 78 C.P.R. (3d) 289, 157 D.L.R. (4th) 577, 5 B.H.R.C. 437, 50 C.R.R. (2d) 225, 224 N.R. 321, [1998] S.C.J. No. 30 (S.C.C.).....	208, 209, 264, 265, 399
<i>Australian Trade Comm'n v. Reader</i> , WIPO D2002-0786	435
<i>Baglow v. Smith</i> , 2012 ONCA 407, 2012 CarswellOnt 7383, 110 O.R. (3d) 481, 93 C.C.L.T. (3d) 183, 350 D.L.R. (4th) 694, 294 O.A.C. 24 (Ont. C.A.)	56
<i>Baker v. Canada (Minister of Citizenship & Immigration)</i> , [1999] 2 S.C.R. 817, 1999 CarswellNat 1124, 1999 CarswellNat 1125, 14 Admin. L.R. (3d) 173, 174 D.L.R. (4th) 193, 1 Imm. L.R. (3d) 1, 243 N.R. 22, [1999] S.C.J. No. 39 (S.C.C.).....	162, 236
<i>Balanyk v. University of Toronto</i> , [1999] O.J. No. 2162, 1999 CarswellOnt 1786, 1 C.P.R. (4th) 300 (Ont. S.C.J.)	199, 200, 286
<i>Balley Total Fitness v. Faber</i> , 29 F.2d Supp. 1161 (C.D. Cal., 1998).....	436, 438
<i>Bangoura v. Washington Post</i> , 258 D.L.R. (4th) 341, 2005 CarswellOnt 4343, 17 C.P.C. (6th) 30, 202 O.A.C. 76, [2005] O.J. No. 3849 (Ont. C.A.), additional reasons 206 O.A.C. 325, 2005 CarswellOnt 7304, 20 C.P.C. (6th) 178 (Ont. C.A.), leave to appeal refused (2006), 2006 CarswellOnt 932, 2006 CarswellOnt 933, 352 N.R. 197 (note), 221 O.A.C. 398 (note), [2005] S.C.C.A. No. 497 (S.C.C.).....	16, 362
<i>Bank of Montreal v. Bartello</i> , CIRA Decision 00094 (2008).....	432
<i>Bank of Nova Scotia v. Rayo</i> , CIRA Decision 00096 (2008).....	432, 433
<i>Barney's Inc. v. BNY Bulletin Board</i> , Case No. D2000-0059 (February 16, 2000).....	438
<i>Baron Philippe de Rothschild S.A. v. Casa de Habana Inc.</i> , 17 C.I.P.R. 185, 19 C.P.R. (3d) 114, 1987 CarswellOnt 936 (Ont. H.C.)	262
<i>Barrett v. Rosenthal</i> , 40 Cal.4th 33, 146 P.3d 510 (Cal., 2006)	67
<i>Barrick Gold Corp. v. Blanchard & Co.</i> , [2003] O.J. No. 5817, 2003 CarswellOnt 6739, 9 B.L.R. (4th) 316 (Ont. S.C.J.), additional reasons 2004 CarswellOnt 9854 (Ont. S.C.J.)	16

TABLE OF CASES

<i>Barrick Gold Corp. v. Lopehandia</i> , 2004 CanLII 12938, 71 O.R. (3d) 416, 2004 CarswellOnt 2258, 23 C.C.L.T. (3d) 273, 49 C.P.C. (5th) 1, 31 C.P.R. (4th) 401, 239 D.L.R. (4th) 577, 187 O.A.C. 238, [2004] O.J. No. 2329 (Ont. C.A.)	2, 52, 53, 59, 60, 82, 83
<i>Bartsch v. Metro-Goldwyn-Meyer, Inc.</i> , 391 F. 2d 150 (2nd Cir., 1968), cert. denied, 393 U.S. 826 (1968).....	312
<i>Bauman v. Fussell</i> , [1978] R.P.C. 485 (Eng. C.A.).....	178
<i>BC Tel Mobility Cellular Inc. v. Rogers Cantel Inc.</i> , 63 C.P.R. (3d) 464, 1995 CanLII 204, 1995 CarswellBC 2571 (B.C. S.C. [In Chambers]), leave to appeal refused 66 B.C.A.C. 62, 108 W.A.C. 62, 1995 CarswellBC 1284, [1995] B.C.J. No. 2293 (B.C. C.A. [In Chambers]).....	92
<i>Beals v. Saldanha</i> , 2003 SCC 72, [2003] 3 S.C.R. 416, 2003 CarswellOnt 5101, 2003 CarswellOnt 5102, REJB 2003-51513, 70 O.R. (3d) 94 (note), 39 B.L.R. (3d) 1, 39 C.P.C. (5th) 1, 234 D.L.R. (4th) 1, 113 C.R.R. (2d) 189, 314 N.R. 209, 182 O.A.C. 201, [2003] S.C.J. No. 77 (S.C.C.).....	83, 362
<i>Beatty v. First Exploration Fund 1987 & Co.</i> , 1988 CanLII 3066, 25 B.C.L.R. (2d) 377, 1988 CarswellBC 158, 40 B.L.R. 90, [1988] B.C.J. No. 666 (B.C. S.C.).....	328
<i>Beidas v. Pichler</i> , 294 D.L.R. (4th) 310, 2008 CanLII 26255, [2008] O.J. No. 2135, 2008 CarswellOnt 3183, 238 O.A.C. 103 (Ont. Div. Ct.), additional reasons 2008 CarswellOnt 7329 (Ont. Div. Ct.)	52, 59
<i>Bell ExpressVu Ltd. Partnership v. Rex</i> , 2002 SCC 42, [2002] 2 S.C.R. 559, 2002 CarswellBC 851, 2002 CarswellBC 852, REJB 2002-30904, 100 B.C.L.R. (3d) 1, 18 C.P.R. (4th) 289, 212 D.L.R. (4th) 1, [2002] 5 W.W.R. 1, 166 B.C.A.C. 1, 93 C.R.R. (2d) 189, 287 N.R. 248, 271 W.A.C. 1, [2002] S.C.J. No. 43 (S.C.C.).....	27
<i>Beloff v. Pressdram Ltd.</i> , [1973] 1 All E.R. 241, [1973] R.P.C. 765 (Ch. D.) ...	139, 145
<i>Beloit Canada Ltée/Ltd. v. Valmet Oy</i> (1988), (<i>sub nom.</i> Valmet Oy v. Beloit Canada Ltd.) 20 C.P.R. (3d) 1, 1988 CarswellNat 542, 15 F.T.R. 240 (note), 18 C.I.P.R. 1, 82 N.R. 235, [1988] F.C.J. No. 103 (Fed. C.A.), leave to appeal refused 1988 CarswellNat 1494, 21 C.P.R. (3d) v (note) (S.C.C.)	289
<i>Benjamin Distribution Ltd. v. Éditions Flammarion Ltée</i> , 68 C.P.R. (2d) 251, 1982 CarswellQue 147 (Que. C.A.)	183
<i>Berezovsky v. Forbes Inc. (No.1)</i> , [2000] 2 All E.R. 986, [2000] 1 W.L.R. 1004 (U.K. H.L.)	84

TABLE OF CASES

<i>Berlitz Investment Corporation v. Katelin Adkins</i> , WIPO D2007-0008	436
<i>Bernaquez v. Poirier</i> , [1996] J.Q. No. 3430 (Que. S.C.)	201, 203
<i>Best Western International Inc. v. Montanbault</i> , CIRA Decision 00070 (2007)	430
<i>Bevan v. Columbia Broadcasting System Inc.</i> , 329 F. Supp. 601 (S.D.N.Y., 1971).....	160, 176
<i>BioDelivery Sciences International, Inc. v. HLK Enterprises, Inc. c/o Domain Admin</i> , FA0804001175189 (Nat. Arb. Forum, 2008)	435
<i>Biovail Corp. v. Canada (Minister of Health)</i> , 2010 FC 46, 2010 CF 46, 2010 CarswellNat 79, 2010 CarswellNat 6171, 361 F.T.R. 158 (Eng.), [2010] F.C.J. No. 46 (F.C.).....	294
<i>Bishop v. Stevens</i> , [1990] 2 S.C.R. 467, 1990 CarswellNat 738, 1990 CarswellNat 1028, EYB 1990-67240, 31 C.P.R. (3d) 394, 72 D.L.R. (4th) 97, 111 N.R. 376, [1990] S.C.J. No. 78 (S.C.C.).....	99, 119, 122, 197, 312
<i>Black v. Molson Canada</i> , 60 O.R. (3d) 457, 21 C.P.R. (4th) 52, 2002 CarswellOnt 2414, [2002] O.J. No. 2820 (Ont. S.C.J.).....	443, 444
<i>Blank v. Canada (Department of Justice)</i> , (<i>sub nom.</i> Blank v. Canada (Minister of Justice)) [2006] 2 S.C.R. 319, 2006 SCC 39, 2006 CarswellNat 2704, 2006 CarswellNat 2705, 47 Admin. L.R. (4th) 84, 51 C.P.R. (4th) 1, 40 C.R. (6th) 1, 270 D.L.R. (4th) 257, 352 N.R. 201, [2006] S.C.J. No. 39 (S.C.C.).....	420
<i>Blood Tribe Department of Health v. Canada (Privacy Commissioner)</i> , [2008] S.C.J. No. 45, 2008 SCC 44, 2008 CarswellNat 2244, 2008 CarswellNat 2245, (<i>sub nom.</i> Canada (Privacy Commissioner) v. Blood Tribe Department of Health) [2008] 2 S.C.R. 574, 74 Admin. L.R. (4th) 38, 67 C.P.R. (4th) 1, 294 D.L.R. (4th) 385, (<i>sub nom.</i> Privacy Commissioner of Canada v. Blood Tribe Department of Health) 2008 C.L.L.C. 210-030, 376 N.R. 327 (S.C.C.)	361, 419, 420, 421
<i>Bloxam v. Elsee</i> (1827), 108 E.R. 415 (Eng. K.B.).....	295
<i>Blue Crest Music Inc. v. Canusa Records Inc.</i> , 17 C.P.R. (2d) 149, 1974 CarswellNat 5 (Fed. T.D.), affirmed 30 C.P.R. (2d) 11, 1976 CarswellNat 497 (Fed. C.A.).....	193
<i>BMB Compusciience Canada Ltd. v. Bramalea Ltd.</i> (1988), 20 C.I.P.R. 310, 1988 CarswellNat 589, 1988 CarswellNat 730, [1989] 1 F.C. 362, 23 F.T.R. 149, 22 C.P.R. (3d) 561 (Fed. T.D.).....	459

<i>BMG Canada Inc. v. John Doe</i> , 2005 FCA 193, [2005] 4 F.C.R. 81, 2005 CarswellNat 1300, 2005 CarswellNat 4969, 39 C.P.R. (4th) 97, 252 D.L.R. (4th) 342, 334 N.R. 268, [2005] F.C.J. No. 858 (F.C.A.), affirming 2004 FC 488, 2004 CF 488, 2004 CarswellNat 835, 2004 CarswellNat 2774, REJB 2004-60025, [2004] 3 F.C.R. 241, 250 F.T.R. 267, 32 C.P.R. (4th) 64, 239 D.L.R. (4th) 726, [2004] F.C.J. No. 525 (F.C.)	147, 405, 406, 419
<i>BMW Canada Inc. v. Nissan Canada Inc.</i> , 2007 FCA 255, 2007 CAF 255, 2007 CarswellNat 2013, 2007 CarswellNat 5564, 60 C.P.R. (4th) 181, 380 N.R. 147, [2007] F.C.J. No. 991 (F.C.A.)	250, 257
<i>Boardman v. Phipps</i> (1966), [1967] 2 A.C. 46, [1966] 3 All E.R. 721 (U.K. H.L.)	269, 270
<i>Bobbs-Merrill Co. v. Straus</i> , 210 U.S. 339 (1908).....	325
<i>Bonnier Media Ltd. v. Smith & Anor</i> , [2002] ScotCS 347 (01 July 2002) (Scottish Outer House, Court of Sessions).....	446
<i>Botiuk v. Toronto Free Press Publications Ltd.</i> , [1995] 3 S.C.R. 3, 1995 CarswellOnt 801, 1995 CarswellOnt 1049, EYB 1995-67440, 26 C.C.L.T. (2d) 109, 126 D.L.R. (4th) 609, (<i>sub nom. Botiuk v. Bardyn</i>) 186 N.R. 1, 85 O.A.C. 81, [1995] S.C.J. No. 69 (S.C.C.)	56
<i>Bou Malhab c. Diffusion Métromédia CMR inc.</i> , 2011 SCC 9, 2011 CarswellQue 383, 2011 CarswellQue 384, [2011] 1 S.C.R. 214, 89 C.C.E.L. (3d) 1, 79 C.C.L.T. (3d) 165, 328 D.L.R. (4th) 385, (<i>sub nom. Malhab v. Diffusion Métromédia CMR inc.</i>) 412 N.R. 1 (S.C.C.)	55, 56
<i>Boudreau v. Lin</i> , [1997] O.J. No. 3397, 1997 CarswellOnt 3747, 75 C.P.R. (3d) 1, 150 D.L.R. (4th) 324, 38 O.T.C. 39 (Ont. Gen. Div.).....	200, 202
<i>Braintech v. Kostiuk</i> , 1999 BCCA 169, 171 D.L.R. (4th) 46, 1999 CarswellBC 546, 63 B.C.L.R. (3d) 156, [1999] 9 W.W.R. 133, 120 B.C.A.C. 1, 196 W.A.C. 1, [1999] B.C.J. No. 622 (B.C. C.A.), leave to appeal refused 2000 CarswellBC 546, 2000 CarswellBC 547, 142 B.C.A.C. 314 (note), 253 N.R. 395 (note), 233 W.A.C. 314 (note) (S.C.C.)	15, 59, 85
<i>Bright Tunes Music v. Harrisongs Music</i> , 420 F. Supp. 177 (S.D.N.Y., 1976)	137, 177
<i>British Columbia Automobile Assn. v. O.P.E.I.U., Local 378</i> , 2001 BCSC 156, 2001 CarswellBC 229, 85 B.C.L.R. (3d) 302, 10 C.P.R. (4th) 423, [2001] 4 W.W.R. 95, [2001] B.C.J. No. 151 (B.C. S.C.)	1, 2, 3, 51, 101, 196, 235, 238, 313, 423, 444, 447, 460

TABLE OF CASES

<i>British Columbia Jockey Club v. Standen (Winbar Publications)</i> , 146 D.L.R. (3d) 693, 1983 CarswellBC 676, 73 C.P.R. (2d) 164, [1983] 4 W.W.R. 537, [1983] B.C.J. No. 1769 (B.C. S.C.), affirmed 22 D.L.R. (4th) 467, 1985 CarswellBC 274, 66 B.C.L.R. 245, 8 C.P.R. (3d) 283, [1985] 6 W.W.R. 683 (B.C. C.A.).....	96, 157, 160, 195
<i>British Columbia v. Mihaljevic</i> , 26 C.P.R. (3d) 184, 1989 CarswellBC 692, 25 C.I.P.R. 298 (B.C. S.C.), affirmed 36 C.P.R. (3d) 445, 1991 CarswellBC 137, 57 B.C.L.R. (2d) 46 (B.C. C.A.), leave to appeal refused 1992 CarswellBC 2491, 62 B.C.L.R. (2d) xxxii (note), 39 C.P.R. (3d) v (note), (<i>sub nom.</i> Mihaljevic v. British Columbia) 6 B.C.A.C. 160 (note), 137 N.R. 393 (note), 13 W.A.C. 160 (note) (S.C.C.).....	137
<i>British Leyland Motor Corp. Ltd. v. Armstrong Patents Co.</i> , [1986] 1 All E.R. 850, [1986] F.S.R. 221, [1986] A.C. 577, 67 N.R. 178 (U.K. H.L.)	157
<i>British Oxygen Co. v. Liquid Air Ltd.</i> , [1925] Ch. 383 (Eng. Ch. Div.).....	175
<i>Broadcasting Act, S.C. 1991 (Canada), Re</i> , 2012 SCC 68, 2012 CarswellNat 4810, 2012 CarswellNat 4811, 106 C.P.R. (4th) 241, 352 D.L.R. (4th) 433 (S.C.C.).....	13, 19, 26, 27, 101, 154, 155, 156, 179, 216, 218
<i>Bronx Arts Ensemble, Inc. v. Vilma Morales</i> , e:bOOn, S.A., WIPO D2004-0493	438, 440
<i>Brookfield Communications v. West Coast Entertainment</i> , 174 F.3d 1036 (9 th Cir., 1999)	436
<i>Browne & Co. v. Bluebird Industries</i> , CIRA Decision 00002 (2002).....	431
<i>Bulman Group Ltd. v. Alpha One-Write Systems British Columbia Ltd.</i> , 54 C.P.R. (2d) 179, 1981 CarswellNat 737, 36 N.R. 192 (Fed. C.A.), reversing 54 C.P.R. (2d) 171, 1981 CarswellNat 772 (Fed. T.D.).....	175
<i>Bulman Group Ltd. v. "One Write" Accounting Systems Ltd.</i> , 62 C.P.R. (2d) 149, 1982 CarswellNat 4, 1982 CarswellNat 412, [1982] 2 F.C. 327, 16 B.L.R. 16, 132 D.L.R. (3d) 104 (Fed. T.D.)	175
<i>Bunt v. Tilley</i> (2006), [2006] EWHC 407, [2006] 3 All E.R. 336, [2007] 1 WLR 1243 (Eng. Q.B.)	68, 70, 71, 76
<i>Burke v. NYP Holdings, Inc.</i> , 2005 BCSC 1287, 48 B.C.L.R. (4 th) 363, 2005 CarswellBC 2166, 16 C.P.C. (6th) 382, [2005] B.C.J. No. 1993 (B.C. S.C. [In Chambers]).....	83

TABLE OF CASES

<i>Burton Parsons Chemicals Inc. v. Hewlett-Packard (Canada) Ltd.</i> (1974), 17 C.P.R. (2d) 97, 1974 CarswellNat 378, 1974 CarswellNat 378F, [1976] 1 S.C.R. 555, 54 D.L.R. (3d) 711, 1 N.R. 553 (S.C.C.)	291
<i>Butler v. Southam Inc.</i> , 2001 NSCA 121, 197 N.S.R. (2d) 97, 616 A.P.R. 97, 2001 CarswellNS 297, [2001] N.S.J. No. 332 (N.S. C.A.)	56
<i>C.A.P.A.C. v. CTV Television Network</i> , [1968] S.C.R. 676, 1968 CarswellNat 26, 55 C.P.R. 132, 68 D.L.R. (2d) 98, 38 Fox Pat. C. 108, [1968] S.C.J. No. 47 (S.C.C.), affirming (<i>sub nom.</i> Composers, Authors & Publishers Assn. (Canada) v. Baton Broadcasting Ltd.) [1966] Ex. C.R. 872, 1966 CarswellNat 36, 48 C.P.R. 246, 57 D.L.R. (2d) 5, 33 Fox Pat. C. 69 (Can. Ex. Ct.).....	122, 123, 134
<i>C.L.A.C. v. Retail Wholesale Union</i> , 2003 BCSC 2000, [2003] B.C.J. No. 3100, 2003 CarswellBC 3411 (B.C. S.C.).....	73
<i>C.P. Koch Ltd. v. Continental Steel Ltd.</i> , 82 C.P.R. (2d) 156, 1984 CarswellBC 912 (B.C. S.C.), affirmed 4 C.P.R. (3d) 395, 1985 CarswellBC 870 (B.C. C.A.)	177
<i>Cadbury Schweppes Inc. v. FBI Foods Ltd.</i> (1999), [1999] 1 S.C.R. 142, 1999 CarswellBC 77, 1999 CarswellBC 78, 59 B.C.L.R. (3d) 1, 42 B.L.R. (2d) 159, 83 C.P.R. (3d) 289, 167 D.L.R. (4th) 577, [1999] 5 W.W.R. 751, 117 B.C.A.C. 161, [2000] F.S.R. 491, 235 N.R. 30, 191 W.A.C. 161, [1999] S.C.J. No. 6 (S.C.C.).....	267, 270, 569
<i>Caesar's World Inc. v. Caesars-Palace.com</i> , No. 99-550-A (E.D. Va. Mar. 3, 2000).....	457
<i>California Stormwater Quality Association v. Vilma Morales</i> , WIPO D2004-30617	437, 440
<i>Campeau c. Services alimentaires Delta Dailyfood Canada inc.</i> , 2012 QCCLP 7666, 2012 CarswellQue 13170, EYB 2012-215058 (C.L.P. Qué.).....	404
<i>Canada (Director of Investigation & Research, Combines Investigation Branch) v. Southam Inc.</i> , [1984] S.C.J. No. 36, (<i>sub nom.</i> Hunter v. Southam Inc.) [1984] 2 S.C.R. 145, 1984 CanLII 33, 1984 CarswellAlta 121, 1984 CarswellAlta 415, 55 A.R. 291, 33 Alta. L.R. (2d) 193, 27 B.L.R. 297, 14 C.C.C. (3d) 97, 2 C.P.R. (3d) 1, 41 C.R. (3d) 97, 11 D.L.R. (4th) 641, (<i>sub nom.</i> Director of Investigations & Research Combines Investigation Branch v. Southam Inc.) [1984] 6 W.W.R. 577, 9 C.R.R. 355, 84 D.T.C. 6467, 55 N.R. 241, 48 N.R. 320 (S.C.C.).....	47, 410, 413, 414, 417

TABLE OF CASES

<i>Canada (Information Commissioner) v. Canada (Minister of Citizenship & Immigration)</i> (2002), 2002 FCA 270, 2002 CarswellNat 1476, 2002 CarswellNat 4367, [2003] 1 F.C. 219, 228 F.T.R. 319 (note), 1 Admin. L.R. (4th) 270, 21 C.P.R. (4th) 30, 291 N.R. 236, [2002] F.C.J. No. 950 (Fed. C.A.).....	361
<i>Canada Post Corp. v. Ferro</i> , CIRA Decision 00042 (2005).....	431
<i>Canada v. Bedford</i> , CIRA Decision 00011 (2003).....	431
<i>Canadian Admiral Corp. v. Rediffusion Inc.</i> , [1954] Ex. C.R. 382, 1954 CarswellNat 5, 20 C.P.R. 75, 14 Fox Pat. C. 114 (Can. Ex. Ct.).....	24, 116, 122, 175, 180, 181
<i>Canadian Aero Service Ltd. v. O'Malley</i> (1973), 11 C.P.R. (2d) 206, 1973 CarswellOnt 236, 1973 CarswellOnt 236F, [1974] S.C.R. 592, 40 D.L.R. (3d) 371, [1973] S.C.J. No. 97 (S.C.C.)	277, 297
<i>Canadian Bank of Commerce v. Foreman</i> , [1927] 2 D.L.R. 530, [1927] 1 W.W.R. 783, 22 Alta. L.R. 443, 1927 CarswellAlta 6 (Alta. C.A.).....	330
<i>Canadian Broadcasting Corp. v. Dhalla</i> , CIRA Decision 00071 (2007)	433
<i>Canadian Broadcasting Corp. v. New Brunswick (Attorney General)</i> , [1996] S.C.J. No. 38, [1996] 3 S.C.R. 480, 1996 CarswellNB 462, 1996 CarswellNB 463, EYB 1996-67336, 182 N.B.R. (2d) 81, 110 C.C.C. (3d) 193, 2 C.R. (5th) 1, 139 D.L.R. (4th) 385, 463 A.P.R. 81, 2 B.H.R.C. 210, 39 C.R.R. (2d) 189, 203 N.R. 169 (S.C.C.).....	43, 47
<i>Canadian Broadcasting Corp. v. Quon</i> , CIRA Decision 00006 (2003).....	431, 433
<i>Canadian Cable Television Assn. v. Canada (Copyright Board)</i> , [1993] 2 F.C. 138, 1993 CarswellNat 207, 1993 CarswellNat 207F, 60 F.T.R. 159 (note), 46 C.P.R. (3d) 359, 151 N.R. 59, [1993] F.C.J. No. 3 (Fed. C.A.), leave to appeal refused 1993 CarswellNat 2474, 51 C.P.R. (3d) v (note), 166 N.R. 238 (note) (S.C.C.)	122, 127
<i>Canadian Javelin Ltd. v. Sparling</i> , 4 B.L.R. 153, 1978 CarswellNat 3, 59 C.P.R. (2d) 146 (Fed. T.D.), affirmed 22 N.R. 465, 1978 CarswellNat 549, 59 C.P.R. (2d) 165, 91 D.L.R. (3d) 64 (Fed. C.A.)	275
<i>Canadian National Railway v. Google Inc.</i> , 2010 ONSC 3121, [2010] O.J. No. 2230, 2010 CarswellOnt 3609, 76 C.C.L.T. (3d) 154 (Ont. S.C.J.)	59

TABLE OF CASES

<i>Canadian Newspapers Co. v. Canada (Attorney General)</i> , [1988] 2 S.C.R. 122, 1988 CarswellOnt 1023, 1988 CarswellOnt 1023F, EYB 1988-67626, 65 O.R. (2d) 637 (note), 43 C.C.C. (3d) 24, 65 C.R. (3d) 50, 52 D.L.R. (4th) 690, 38 C.R.R. 72, (<i>sub nom.</i> Canadian Newspapers Co. v. Canada) 87 N.R. 163, 32 O.A.C. 259 (S.C.C.)	49
<i>Canadian Olympic Assn. v. Allied Corp.</i> (1989), 26 C.I.P.R. 157, (<i>sub nom.</i> Assoc. Olympique Canadienne v. Allied Corp.) 1989 CarswellNat 682, 1989 CarswellNat 553, [1990] 1 F.C. 769, 31 F.T.R. 319 (note), 28 C.P.R. (3d) 161, 105 N.R. 388 (Fed. C.A.)	239
<i>Canadian Private Copying Collective v. Canadian Storage Media Alliance</i> (2004), [2005] 2 F.C.R. 654, 2004 CAF 424, 2004 FCA 424, 2004 CarswellNat 4681, 2004 CarswellNat 5345, 36 C.P.R. (4th) 289, 247 D.L.R. (4th) 193, 329 N.R. 101, [2004] F.C.J. No. 2115 (F.C.A.), leave to appeal refused 2005 CarswellNat 2075, 2005 CarswellNat 2076, 346 N.R. 194 (note), [2005] S.C.C.A. No. 70 (S.C.C.), leave to appeal refused 2005 CarswellNat 2077, 2005 CarswellNat 2078, 346 N.R. 193 (note), [2005] S.C.C.A. No. 74 (S.C.C.).....	147, 148
<i>Canadian Real Estate Assoc./L'Assoc. Canadienne d'immeuble c. Sutton (Québec) Real Estate Services inc.</i> , [2003] J.Q. No. 3606, 2003 CanLII 22519, 2003 CarswellQue 682, REJB 2003-40471 (Que. C.S.)	324
<i>Canadian Reform Conservative Alliance v. Western Union Insurance Co.</i> , 12 C.P.R. (4th) 475, 2001 BCCA 274, 2001 CarswellBC 700, 87 B.C.L.R. (3d) 299, 26 C.C.L.I. (3d) 1, [2001] 5 W.W.R. 245, (<i>sub nom.</i> Reform Party of Canada v. Western Union Insurance Co.) 153 B.C.A.C. 48, 251 W.A.C. 48, [2001] B.C.J. No. 697 (B.C. C.A.)	60
<i>Canadian Shredded Wheat Co. v. Kellogg Co. of Canada Ltd.</i> , [1938] 1 All E.R. 618, [1938] 2 D.L.R. 145, 1938 CarswellOnt 300, [1938] 1 All E.R. 618, 55 R.P.C. 125 (Ontario P.C.).....	237
<i>Canadian Thermos Products Inc. v. Fagundes</i> , CIRA Decision 00049 (2006).....	432
<i>Canadian Wireless Telecommunications Assn. v. Society of Composers, Authors & Music Publishers of Canada</i> , 2008 FCA 6, 64 C.P.R. (4th) 343, 2008 CAF 6, 2008 CarswellNat 540, 2008 CarswellNat 8, [2008] 3 F.C.R. 539, 290 D.L.R. (4th) 753, (<i>sub nom.</i> Canadian Wireless Telecomm. v. SOCAN) 371 N.R. 273, [2008] F.C.J. No. 21 (F.C.A.), leave to appeal to SCC refused 2008 CarswellNat 3234, 2008 CarswellNat 3235, [2008] 2 S.C.R. vi (note), 390 N.R. 390 (note) (S.C.C.).....	116, 117, 122, 123, 126, 127, 129
<i>Carey v. Population Services International</i> , 431 U.S. 678 (1977)	39

TABLE OF CASES

<i>Carter v. B.C. Federation of Foster Parents Assn.</i> , [2005] B.C.J. No. 1720, 2005 BCCA 398, 2005 CarswellBC 1854, 42 B.C.L.R. (4th) 1, 36 C.C.L.T. (3d) 1, 257 D.L.R. (4th) 133, [2005] 10 W.W.R. 427, 215 B.C.A.C. 159, 355 W.A.C. 159 (B.C. C.A.).....	61, 64, 76, 81
<i>Caspi v. The Microsoft Network, LLC</i> , 732 A. 2d 528, 323 N.J. Super. 118, 1999 WL 462175 (N.J. App. Div., 1999).....	321
<i>CBS Inc. v. Ames Records & Tapes Ltd.</i> (1981), [1981] 2 All E.R. 812, [1982] Ch. 91, [1981] R.P.C. 407, 125 Sol. Jo. 412, [1981] 2 W.L.R. 973 (Eng. Ch. Div.).....	134
<i>CCC Information Systems, Inc. v. Maclean Hunter Market Reports, Inc.</i> , 44 F.3d 61 (2 nd Cir., 1994)	97, 195
<i>CCH Canadian Ltd. v. Law Society of Upper Canada</i> , [2004] 1 S.C.R. 339, 2004 SCC 13, 2004 CarswellNat 446, 2004 CarswellNat 447, REJB 2004-54747, [2004] 3 F.C.R. 241 at 244, 247 F.T.R. 318 (note), 30 C.P.R. (4th) 1, 236 D.L.R. (4th) 395, 317 N.R. 107, [2004] S.C.J. No. 12 (S.C.C.).....	96, 97, 102, 116, 122, 126, 127, 134, 135, 138, 139, 140, 141, 142, 145, 146, 151, 153, 166, 175, 195, 314
<i>Céjibé communications inc. c. Construtions Cleary (1992) inc.</i> (1998), J.E. 98-2071 (Que. S.C.).....	203, 206
<i>Celanese Canada Inc. v. Murray Demolition Corp.</i> , [2006] 2 S.C.R. 189, 2006 SCC 36, 2006 CarswellOnt 4623, 2006 CarswellOnt 4624, 30 C.P.C. (6th) 193, 50 C.P.R. (4th) 241, 269 D.L.R. (4th) 193, 352 N.R. 1, 215 O.A.C. 266, [2006] S.C.J. No. 35 (S.C.C.).....	420
<i>Century 21 Canada Ltd. Partnership v. Rogers Communications Inc.</i> (2011), 2011 BCSC 1196, 2011 CarswellBC 2348, 26 B.C.L.R. (5th) 300, 92 B.L.R. (4th) 167, 96 C.P.R. (4th) 1, 338 D.L.R. (4th) 32, [2012] 3 W.W.R. 708 (B.C. S.C.)	5, 109, 138, 141, 142, 143, 158, 186, 196, 314, 316, 318, 319, 320, 322, 324, 325, 327, 328, 329, 344
<i>Certicom Corp. v. Research in Motion Ltd.</i> , [2009] O.J. No. 252, 2009 CarswellOnt 331, 94 O.R. (3d) 511, 53 B.L.R. (4th) 286, 71 C.P.R. (4th) 278 (Ont. S.C.J.).....	571
<i>Chamberlain Group, Inc. v. Skylink Technologies Inc.</i> , 381 F.3d 1178 (Fed. Cir., 2004).....	187
<i>Charles Walker & Co. Ltd. v. The British Picker Co. Ltd.</i> , [1967] 3 R.P.C. 57	178

<i>Cherneskey v. Armadale Publishers Ltd.</i> (1978), [1979] 1 S.C.R. 1067, 1978 CarswellSask 103, 1978 CarswellSask 133, 7 C.C.L.T. 69, 90 D.L.R. (3d) 321, [1978] 6 W.W.R. 618, 24 N.R. 271 (S.C.C.)	53, 56
<i>Chevron Standard Ltd. v. Home Oil Co.</i> , 50 C.P.R. (2d) 182, 1980 CarswellAlta 258, 22 A.R. 451, 11 B.L.R. 53, [1980] 5 W.W.R. 624, [1980] A.J. No. 656 (Alta. Q.B.), affirmed 64 C.P.R. (2d) 11, 1982 CarswellAlta 44, 35 A.R. 550, 19 Alta. L.R. (2d) 1, [1982] 3 W.W.R. 427, [1982] A.J. No. 744 (Alta. C.A.), leave to appeal refused [1982] 2 S.C.R. vi, 1982 CarswellAlta 970, 67 C.P.R. (2d) 16 (S.C.C.)	270, 274
<i>Chinese Cultural Centre of Vancouver v. Holt</i> , 87 D.L.R. (3d) 744, 1978 CarswellBC 96, 7 B.C.L.R. 81, 8 C.P.C. 274 (B.C. S.C.)	83
<i>Chohan v. Cadsky</i> , 2009 ABCA 334, 464 A.R. 57, 2009 CarswellAlta 1598, 467 W.A.C. 57 (Alta. C.A.), leave to appeal refused 2010 CarswellAlta 740, 2010 CarswellAlta 741, 502 A.R. 400 (note), 407 N.R. 390 (note), 517 W.A.C. 400 (note) (S.C.C.)	56
<i>Ciba-Geigy Canada Ltd. v. Apotex Inc.</i> , [1992] 3 S.C.R. 120, 44 C.P.R. (3d) 289, 1992 CarswellOnt 1007, 1992 CarswellOnt 1007F, EYB 1992-67576, 95 D.L.R. (4th) 385, 143 N.R. 241, 58 O.A.C. 321, [1992] S.C.J. No. 83 (S.C.C.)	240, 249, 256, 446
<i>Cigna Corp. v. JIT Consulting</i> , Case No. AF-00174 (June 6, 2000)	440
<i>Circle Film Enterprises Inc. v. Canadian Broadcasting Corp.</i> , [1959] S.C.R. 602, 1959 CarswellNat 27, 31 C.P.R. 57, 20 D.L.R. (2d) 211, 19 Fox Pat. C. 39 (S.C.C.)	193
<i>Clairol International Corp. v. Thomas Supply & Equipment Co.</i> , 55 C.P.R. 176, [1968] 2 Ex. C.R. 552, 1968 CarswellNat 32, 38 Fox Pat. C. 176 (Can. Ex. Ct.)	232, 233
<i>Classified Ventures L.L.C. v. Softcell Marketing Inc.</i> , 109 F.Supp. 2d 898 (N.D. Ill., 2000)	448
<i>Clearly Lasik v. Boelen</i> , CIRA Decision 00091 (2008)	430
<i>Coca-Cola Ltd. v. Hennan</i> , CIRA Decision 00014 (2003)	431
<i>Coca-Cola v. Pardhan</i> , 85 C.P.R. (3d) 489, 1999 CarswellNat 598, 163 F.T.R. 260 (note), 172 D.L.R. (4th) 31, 240 N.R. 211, [1999] F.C.J. No. 484 (Fed. C.A.), leave to appeal refused (2000), 2000 CarswellNat 721, 2000 CarswellNat 722, 4 C.P.R. (4th) vii, 256 N.R. 197 (note), [1999] S.C.C.A. No. 338 (S.C.C.)	248