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DRUG AND HEALTH PRODUCTS LAW IN CANADA

Mathieu Gagné

Release No. 1, November 2023

This book provides a comprehensive guide to the legal and regulatory regimes — provincial and federal — governing the manufacture and sale of drugs and health products in Canada. It is a must-have resource for anyone involved in any aspect of the development, manufacture and distribution of drugs in Canada, and for lawyers who represent both those in the industry and those wishing to challenge industry practice or procedure. Written by one of Canada's experts in the field.

This release features updates to the Words and Phrases and the Selected Legal Literature tabs.

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Words and Phrases Highlights:

- **Reasonable Royalty** — Supreme Court of Canada — Below I define three patent law remedies and explain how they relate to each other. A reasonable royalty is “that which the infringer would have had to pay if, instead of infringing the Patent, [the infringer] had come to be licensed under the Patent” ... (*Nova Chemicals Corp. v. Dow Chemical Co.* (2022), 2022 CSC 43, 2022 SCC 43, 199 C.P.R. (4th) 107, 475 D.L.R. (4th) 199, 2022 CarswellNat 4832, 2022 CarswellNat 4831 (S.C.C.) at para. 7 Rowe J. (Wagner C.J.C., Moldaver, Karakatsanis, Brown, Martin, Kasirer and Jamal JJ. concurring))
- **Springboard Profits** — Supreme Court of Canada — Springboard profits are profits that arise post-patent-expiry but that are causally attributable to infringement of the invention during the period of patent protection ... Springboard profits are an extension of the fundamental principle that, in calculating an accounting of profits, the infringer must disgorge all profits causally attributable to infringement of the invention. It is irrelevant when the profits arise, provided they are causally connected to infringement. (*Nova Chemicals Corp. v. Dow Chemical Co.* (2022), 2022 CSC 43, 2022 SCC 43, 199 C.P.R. (4th) 107, 475 D.L.R. (4th) 199, 2022 CarswellNat 4832, 2022 CarswellNat 4831 (S.C.C.) at para. 4 Rowe J. (Wagner C.J.C., Moldaver, Karakatsanis, Brown, Martin, Kasirer and Jamal JJ. concurring))

Selected Legal Literature Highlights:

- The article list for **Patented Medicine** has been updated with the addition of new articles:
- Decision sets ‘clear guidance’ on limits to Parliament’s powers ‘in relation to patents’: lawyer, by Luis Millán (Mar. 2022) Lawyer’s Daily
- Patented medicines regulations: the problem is not in collecting the data, but in how you use it! by Melanie Szveras and Chantalle Briggs (Feb. 2023) 43 Health L. Can. 82-84

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages