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FOX ON CANADIAN LAW OF COPYRIGHT AND INDUSTRIAL DESIGNS, 4th EDITION

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This comprehensive statement of Canadian law and practice has been the bedrock of Canadian copyright research and argument for more than half a century.

This release features updates to the case law and commentary in Chapter 3 (Canadian Copyright Legislation), Chapter 17 (Ownership of Copyright), Chapter 21 (Infringement of Copyright), Chapter 22 (Secondary Infringement of Copyright), Chapter 23 (Exceptions), Chapter 24 (Civil Remedies for Infringement of Copyright), Chapter 26 (The Copyright Board) and Chapter 31 (Industrial Design).

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Highlights

- **Chapter 24. Civil Remedies for Infringement of Copyright —IV. Interlocutory Injunctions—24:29. General**—Chapter 24 has been updated to reflect advancements in the law. For example, *Rogers Media Inc v. John Doe*, 2024 FC 1082, 2024 CarswellNat 2687 (F.C.) builds on recent decisions where the court has issued site-blocking orders to interrupt the infringement of copyright in the broadcast of live sports. In this case, the applicants together held the exclusive rights to communicate the full live event footage and/or full live telecast of certain live sports events in Canada. By application, they sought to prevent the unauthorized online streaming of their copyright in live sports events. The applicants sought distinct and final injunctive relief against the two groups of respondents. First, the applicants sought a permanent injunction against the John Doe Respondents and no financial compensation. The injunction was proscriptive, in that it would bar the John Doe Respondents from conduct that infringes the applicants’ copyright. The applicants also sought a “wide” injunction against the John Doe Respondents under section 39.1 that would enjoin the infringement of copyright in other works. Second, the applicants sought a two-year mandatory injunction as against the Third-Party Respondents that required them to take certain steps to prevent the infringement of the applicants’ copyright. The Judge agreed that the John Doe Respondents should be enjoined permanently from infringing the applicants’ copyright in the Protected Live Content and that the applicants should have a mechanism to update the definition of Live Protected Content to include rights that do not exist as of the time of Judgment in respect of live sports events occurring after Judgment. However, the Judge refused to stretch the remedial flexibility granted by section 39.1 to enable a party to enforce new or additional rights under the *Copyright Act* without, at minimum, adjudication of the issues related to the rights and works under paragraphs 39.1(1)(a) and (b).

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