

# WestlawNext Canada eBulletin

July 2016

## IMPORTANT INFORMATION

### WestlawNext Canada will no longer support Internet Explorer versions 7 and 8

As WestlawNext Canada continues to develop features and enhancements, and makes use of current web technology and standards, older web browsers will no longer be compatible. Following Microsoft's lead, WestlawNext Canada will discontinue support of older versions of the Internet Explorer web browser.

Effective July 22, 2016, WestlawNext Canada will not be accessible with Microsoft Internet Explorer 7 or 8 browsers. For more information about Microsoft's policy on older versions of Internet Explorer, please select [this link](#).

## WHAT'S NEW

### Drafting Assistant - Automate your Table of Authorities and turn case law and secondary source references into live links.

Drafting Assistant is a Microsoft Word plug-in. When preparing documents – such as facta, brief of authorities, and legal memoranda – Drafting Assistant is a perfect companion to Word. With a click, Drafting Assistant will analyze your documents for any reference to case law or secondary source, insert a live link for each citation, and, for case law, it will add the current KeyCite flag so that users can tell at a glance if the case continues to be good law.

Additionally, Drafting Assistant will auto-generate a Table of Authorities, drawing together all citation references into one table and adding the appropriate page references. Drafting Assistant will save you time. Thomson Reuters asked dozens of Drafting Assistant users about their actual time savings, and the results are:

- 86% say that Drafting Assistant improves their productivity
- 84% say that it lets them spend more time on higher-value activities
- 80% say that it results in fewer citation and copy errors

Drafting Assistant's Word plug-in is free with your WestlawNext Canada subscription, and will be available for download [here](#) by the end of July.

## New IP Quantum Tables Featured on IPSource

To help you easily find IP remedy precedents, a new IP Quantum Tables feature has been added to IPSource. The feature contains links to six tables organized by topical area, with summaries of cases and a discussion of damages awarded in each case.

The tables on the IP Quantum Tables feature are:

- Trade-Mark Infringement and Passing Off
- Patent Infringement
- Copyright Infringement
- Patented Medicines (Notice of Compliance) Regulations
- Remedies Table – Misuse of Confidential Information
- Sentencing Table – Offences Under Competition Act

To access the IP Quantum Tables, click on "IP Quantum Tables" under the "Tools & Resources" section on the right-hand side of the IPSource home page.

The screenshot shows the IPSource website interface. At the top left, there is a 'Home' link and the 'IPSource' logo. Below the logo are two buttons: 'Add to Favourites' and 'Make this My Start Page'. A search bar is located below these buttons, with the text 'Search all IPSource content above or navigate to specific content below.' and two radio buttons: 'Search all content' (selected) and 'Specify content to search'. The main content area is divided into sections: 'Primary Sources', 'Cases and Decisions' (with sub-links for 'Intellectual Property Cases and Decisions' and 'Canadian Patent Reporter (C.P.R.)'), 'Statutes and Regulations' (with sub-link for 'Intellectual Property Statutes and Regulations'), and 'Rules'. On the right side, there is a vertical navigation menu with two main sections: 'CURRENT AWARENESS' (with links for 'Dimock Stratton's Intellectual Property Law Newsletter', 'Mann's Technology Newsletter', and 'McKeown Brand Management in Canada') and 'TOOLS & RESOURCES' (with links for 'C.P.R. Classification Scheme', 'eReference on ProView', 'Legal Memoranda', 'Saunders, Rennie, Garton, Federal Courts Practice', 'About KeyCite Canada', and 'IP Quantum Tables'). The 'IP Quantum Tables' link is circled in red, and a black arrow points to it from the left.

From the IP Quantum Tables page you can jump directly to each of the tables.

Home > IPSource

# IP Quantum Tables

[★ Add to Favourites](#)

- [Trade-Mark Infringement and Passing Off](#)
- [Patent Infringement](#)
- [Copyright Infringement](#)
- [Patented Medicines \(Notice of Compliance\) Regulations](#)
- [Remedies Table – Misuse of Confidential Information](#)
- [Sentencing Table – Offences Under Competition Act](#)

Within each table, cases are categorized by the type of damages awarded.

Appendix XI — Quantum Table — Trade-Mark Infringement and Passing Off  
Gill: Fox on Canadian Law of Trade-marks and Unfair Competition Appendices Kelly Gill (Approx: 61 pages)

Document

### Appendix XI — Quantum Table — Trade-Mark Infringement and Passing Off

Selected cases have been chosen for inclusion in the quantum table. The quantum table has been org

- Damages — Anton Piller Scale**
  - Pick v. 1180475 Alberta Ltd.*
  - Louis Vuitton Malletier S.A. v. Sirgga Enterprises (Canada) Inc.*
  - D. & A 's Pet Food 'N More Ltd. v. Seiveright*
  - Ragdoll Productions (UK) Ltd. v. Jane Doe*
  - Viacom Hal Holding Co. v. Jane Doe*
  - Oakley Inc. v. Jane Doe.*
- General Damages for Infringement**
  - Teavana Corp. v. Teayama Inc.*
  - Gary Gurmukh Sales Ltd. v. Quality Goods IMD Inc.*
  - Harley-Davidson Motor Co. Group LLC v. Manoukian*
  - Moroccanoil Israel Ltd. v. Lipton*
  - Trans-High Corp. v. Hightimes Smokeshop and Gifts Inc.*
  - Driving Alternative Inc. v. Jarvis*
  - 1429539 Ontario Ltd. v. Café Mirage Inc.*
  - Microsoft Corp. v. 9038-3746 Quebec Inc.*
  - Televizija Poizat S.A. v. Radropoi Inc.*
  - 3925928 Manitoba Ltd. v. 101029530 Saskatchewan Ltd.*
  - Clear Sky Enterprises Ltd. v. 564649 Alberta Ltd.*
  - Tele-Direct (Publications) Inc. v. Intra Canada Telecommunications Ltd.*
  - Aluminum Co. v. Tisco Home Building Products (Ontario) Ltd.*
  - Hershbnain v. Robert Simpson (Montreal) Ltd.*
  - David Dixon & Son Ltd. v. Cornwall Pants & Clothing Co.*
- Nominal Damages for Infringement**
  - Black & Decker Corp. v. Piranha Abrasives Inc.*

Each decision includes a discussion about the parties to the action, a summary of facts, a summary of the award, and a link to the full text of the decision.

Case Name and Citation	Particulars of Parties	Award
<i>a. Pick v. 1180475 Alberta Ltd., 2011 CarswellNat 3306, 2011 FC 1008, 95 C.P.R. (4th) 387</i>	<p>Damages — <i>Amor Filer Scale</i></p> <p>The plaintiff owns the registered mark THE QUEEN OF TARTS in connection with baked goods and services, and operates a bakery in Toronto.</p> <p>The defendants use the mark QUEEN OF TARTS in connection with a bakery in Edmonton.</p>	<p>Award of damages fixed is fixed in the sum of \$10,000.00 as compensatory damages in relation to lost sales as well as in relation to the damage to plaintiff's reputation and goodwill caused by the Defendants' actions.</p>
<p><i>Summary of Facts:</i></p> <p>—</p> <p>Plaintiff bringing motion for default judgment in trade-mark infringement and passing off action. Plaintiff establishing rights in trade-mark THE QUEEN OF TARTS, and defendants' infringement of such rights. Court granting default judgment.</p> <p><i>Reasons Given by Court for Award:</i></p> <p>—</p> <p>Court providing fixed award of damages as compensatory damages in relation to lost sales and in relation to damage to plaintiff's reputation</p>		

## COMING SOON

### Alert Management Centre – Coming to WestlawNext Canada in August

The Alert Management Centre (AMC) is coming to WestlawNext Canada in August. Canadian international customers may already be familiar with this feature as they have access to it on the U.S. platform. AMC is essentially a module for account administrators, which will further enhance the developments made to Alerts on WestlawNext Canada last year.

“Administrator alerts” will allow account administrators to create organization-owned alerts for the entire account. They will also offer some additional functionality different from regular alerts (for example, allow recipients to view results without signing into WestlawNext Canada and to add customized logos to alerts and newsletters).