

CML 1101 : Principles of Legal Research Fall 2009

Federal legislation and regulations

**Colleen Addison, Alan Fleichman, Julie Lavigne
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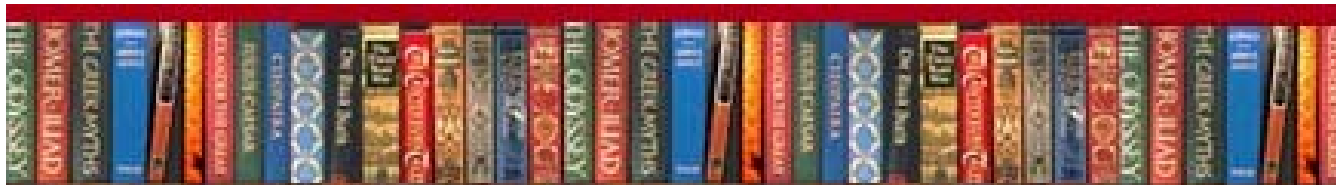
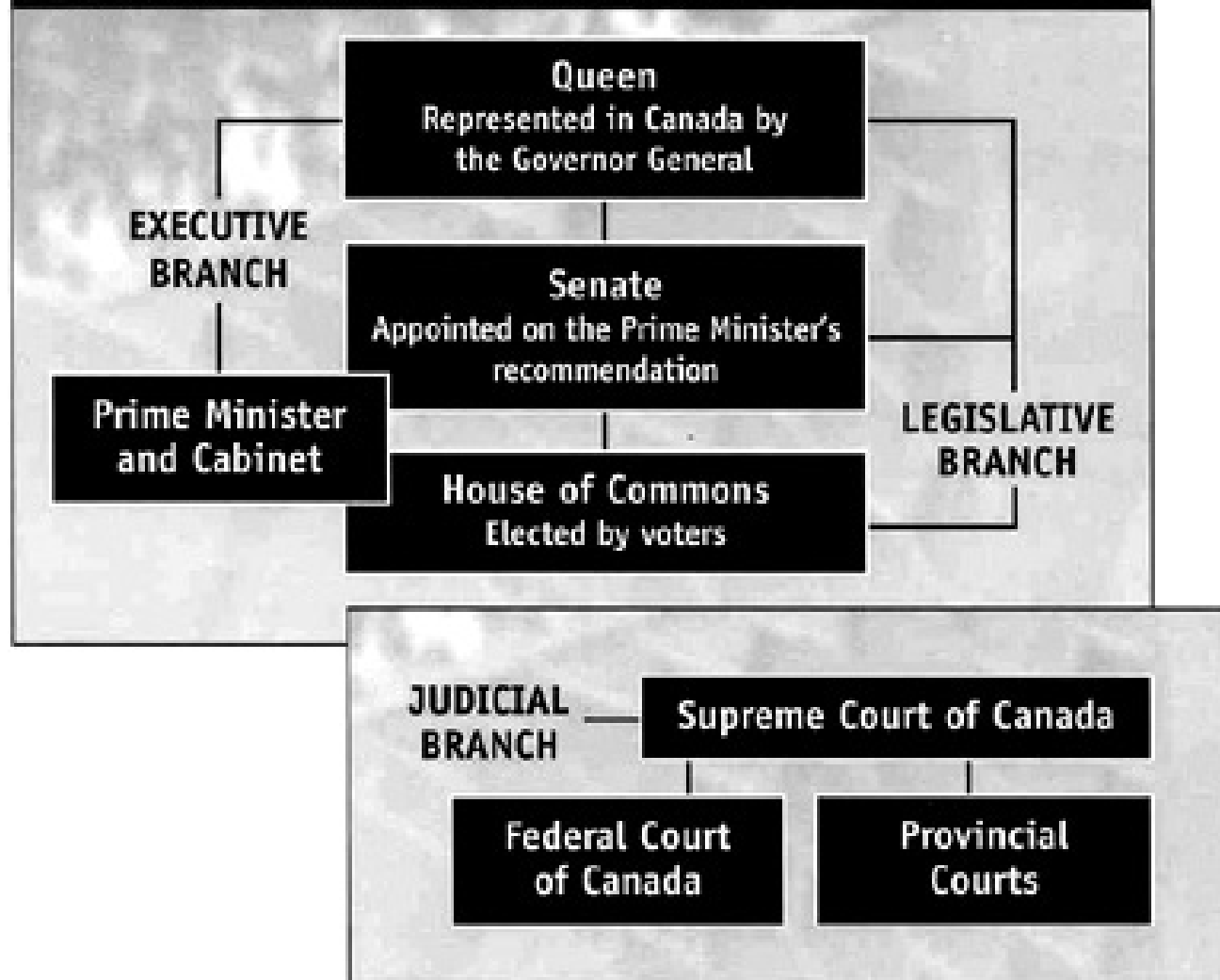
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Outline

- **Federal legislation**
 - Legislative process
 - Bills
 - Where legislation is published
 - Citing bills & statutes
- **Tips for statute research**



CANADA'S PARLIAMENTARY SYSTEM



Terminology

Legislation: the creation of law; a collection of statutes, regulations, by-laws.

Source: *The Dictionary of Canadian Law*, (Scarborough, Ont. : Carswell, 1991).

Primary sources



Making Canada's laws

- ss. 91-92 of Constitution = fed/prov division of powers
 - fed jurisdiction includes criminal law, national defence, international trade and broadcasting
- Senators and Members of Parliament both study, debate and often amend legislative proposals or “bills.”



Two types of public bills

- **Government bill**

- submitted on behalf of government by a Cabinet minister to Parliament for approval, and possible amendment, before becoming law

- **Private Member's (Public) Bill**

- submitted to Parliament by a Private Member who is *not* a Cabinet minister
- every MP who is not a Cabinet minister is a Private Member (ie., whether or not they are a member of the party forming government)



Private Bills

- exempt a person or group of persons, including a corporate person, from the application of a statute
 - *e.g.*, an act to exempt a church from general taxation rules on sale of property
 - *e.g.*, up until 1960s, divorces only granted by a private act of federal Parliament
- may not be introduced by a Minister, and must be founded on a petition signed by the persons who are interested in promoting it
- expensive and rare!

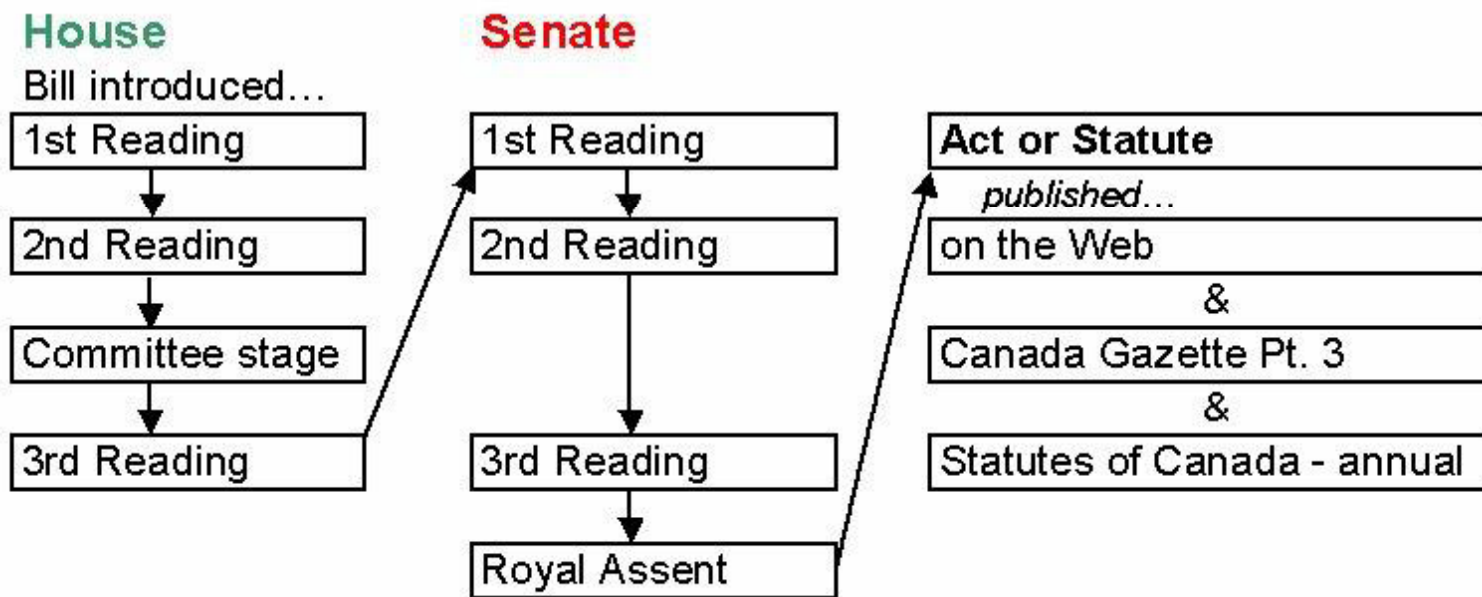


The legislative process: How a bill becomes law

- **Introduction**
- **First Reading**
- **Second Reading**
- **Committee Stage**
- **Report Stage**
- **Third Reading**
- **Royal Assent**
- **Proclamation**



How a bill becomes law (cont.)



Bills as introduced and first reading

- When a bill is introduced in the House, it is assigned a number
 - Government bills = 2 to 200
 - Private Members' public bills = 201 to 1000
 - Private bills = 1000 and up.
- C = bill introduced in House of Commons
- S = bill introduced in Senate
 - *e.g.*, Bill C-47 originated in the House of Commons



Structure of a bill

- Title
- Preamble
- Enacting Clause
- Clause
- Interpretation Provisions
- Coming-into-force Provisions
- Schedule
- Explanatory notes
- Summary
- Marginal notes
- Underlining and vertical lines
- Headings
- Table of contents
- Royal recommendation



Title

- Always use the official or long title of a bill, as the short title not yet approved!

1st Session, 39th Parliament, 55-56 Elizabeth II, 2006-2007		1 ^{re} session, 39 ^e législature, 55-56 Elizabeth II, 2006-2007	
HOUSE OF COMMONS OF CANADA		CHAMBRE DES COMMUNES DU CANADA	
BILL C-47		PROJET DE LOI C-47	
An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act		Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce	
Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:		Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :	
Short title	1. This Act may be cited as the <i>Olympic and Paralympic Marks Act</i> .	1. Titre abrégé : <i>Loi sur les marques olympiques et paralympiques</i> .	Titre abrégé 5
Interpretation	2. (1) The following definitions apply in this Act.	2. (1) Les définitions qui suivent s'appliquent à la présente loi.	Définitions

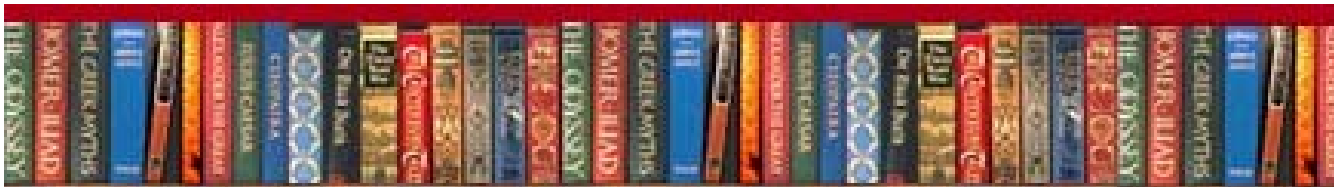


Preamble

- Not included in every bill – sets out Parliament's reasoning
 - e.g., Preamble to Bill C-6, which is currently before Parliament, starts:

Whereas the Parliament of Canada recognizes the objective of protecting the public by addressing dangers to human health or safety that are posed by consumer products;

Whereas the Parliament of Canada recognizes that the growing number of consumer products that flow across the borders of an increasingly global marketplace make the realization of that objective a challenge; ...



Enacting Clause

- Always the same (at least, since we've had a Queen)!

1st Session, 39th Parliament,
55-56 Elizabeth II, 2006-2007

1^{re} session, 39^e législature,
55-56 Elizabeth II, 2006-2007

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-47

PROJET DE LOI C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

Short title

1. This Act may be cited as the *Olympic and Paralympic Marks Act*.

1. Titre abrégé : *Loi sur les marques olympiques et paralympiques*.

Titre abrégé

5

Interpretation

2. (1) The following definitions apply in this Act.

2. (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions



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Clause

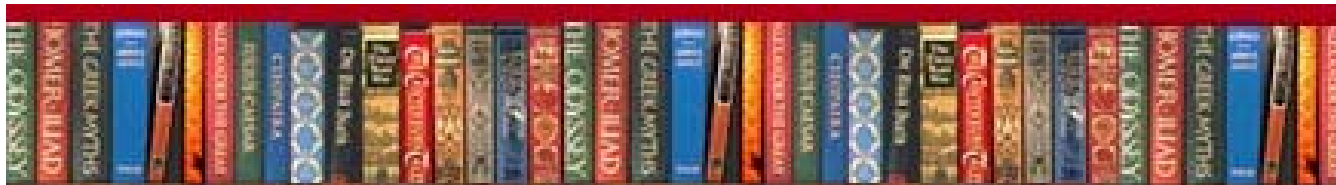
- Clause = section
- every statute has at least one, and may have thousands!



Interpretation Provisions

- Statutory definitions, etc.
- usually found in s. 2 of the bill, but also may be found throughout various sections of a bill (e.g., *Criminal Code*)

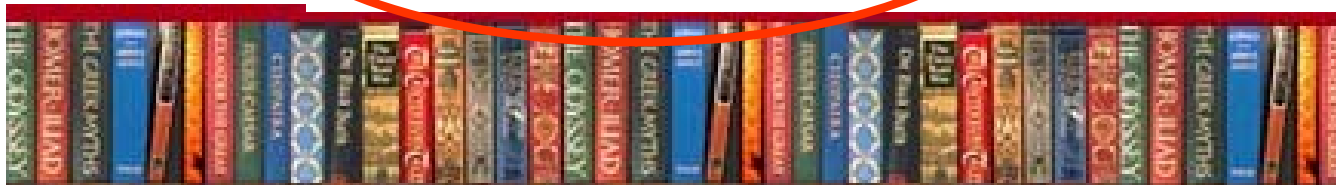
Interpretation	2. (1) The following definitions apply in this Act.	2. (1) Les définitions qui suivent s'appliquent à la présente loi.	Définitions
"COC" «COC»	"COC" means the Canadian Olympic Committee, a corporation incorporated under Part II of <i>The Companies Act, 1934</i> , chapter 33 of the 10 Statutes of Canada, 1934.	«COC» Le Comité olympique canadien, corporation constituée sous le régime de la partie II de la <i>Loi des compagnies, 1934</i> , chapitre 33 des 10 Statuts du Canada de 1934.	«COC» "COC"
"court" «tribunal»	"court" means the Federal Court or the superior court of a province.	«comité d'organisation» Tout organisme reconnu, par le COC et par toute ville canadienne élue comme ville hôte des Jeux olympiques ou des Jeux paralympiques, à titre de responsable 15 de la planification, de l'organisation, du financement et de la tenue de ces jeux.	«comité d'organisation» "organizing committee"
"CPC" «CPC»	"CPC" means the Canadian Paralympic Committee, a corporation incorporated under Part II 15 of the <i>Canada Corporations Act</i> , chapter C-32 of the Revised Statutes of Canada, 1970.	«CPC» Le Comité paralympique du Canada, corporation constituée sous le régime de la 20 partie II de la <i>Loi sur les corporations canadiennes</i> , chapitre C-32 des Statuts révisés du Canada de 1970.	«CPC» "CPC"
"Olympic or Paralympic mark" «marque olympique ou paralympique»	"Olympic or Paralympic mark" means, subject to subsection (3), a mark set out in Schedule 1 or 2.	«marque olympique ou paralympique» Sous 25 réserve du paragraphe (3), marque figurant aux annexes 1 ou 2.	«marque olympique ou paralympique» "Olympic or Paralympic mark"
"organizing committee" «comité d'organisation»	"organizing committee" means any organization that is recognized, by the COC and a city in Canada elected to host an Olympic Games or		



Coming-into-force Provisions

- Usually found near the END of the bill
 - many, but not all, bills have this provision
- Tell you when the bill, if passed, will come into force

	RELATED AMENDMENT		MODIFICATION CONNEXE	
R.S., c. T-13	TRADE-MARKS ACT		LOI SUR LES MARQUES DE COMMERCE	L.R., ch. T-13
	14. Subsection 12(1) of the <i>Trade-marks Act</i> is amended by striking out the word "and" at the end of paragraph (g), by adding the word "and" at the end of paragraph (h) and by adding the following after paragraph 5 (h):		14. Le paragraphe 12(1) de la <i>Loi sur les marques de commerce</i> est modifié par adjonction, après l'alinéa h), de ce qui suit :	
	(f) subject to subsection 3(3) and paragraph 3(4)(a) of the <i>Olympic and Paralympic Marks Act</i> , a mark the adoption of which is prohibited by subsection 3(1) of that Act.	10	h) elle est une marque dont l'adoption est interdite par le paragraphe 3(1) de la <i>Loi sur les marques olympiques et paralympiques</i> , sous réserve du paragraphe 3(3) et de l'alinéa 3(4)a) de cette loi.	5
	COMING INTO FORCE		ENTRÉE EN VIGUEUR	
Order in council	15. (1) The provisions of this Act, other than section 13, come into force on a day or days to be fixed by order of the Governor in Council.		15. (1) Les dispositions de la présente loi, à l'exception de l'article 13, entrent en vigueur à la date ou aux dates fixées par décret.	Décret
Section 13	(2) Section 13 comes into force on December 31, 2010.	15	(2) L'article 13 entre en vigueur le 31 décembre 2010.	Article 13



Schedules

- Located at the END of the bill, if any available
- Detail further information, etc.
 - e.g. (at right), list of marks protected by Bill C-47 if adopted

SCHEDULE 2
(Subsections 2(1) and (3), paragraphs 3(4)(c) and (e) and 12(2)(b) and section 13)

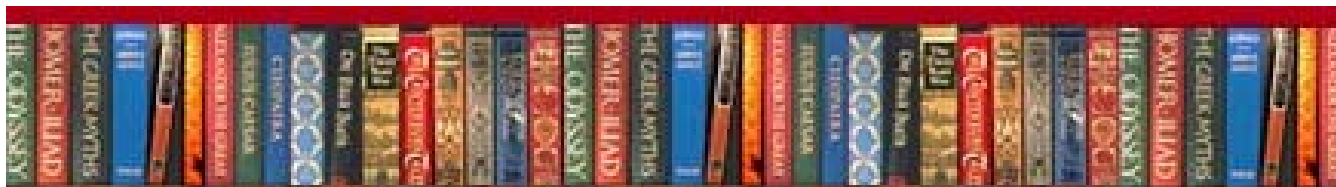
MARCS

Column 1		Column 2
Item	Mark	Expiry Date
1.	Canada 2010	December 31, 2010
2.	Canada's Games	December 31, 2010
3.	Comité d'organisation des Jeux olympiques et paralympiques d'hiver de 2010 à Vancouver	December 31, 2010
4.	COVAN	December 31, 2010
5.	Games City	December 31, 2010
6.	Jeux de Vancouver	December 31, 2010
7.	Jeux de Whistler	December 31, 2010
8.	Jeux du Canada	December 31, 2010
9.	Les Jeux entre mer et ciel	December 31, 2010
10.	Sea to Sky Games	December 31, 2010
11.	Vancouver 2010	December 31, 2010
12.	Vancouver Games	December 31, 2010
13.	Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games	December 31, 2010

ANNEXE 2
(paragraphes 2(1) et (3) et alinéas 3(4)(c) et (e) et 12(2)(b) et article 13)

MARQUES

Colonne 1		Colonne 2
Article	Marque	Date de cessation d'effet
1.	Canada 2010	le 31 décembre 2010
2.	Canada's Games	le 31 décembre 2010
3.	Comité d'organisation des Jeux olympiques et paralympiques d'hiver de 2010 à Vancouver	le 31 décembre 2010
4.	COVAN	le 31 décembre 2010
5.	Games City	le 31 décembre 2010
6.	Jeux de Vancouver	le 31 décembre 2010
7.	Jeux de Whistler	le 31 décembre 2010
8.	Jeux du Canada	le 31 décembre 2010
9.	Les Jeux entre mer et ciel	le 31 décembre 2010
10.	Sea to Sky Games	le 31 décembre 2010
11.	Vancouver 2010	le 31 décembre 2010
12.	Vancouver Games	le 31 décembre 2010
13.	Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games	le 31 décembre 2010



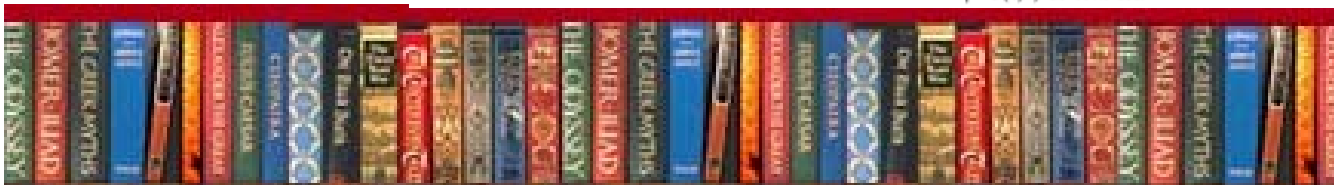
Explanatory notes

- Not every bill has these
- Unofficial part of bill that explains a section or sections in more detail
 - e.g., in Bill C-47, we have this explanatory note:

EXPLANATORY NOTES	NOTES EXPLICATIVES
<i>Trade-marks Act</i>	<i>Loi sur les marques de commerce</i>
<i>Clause 14:</i> Relevant portion of subsection 12(1): 12. (1) Subject to section 13, a trade-mark is registrable if it is not	<i>Article 14:</i> Texte visé du paragraphe 12(1): 12. (1) Sous réserve de l'article 13, une marque de commerce est enregistrable sauf dans l'un ou l'autre des cas suivants:

which is meant to explain s. 14 in further detail:

RELATED AMENDMENT	MODIFICATION CONNEXE
R.S., c. T-13	L.R., ch. T-13
TRADE-MARKS ACT	LOI SUR LES MARQUES DE COMMERCE
14. Subsection 12(1) of the <i>Trade-marks Act</i> is amended by striking out the word "and" at the end of paragraph (g), by adding the word "and" at the end of paragraph (h) and by adding the following after paragraph 5 (h): (i) subject to subsection 3(3) and paragraph 3(4)(a) of the <i>Olympic and Paralympic Marks Act</i> , a mark the adoption of which is prohibited by subsection 3(1) of that Act.	14. Le paragraphe 12(1) de la <i>Loi sur les marques de commerce</i> est modifié par adjonction, après l'alinéa h), de ce qui suit: i) elle est une marque dont l'adoption est interdite par le paragraphe 3(1) de la <i>Loi sur les marques olympiques et paralympiques</i> , sous réserve du paragraphe 3(3) et de l'alinéa 3(4)a) de cette loi.



Summary

- At the beginning of many bills there is sometimes a (very) short, unofficial summary of the bill

SUMMARY

This enactment provides for the protection of Olympic and Paralympic marks and protection against certain misleading business associations between a business and the Olympic Games, the Paralympic Games or certain committees associated with those Games.

This enactment also makes a related amendment to the *Trade-marks Act* to preclude the registration of a trade-mark whose adoption is prohibited by this enactment.

SOMMAIRE

Le texte concerne la protection des marques olympiques et paralympiques et la protection contre certaines associations commerciales trompeuses entre une entreprise et les Jeux olympiques, les Jeux paralympiques ou certains comités associés à ces jeux.

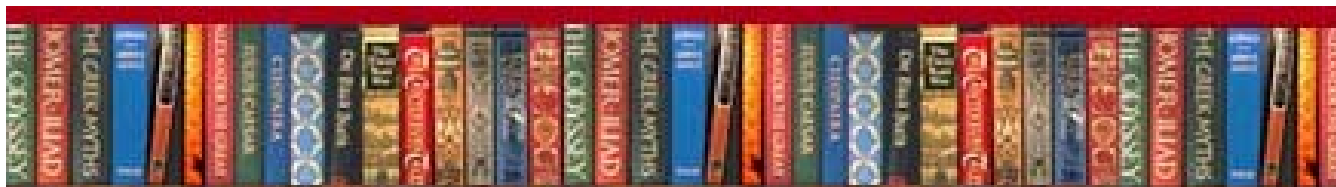
Par ailleurs, le texte apporte une modification connexe à la *Loi sur les marques de commerce* afin d'empêcher l'enregistrement d'une marque de commerce dont il interdit l'adoption.



Marginal notes

- To help you navigate your way through the bill's text

2	Olympic and Paralympic Marks	55-56 ELIZ. II
	Paralympic Games, as being responsible for the planning, organizing, financing and staging of those Games.	«tribunal» La Cour fédérale ou la cour supérieure d'une province.
Words and expressions	(2) Unless the context otherwise requires, words and expressions used in this Act have the same meaning as in the <i>Trade-marks Act</i> .	5 Sauf indication contraire du contexte, les termes de la présente loi s'entendent au sens de la <i>Loi sur les marques de commerce</i> .
Schedule 2 marks	(3) A mark set out in column 1 of Schedule 2 is considered not to be an Olympic or Paralympic mark after the corresponding expiry date set out in column 2.	10 (3) Toute marque figurant dans la colonne 1 de l'annexe 2 est considérée comme n'étant pas une marque olympique ou paralympique après la date de cessation d'effet prévue à son égard dans la colonne 2.
Prohibited marks	3. (1) No person shall adopt or use in connection with a business, as a trade-mark or otherwise, an Olympic or Paralympic mark or a mark that so nearly resembles an Olympic or Paralympic mark as to be likely to be mistaken for it.	15 3. (1) Nul ne peut adopter ou employer à l'égard d'une entreprise, comme marque de commerce ou non, une marque olympique ou paralympique, ou une marque dont la ressemblance avec celle-ci est telle qu'on pourrait vraisemblablement les confondre.
Prohibited marks — translations	(2) No person shall use in connection with a business, as a trade-mark or otherwise, a mark that is a translation in any language of an Olympic or Paralympic mark.	20 (2) Nul ne peut employer à l'égard d'une entreprise, comme marque de commerce ou non, une marque qui est la traduction — en quelque langue que ce soit — d'une marque olympique ou paralympique.
Exception	(3) Subsections (1) and (2) do not apply to an organizing committee, the COC or the CPC.	25 (3) Les paragraphes (1) et (2) ne s'appliquent ni à un comité d'organisation, ni au COC, ni au CPC.
Excepted uses	(4) Nothing in subsection (1) or (2) prevents (a) the adoption, use or registration, as a trade-mark or otherwise, of a mark described in subsection (1) or (2) if the person has obtained the written consent of an organizing committee during any period prescribed by regulation or of the COC or the CPC during any other period, and acts in accordance with that consent; (b) the use of a trade-mark by an owner or	30 (4) Les paragraphes (1) et (2) n'ont pas pour effet d'empêcher ce qui suit : a) l'adoption, l'emploi ou l'enregistrement — comme marque de commerce ou non — d'une marque visée aux paragraphes (1) ou (2) en conformité avec le consentement écrit d'un comité d'organisation obtenu pendant une période réglementaire, ou avec celui du COC ou du CPC obtenu pendant toute autre période;



Underlining and vertical lines

- Where a bill modifies an existing statute, these are sometimes used to emphasize the suggested modifications:

	RELATED AMENDMENT	MODIFICATION CONNEXE	
R.S., c. T-13	TRADE-MARKS ACT	LOI SUR LES MARQUES DE COMMERCE	L.R., ch. T-13
	14. Subsection 12(1) of the <i>Trade-marks Act</i> is amended by striking out the word “and” at the end of paragraph (g), by adding the word “and” at the end of paragraph (h) and by adding the following after paragraph 5 (h):	14. Le paragraphe 12(1) de la <i>Loi sur les marques de commerce</i> est modifié par adjonction, après l’alinéa h), de ce qui suit :	
	(i) subject to subsection 3(3) and paragraph 3(4)(a) of the <i>Olympic and Paralympic Marks Act</i> , a mark the adoption of which is prohibited by subsection 3(1) of that Act. 10	h) elle est une marque dont l’adoption est interdite par le paragraphe 3(1) de la <i>Loi sur les marques olympiques et paralympiques</i> , sous réserve du paragraphe 3(3) et de l’alinéa 3(4)a) de cette loi. 5	



Headings

- Like marginal notes, to help you navigate your way through the bill's text

	RELATED AMENDMENT	MODIFICATION CONNEXE	
R.S., c. T-13	TRADE-MARKS ACT	LOI SUR LES MARQUES DE COMMERCE	L.R., ch. T-13
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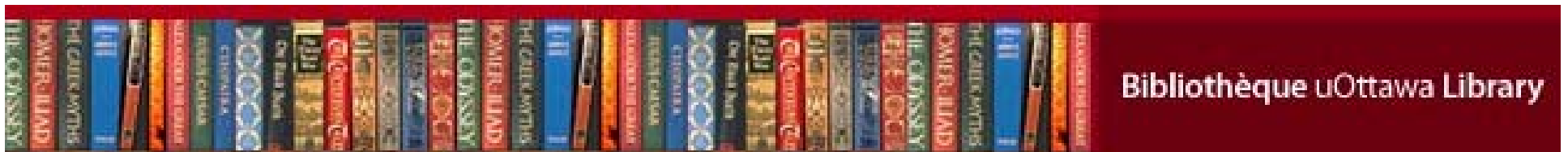
- More complex bills tend to have a table of contents or Table of Provisions

TABLE OF PROVISIONS	
AN ACT RESPECTING THE PROTECTION OF MARKS RELATED TO THE OLYMPIC GAMES AND THE PARALYMPIC GAMES AND PROTECTION AGAINST CERTAIN MISLEADING BUSINESS ASSOCIATIONS AND MAKING A RELATED AMENDMENT TO THE TRADE-MARKS ACT	
1.	<i>Olympic and Paralympic Marks Act</i>
2.	Interpretation
3.	Prohibited marks
4.	Prohibited acts
5.	Remedies
6.	Interim or interlocutory injunction
7.	Limitation period
8.	Detention and disposition of imported wares
9.	Exportation of wares
10.	Jurisdiction of Federal Court
11.	Effect of public notice
12.	Regulations
AMENDMENT TO THIS ACT	
13.	Schedule 2
RELATED AMENDMENT	
14.	<i>Trade-marks Act</i>
COMING INTO FORCE	
15.	Order in council

SCHEDULES 1-3

TABLE ANALYTIQUE	
LOI CONCERNANT LA PROTECTION DES MARQUES LIÉES AUX JEUX OLYMPIQUES ET AUX JEUX PARALYMPIQUES ET LA PROTECTION CONTRE CERTAINES ASSOCIATIONS COMMERCIALES TROMPEUSES ET APPORTANT UNE MODIFICATION CONNEXE À LA LOI SUR LES MARQUES DE COMMERCE	
1.	<i>Loi sur les marques olympiques et paralympiques</i>
2.	Définitions
3.	Marques interdites
4.	Actes interdits
5.	Recours
6.	Injonction provisoire ou interlocutoire
7.	Déla
8.	Rétention et disposition de marchandises importées
9.	Exportation de marchandises
10.	Compétence de la Cour fédérale
11.	Effet de l'avis public
12.	Règlement
MODIFICATION DE LA PRÉSENTE LOI	
13.	Annexe 2
MODIFICATION CONNEXE	
14.	<i>Loi sur les marques de commerce</i>
ENTRÉE EN VIGUEUR	
15.	Décret

ANNEXES 1-3



Royal recommendation

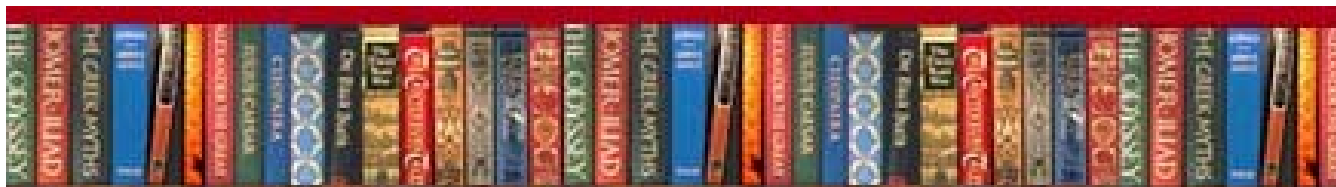
- Gov.-Gen.'s “permission” to government to spend \$\$\$
- Normally cannot be obtained by a Private Member (can't force the government to spend \$\$\$)
 - e.g., Bill C-6 from current session has the following “Recommendation” preceding the Summary:

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled “An Act respecting the safety of consumer products”.



How to cite bills

Number	Title	Session	Legislature	Jurisdiction	Year	Pinpoint	Additional info (optional)
Bill C-26,	<i>An Act to establish the Canada Border Services Agency,</i>	1st Sess.,	38th Parl.,		2005,	cl. 5(1)(e)	(as passed by the House of Commons 13 June 2005).
Bill 59,	<i>An Act to amend the Civil Code as regards marriage,</i>	1st Sess.,	37th Leg.,	Quebec,	2004		(assented to 10 November 2004), S.Q. 2004, c. 23.



C-47

First Session, Thirty-ninth Parliament,
55-56 Elizabeth II, 2006-2007

HOUSE OF COMMONS OF CANADA

BILL C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

FIRST READING, MARCH 2, 2007

THE MINISTER OF INDUSTRY

C-47

Première session, trente-neuvième législature,
55-56 Elizabeth II, 2006-2007

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-47

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

PREMIÈRE LECTURE LE 2 MARS 2007

LE MIN

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

Bill C-47 at First Reading

House of Commons

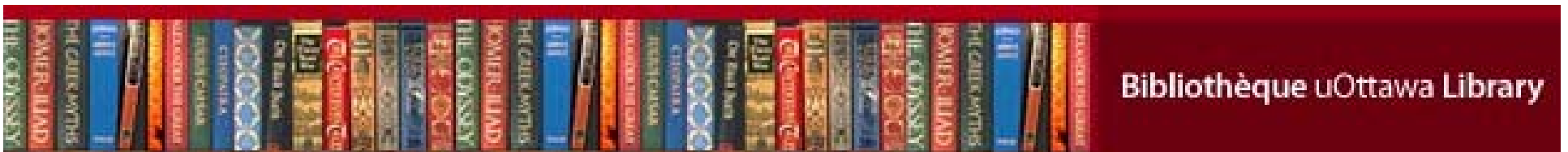
March 2, 2007



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How to cite bills (2)

Bill C-47, *An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act*, 1st Sess., 39th Parl., 2007 (first reading March 2, 2007).



Second reading

- While at first reading, there is usually just a speech or two introducing the bill
- The real action happens at second reading, when the bill is debated



Committee stage

- Following debates at second reading, there is a vote to determine whether the bill should proceed to committee.
 - If the answer is yes, it is then determined which committee it should go to.
- Depending on the scope of the bill, committees will often have lengthy hearings, with witnesses, etc., during which they debate the merits of the bill, as well as technicalities such as wording, etc.



Third reading

- Before going to third reading, the Committee who analyzed the bill will report back to Parliament (the “report stage”) with recommendations.
- If they recommend the bill proceed to third reading, the bill is re-printed with any Committee amendments



C-47

First Session, Thirty-ninth Parliament,
55-56 Elizabeth II, 2006-2007

HOUSE OF COMMONS OF CANADA

BILL C-47

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

REPRINTED AS AMENDED BY THE STANDING COMMITTEE ON INDUSTRY, SCIENCE AND TECHNOLOGY AS A WORKING COPY FOR THE USE OF THE HOUSE OF COMMONS AT REPORT STAGE AND AS REPORTED TO THE HOUSE ON JUNE 6, 2007

THE MINISTER OF INDUSTRY

90-404

C-47

Première session, trente-neuvième législature,
55-56 Elizabeth II, 2006-2007

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-47

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

RÉIMPRIMÉ TEL QUE MODIFIÉ PAR LE COMITÉ PERMANENT DE L'INDUSTRIE, DES SCIENCES ET DE LA TECHNOLOGIE COMME DOCUMENT DE TRAVAIL À L'USAGE DE LA CHAMBRE DES COMMUNES À L'ÉTAPE DU RAPPORT ET PRÉSENTÉ À LA CHAMBRE LE 6 JUIN 2007

LE MINISTRE DE L'INDUSTRIE

Bill C-47 as printed at Committee Stage

House of Commons

June 6, 2007



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Third reading (cont.)

- At third reading, the bill is debated again
- If passed by the House of Commons, the bill is reprinted again, incorporating any changes made by the House at third reading, and then goes to the Senate, where it starts the whole procedure over again



C-47	C-47
First Session, Thirty-ninth Parliament, 55-56 Elizabeth II, 2006-2007	Première session, trente-neuvième législature, 55-56 Elizabeth II, 2006-2007
HOUSE OF COMMONS OF CANADA	CHAMBRE DES COMMUNES DU CANADA
BILL C-47	PROJET DE LOI C-47
An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act	Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce
AS PASSED	ADOPTÉ
BY THE HOUSE OF COMMONS JUNE 14, 2007	PAR LA CHAMBRE DES COMMUNES LE 14 JUIN 2007

90404

Bill C-47 as passed by the House of Commons

House of Commons

June 14, 2007



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Royal Assent

- If a bill is then passed by the Senate, it will be given Royal Assent
 - if the Senate makes changes to the bill, those changes must first be approved by the House in a vote
- Royal Assent is given by the Governor General or her delegate
- **Only then does the bill become a law!**
- The number assigned to a bill changes to a chapter number
- In addition to a reprint of the bill as of Royal Assent, it is also printed in the *Canada Gazette, Part III*, and on the Web and in the annual volume of *Statutes of Canada*
 - e.g. Bill C-47 became S.C. 2007, c. 25



First Session, Thirty-ninth Parliament, 55-56 Elizabeth II, 2006-2007	Première session, trente-neuvième législature, 55-56 Elizabeth II, 2006-2007
STATUTES OF CANADA 2007	LOIS DU CANADA (2007)
CHAPTER 25	
An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act	Loi olympique et paralympique contre les associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce
ASSENTED TO 22nd JUNE, 2007 BILL C-47	SANCTIONNÉE LE 22 JUIN 2007 PROJET DE LOI C-47

assigned a chapter number

Bill C-47 Royal Assent version

June 22, 2007

**39th Parliament - 1st Session
(April 3, 2006-Sept. 14, 2007)**



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Vol. 30, No. 2

Canada Gazette

Part III

OTTAWA, TUESDAY, JULY 31, 2007

Statutes of Canada, 2007

Chapters 8 to 30

Acts assented to from 30 March, 2007
to 22 June, 2007



Gazette du Canada

Partie III

OTTAWA, LE MARDI 31 JUILLET 2007

Lois du Canada (2007)

Chapitres 8 à 30

Lois sanctionnées du 30 mars 2007
au 22 juin 2007

Vol. 30, n° 2

Canada Gazette Part III

*An Act respecting the
protection of marks
related to the Olympic
Games...Chapter 25*

55-56 ELIZABETH II

CHAPTER 25

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

[Assented to 22nd June, 2007]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title

1. This Act may be cited as the *Olympic and Paralympic Marks Act*.

Interpretation

2. (1) The following definitions apply in this

55-56 ELIZABETH II

CHAPITRE 25

Loi concernant la protection des marques liées aux Jeux olympiques et aux Jeux paralympiques et la protection contre certaines associations commerciales trompeuses et apportant une modification connexe à la Loi sur les marques de commerce

[Sanctionnée le 22 juin 2007]

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte:

1. Titre abrégé : *Loi sur les marques olympiques et paralympiques*.

2. (1) Les définitions qui suivent s'appli-

Short Title:

***Olympic and
Paralympic Marks
Act***

Bibliothèque uOttawa Library



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Olympic and Paralympic Marks Act (2007, c. 25)

Disclaimer: These documents are not the official versions ([more](#)).

Attention: See coming into force provision and notes, where applicable.

[Table Of Contents](#) [Back to search results](#)

Olympic and Paralympic Marks Act

2007, c. 25

[Assented to June 22nd, 2007]

An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act

SUMMARY

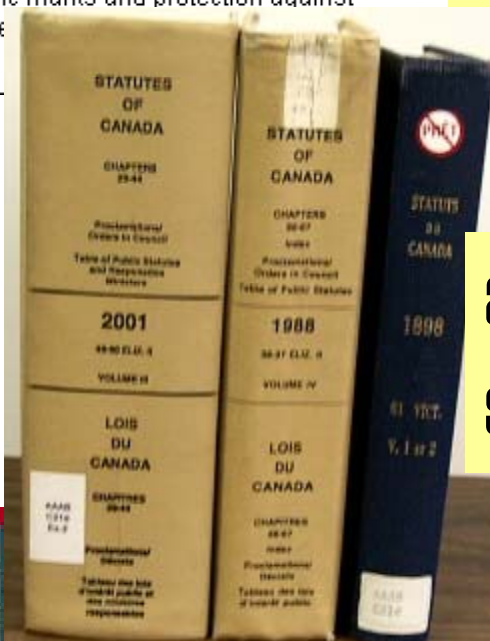
This enactment provides for the protection of Olympic and Paralympic marks and protection against certain misleading business associations between a business and the Games or certain committees associated with those Games.

Statutes of Canada, 2007

On the web:
**Department of
Justice Canada:**

<http://laws.justice.gc.ca>

and in print:
starts at SLR 4-1



Bibliothèque uOttawa Library

How to cite statutes

<i>Title,</i>	statute volume	jurisdiction	year	(session or supplement),	chapter,	pinpoint.
<i>Criminal Code,</i>	R.S.	C.	1985,		c. C-46,	s.745.
<i>Income Tax Act,</i>	R.S.	C.	1985	(5th Supp.),	c. 1,	s.(18)(1) (m)(iv)(c).
<i>Civil Marriage Act,</i>	S.	C.	2005,		c. 41.	
<i>Children's Law Reform Act,</i>	R.S.	O.	1990,		c. C-12.	



How to cite statutes (2)

Olympic and Paralympic Marks Act, S.C.
2007, c. 25



Proclamation

- An act is **in force** only after it has been proclaimed; usually done by Order-In-Council
- Can also come into force on day it receives Royal Assent unless another date is set
- Other ways statutes may be proclaimed



Coming into force

- Look first at the wording of the Act (often near the end). Does it specify:
 - that the Act comes into force on the day it receives royal assent?
 - that the Act will come into force on a specific date?
 - that the Act comes into force on a date “to be proclaimed”?
 - that the Act will come into force when certain conditions are met? (for example, following the coming into force of another Act, or the signing of a treaty)
- If there is no specific proclamation date, the Act (usually) comes into force on the Royal Assent date.
- If a statute does not specify when it will come into force, check the *Interpretation Act* to find out when the statute would normally come into force.
- Parliament also has the power to make an Act apply **retrospectively** (i.e., from a date earlier than the date on which it was actually passed)



Updating federal statutes

- Because laws are constantly being updated and amended/modified, it is important to make sure you have the most current version of a statute (or the statute as it then read, if your situation involves a statute that has since been modified, or you are doing historical research)



Updating federal statutes (cont.)

1. Check the [Table of Public Statutes and Responsible Ministers](#) (also available in print in SLR 4-1 of the library)
2. Check [LEGISinfo](#) for sessional bills introducing recent or proposed amendments
3. For a more recent amendment, to see if it is in force, check also the “Table of Proclamations” in the [Canada Gazette, Part III](#)
 - Also consult individual editions of the Canada Gazette, Part II for most up-to-date proclamations



Where is legislation **officially** published?

- [Canada Gazette](#)
 - Part I: notices and proposed regulations
 - Part II: regulations
 - Part III: acts that have received Royal Assent
 - Most provinces have a similar provincial *Gazette*
- Annual volumes of statutes (e.g., *Statutes of Canada*, 2004)
- *Revised Statutes of Canada* (last issued in 1985)
- Official printings of bills from the House of Commons and Senate



More terminology

Subordinate legislation: legislation of a subordinate body, *i.e.*, one other than a legislature or Parliament, such as a statutory instrument, regulation or by-law

- Regulations are considered *subordinate* or *delegated legislation*.



Regulations

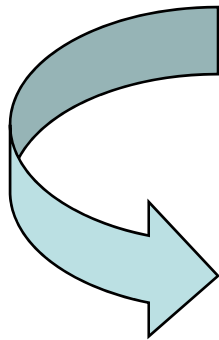
- promulgated by appropriate government ministry bureaucrats or other bodies after varying degrees of public consultation
- Made or approved under the authority of an Act
- format: S.O.R./2005-120
- First published in the [*Canada Gazette, Part I*](#), so that interested parties may submit comments, etc.
- After a period of time, final version is published in the [*Canada Gazette, Part II*](#)



Regulations (cont'd)

Consolidated Index of Statutory Instruments

- indexes regulations alphabetically by their name and also according to the **enabling statutes**



OLYMPIC AND PARALYMPIC MARKS ACT [SC 2007, c. 25]

(MARQUES OLYMPIQUES ET PARALYMPIQUES (LOI))

Olympic and Paralympic Marks Regulations, SOR/2007-294

(Marques olympiques et paralympiques — Règlement)



Finding Regulations: 3 unofficial methods

1. [Department of Justice](#) (federal only) > find statute > view Table of Contents > at bottom of page, there is a list of all regulations
2. [CanLII.ca](#) > select appropriate jurisdiction > under “Legislation” click on Statutes and Regulations > click on first letter of title of statute > locate your statute in the table and its Enabled Regulations
3. [CanLII.ca](#) > select appropriate jurisdiction > under “Legislation” click on Statutes and Regulations > type in the statute name then click “Search” > view text of statute then find link to Enabled Regulations



How to cite federal regulations

(McGill – 2.1.6)

Revised (consolidated) regulations

<i>Title,</i>	C.R.C.,	chapter,	pinpoint (if there is one)	(year) (optional).
<i>Migratory Birds Regulations,</i>	C.R.C.,	c. 1035,	s. 4	(1978).

Unrevised (unconsolidated) regulations

<i>Title,</i>	S.O.R. /	last two digits of the year (pre-2000) – regulation number	pinpoint (if there is one)
<i>Offset of Taxes by a Refund or a Rebate (GST/HST) Regulations,</i>	S.O.R./	91-49,	s. 3.
<i>Canadian Aviation Security Regulations,</i>	S.O.R./	2000-111.	



Bibliothèque uOttawa Library

Updating federal regulations

- Regulations can also be amended/modified
- Check the [Consolidated Index of Statutory Instruments](#)
- For very recent amendments to regulations, you will have to look through the recent issues of the *Canada Gazette, Part II*



Tips for legislation research

- Statutes work in combination with cases
- There may be more than one applicable statute
- There may be overlap between provincial and federal statutes
- Statutes are revised regularly, so research must always be current
- Cases interpret statutes and can affect the meaning of statutes

Maureen Fitzgerald, “Chapter 7: How to Find and Update Statutes” in *Legal Problem Solving: Reasoning, Research & Writing*, 3d ed. (Toronto: LexisNexis Butterworths, 2004) at 111.



Bibliothèque uOttawa Library

Finding federal legislation online

- Free:

- [LEGISInfo](#) (bills)
- [Department of Justice Canada Laws](#) (statutes & regulations)
- [Canadian Legal Information Institute \(CanLII\)](#) (statutes & regulations) **unofficial**



Finding federal legislation online

- Subscription databases:
 - Quicklaw (bills, statutes, rules, regulations)
 - Good if looking for a statute at a “[point-in-time](#)”
 - WestlaweCarswell (statutes, rules, regulations)

But usually easier to just use a free source online....



Bibliothèque uOttawa Library

Quicklaw: Point-in-Time

[General](#) | [Court Cases](#) | [Tribunal Cases](#) | **[Legislation](#)** | [Commentary](#) | [Services](#) | [Journals](#) | [News & Companies](#)

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Make This My Start Page | ?

Legislation Search Forms

Enter Search Terms

Search

A space between words searches an exact phrase. Show the relation of terms with connectors, e.g., age & discrimination, age or race, trade /5 act. [View Connectors...](#)

Search Term Equivalents

☒ Singular and Plural ☒ Masculine and Feminine

Select Sources

[Find Related Sources...](#)

+ View Combined Sources

Search within a Specific Segment of a Document

[\[+\] Show Document Segments](#)

Jurisdiction

Legislation Title

Citation

Provision Number (section/article/rule)

Enter the legislation section or article number

Legislation Type

Select Version

☒ Current Version (all jurisdictions)

☐ All Versions (Point-in-Time sources only)

☐ In Effect (Point-in-Time sources only)

Point-in-Time is only available for statute sources from Canada, B.C., Alberta and Ontario. The start date for point-in-time coverage varies by jurisdiction. See source information for more detail.

Related Links

History & Alerts

[> Recent Searches](#)

How do I...?

[> Find a section of a statute?](#)

[> Find a former version of a section of an act?](#)

[> Note up legislation?](#)

[View Tutorials](#)

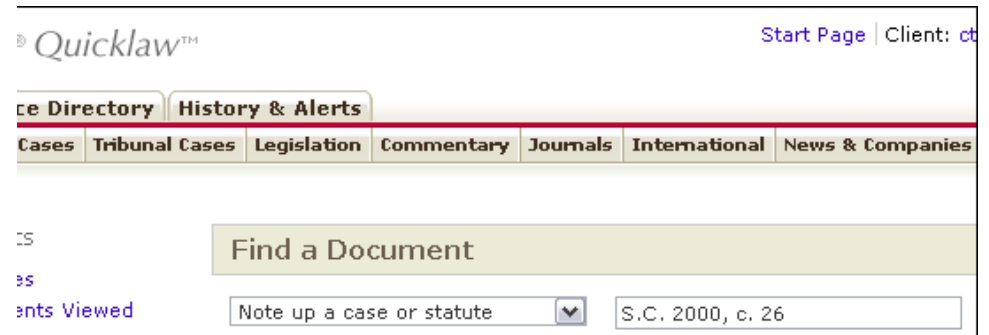
Noting up legislation

- Refers to finding cases that have **cited** a piece of legislation (e.g. *Criminal Code*) or a specific section of that legislation (e.g. s.253 of the *Criminal Code*)



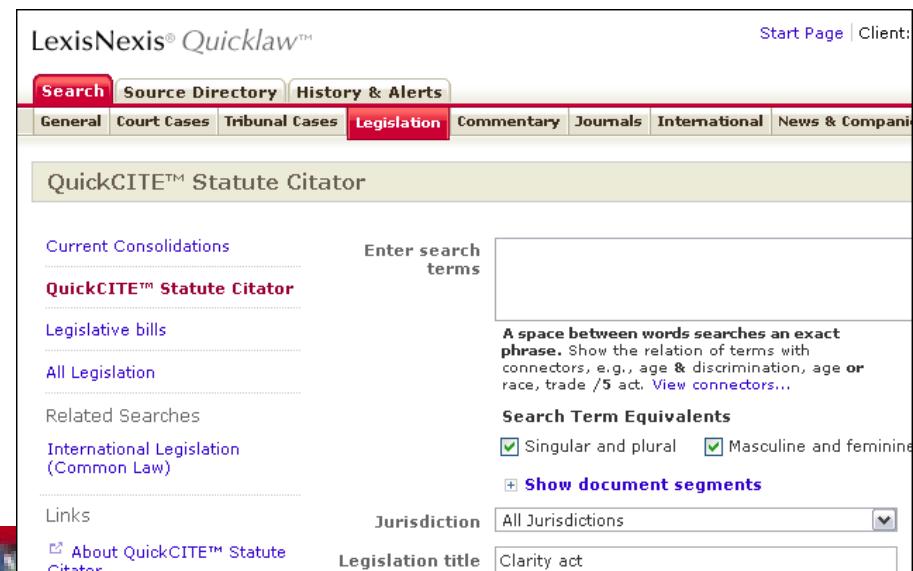
Noting up legislation in QL

1. Note up a case or statute (must use the citation only)

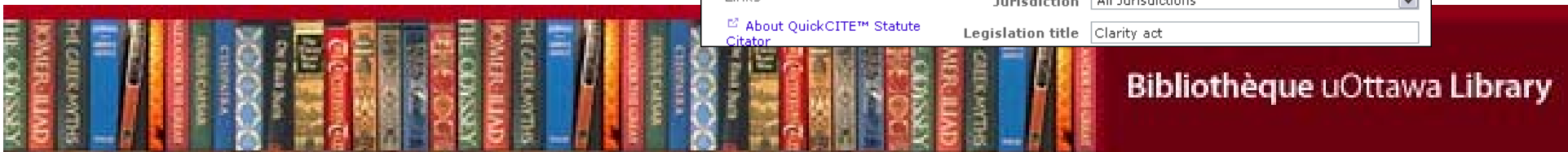


The screenshot shows the LexisNexis Quicklaw homepage. At the top right, there are links for 'Start Page' and 'Client: ct'. Below the header is a navigation bar with tabs: 'Source Directory', 'History & Alerts', 'Cases', 'Tribunal Cases', 'Legislation', 'Commentary', 'Journals', 'International', and 'News & Companies'. The 'Legislation' tab is highlighted. In the center, there is a 'Find a Document' search bar. Below it, there is a dropdown menu with the text 'Note up a case or statute' and a text input field containing 'S.C. 2000, c. 26'.

2. Use the QuickCITE Statute Citator



The screenshot shows the LexisNexis Quicklaw QuickCITE Statute Citator interface. The top navigation bar includes 'Search', 'Source Directory', and 'History & Alerts'. The 'Legislation' tab is highlighted. The main heading is 'QuickCITE™ Statute Citator'. On the left, there are links for 'Current Consolidations', 'QuickCITE™ Statute Citator', 'Legislative bills', 'All Legislation', 'Related Searches', 'International Legislation (Common Law)', and 'Links'. The 'QuickCITE™ Statute Citator' link is highlighted. On the right, there is a search area with the text 'Enter search terms' and a text input field. Below the search area, there is a section titled 'A space between words searches an exact phrase. Show the relation of terms with connectors, e.g., age & discrimination, age or race, trade /5 act. View connectors...'. Below this, there is a section titled 'Search Term Equivalents' with two checkboxes: 'Singular and plural' (checked) and 'Masculine and feminine' (checked). Below the checkboxes, there is a link for 'Show document segments'. At the bottom, there is a 'Jurisdiction' dropdown menu set to 'All Jurisdictions' and a 'Legislation title' text input field containing 'Clarity act'.



Noting up legislation in WLC: KeyCite

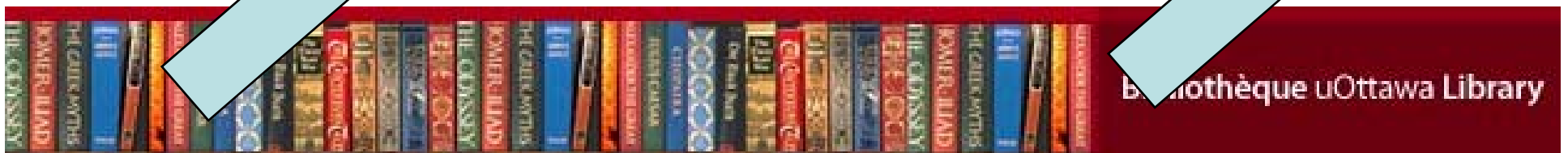
Find/KeyCite a Document

☐ Find
☒ KeyCite

[Global Find by Name/Title](#)
[Global KeyCite by Name/Title](#)

Case: Name: Jurisdiction:

Legislation: Title: Section: Jurisdiction:



Noting up legislation in WLC: Citing References

1

CARSWELL

FIND KEYCITECANADA DIRECTORY SITE MAP

CriminalSource FamilySource SecuritiesSrc Westlaw Westlaw UK Add/Remove Tabs

LawSource™

Browse Tables of Contents

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Search Legislation 

1 Enter your search terms:

Search full text for:

[Searching Tips](#)

The results must contain:

Any of these terms

Search the following fields:

Short Title:

Citation:

2

Related Info

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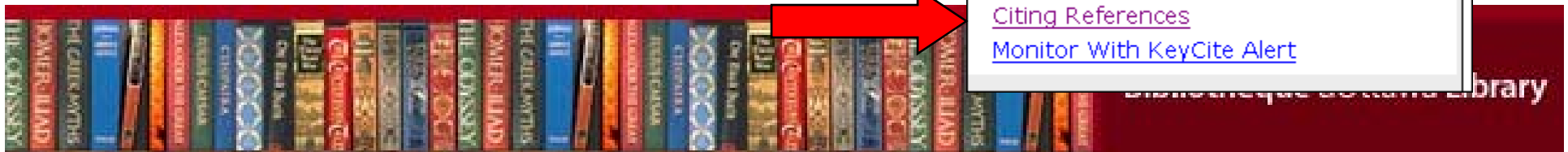
[Edit Search](#) | [Locate in Result](#)

 Citing References available

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[Monitor With KeyCite Alert](#)

KeyCite.Canada



Exercise

- In-class exercise in groups of 2 or 3 on citing and updating federal laws and regulations

