

Biotechnology

The other patent protection issue, from the American viewpoint, is biotechnology which is not expressly provided for under the Canadian Patent Act. A recent decision by the Commissioner of Patents in the Abitibi case would, however, seem to indicate that micro-organisms and processes for making them are eligible for patent protection. The Americans and, indeed, strong domestic interests groups would like to see this decision translated into law in order to strengthen certainty and clarity with respect to patent ability and exercise of rights.

Appellations of Origin

Other than the counterfeit issue already noted, the U.S. side may raise a small concern related to appellations of origin with respect to trademarks. While this is primarily a European issue on most products, Canadian Whiskey is expressly protected as a trade name in the American market and the Americans would like some form of specialized protection in Canada for Kentucky Bourbon. It is not anticipated that there would be much opposition in Canada to some form of protection. The entire subject of appellations of origin is, however, complicated given different interests