

This is a nuanced examination of codification of criminal law in the colonies: there may have been some benefits, but ultimately codification is a “subterfuge, because it focuses exclusively on procedures rather than outcomes, traditions, or genuine complexities” (p 125).

This essay collection from UBC Press, with its clever, simple cover of a large red A, asks us to consider what accusation really means, and how it can be used as a weapon. There are times when the writing can be dense, perhaps because it is meant to address an audience already familiar with many criminological, political, and philosophical theories and discourses. Most of the essays are clearly intended for a specialist audience. However, Part 2 also holds something for those of us not steeped in those areas, as it contains fascinating legal history and analysis of criminal justice for colonial subjects in British colonies.

REVIEWED BY
AMY KAUFMAN
Head Law Librarian
Queen's University

Brand Management in Canadian Law, 4th ed. By John S. McKeown. Toronto: Thomson Reuters, 2016. 450 p. ISBN: 978-0-7798-7254-1 (softcover) \$166.00.

John McKeown, counsel at Goldman Sloan Nash & Haber LLP in Toronto is the author of *Brand Management in Canadian Law*, now in its 4th edition, as well as the author of the leading authoritative text on copyright, *Fox on Canadian Law of Copyright and Industrial Design*. As Chairman of the Canadian Bar Association Trademarks Committee and Vice-Chair of the American Bar Association International Trademark Treaties and Laws Committee, John is a trusted authority on legal issues and actions relating to branding.

Brand Management in Canadian Law is an overview of the legal components that make up a brand. The chapters focus on choosing a brand name; a brand's presence on the internet; registering, protecting, and managing the brand name; trademark registration; and copyright issues as they relate to branding, protecting product design, shape, and advertising.

The new edition contains important updates on the *Trade-marks Act*, the new Canada Anti-Spam Legislation, and the *Combating Counterfeit Products Act* since the 2010 3rd edition. The 4th edition also informs readers on important updates in relation to branding on the internet such as domain names, social media, and dispute resolution processes.

Legal counsel in this field should be well aware of new rules and regulations regarding trademark registration, electronic communications, and counterfeiting, and the overview offered by the text on these issues is sufficient enough that practitioners should, at least, be aware of those issues. However, I did find the sections to be fairly brief, and practitioners would probably require additional information in order to counsel their clients. The book is, therefore, more of an introduction rather than an in-depth analysis,

and would be more suitable for someone like a law student or a junior lawyer who is interested in this field of law and has little knowledge on the subject. For someone with more experience and/or education, or someone who has a need for detailed explanations on more complex issues, the book is less likely to supply the substantial information required.

As the average consumer, bombarded by brands every day, I found this book to be an interesting read. I appreciated learning how much thought, research, and work can go into choosing a suitable brand name. The commentary focussing on legislation was a little dry and required greater concentration. In order to aid the reader's comprehension, real-world brand examples are given, which I appreciated very much. However, since branding has a lot to do with how trademarks, packaging, and advertising are perceived by the consumer's eye, I would have liked to see some visual aids, of which there were none.

All in all, I think this book would be a suitable addition to a law library. The book is a useful introduction for those who need a general overview of the concepts regarding brand management in Canadian law.

REVIEWED BY
LISA MARR
Perley-Robertson, Hill & McDougall
Ottawa

The Capacity to Judge: Public Opinion and Deliberative Democracy in Upper Canada, 1791-1854. By Jeffrey L. McNairn. Toronto: University of Toronto Press, 2016. xi, 460 p. Includes references and index. ISBN: 978-1-4426-3898-3 (paper cover) \$42.95.

The author, a faculty member in the Department of History at Queen's University, offers an interesting study of the emergence of public opinion as a palpable force in the political life of Upper Canada during the period outlined. McNairn charts the evolution of the establishment of deliberative democracy in the constitutional, social, political, and intellectual affairs of the jurisdiction that became Ontario. He places considerable emphasis on the operations of the press as an engine of this transformation in process and shares the voices that spoke, often eloquently, through the multitude of newspapers extant during this period.

This work takes its cue from the debates generated around certain constitutional questions of this pre-Confederation era. As a colony, Upper Canada was pulled in several directions when it came to constitutional matters. The conservative (i.e., Tory) allegiance to all things British, including mixed monarchy principles, was strong at one end of the spectrum while republican ideals (imbibed from proximity to the American influence on the border) were positioned at the other end. Politicians, reformers, and citizens were increasingly engaged in a determined debate over how Upper Canada would address the fundamental constitutional questions at hand and those anticipated in the future.

McNairn's research is a study in the history of public opinion