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### **CORPORATE AND PRACTICE MANUAL FOR CHARITIES AND NOT-FOR-PROFIT CORPORATIONS**

**Burke-Robertson, Carter and Man**

**Release No. 5, June 2021**

#### **Publisher's Special Release Note 2020**

The pages in this work were reissued in September 2020 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2020 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This loose leaf service examines the process of incorporating non-share capital corporations for federal, provincial, and territorial corporations. This publication covers all aspects of corporate maintenance and examines select practice issues relevant to the operation of charitable and not-for-profit corporations, including charities operating outside of Canada, intellectual property, provincial investment power, privacy law, issues when drafting restricted charitable purpose trusts, antiterrorism and money laundering issues for charities, and a discussion on the need for a practice approach to advising charities.

This release features updates to Chapters 15, 17 to 19 and 21.

### **Highlights**

- An examination into whether trademarks possess some inherent distinctiveness requires consideration of the trademark in association with the goods and services. The main question that the Registrar will consider when examining the distinctiveness of a trademark is whether other traders should be able to use the same trademark in association with its goods and services in the ordinary course of business. Further, if evidence suggests that other traders are currently using the trademark to describe their goods and services, the trademark is likely to have no inherent distinctiveness given that the public would not associate the trademark back to one single source.
- In British Columbia, the Court of Appeal in *Tucci v. Peoples Trust Company* referenced *Jones v. Tsige* in its decision concerning a data breach at People's Trust Company ("PTC") that compromised PTC's customers' personal information. PTC maintained an unencrypted copy of a database on its webserver containing considerable personal information. PTC had failed to apply adequate cybersecurity safeguards, resulting in a data breach and leading to a class action lawsuit: *Tucci v. Peoples Trust Company*, 2020 BCCA 246.

### **ProView Developments**

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable