Recent Tables of Contents - October 2021

The Advocates' Quarterly - Volume 52 no. 1 (September 2021)

<u>Canadian Criminal Law Review/Revue canadienne de droit pénal - Volume 26 no. 1</u>
(<u>September 2021</u>)

<u>Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle - Volume 34 (Fall 2018)</u>

<u>Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle - Volume 35 (Fall 2020)</u>

<u>Intellectual Property Journal/Revue de propriété intellectuelle - Volume 33 no. 3</u> (September 2021)

<u>Journal of Parliamentary and Political Law/Revue de droit parlementaire et politique – Volume 15 no. 3 (September 2021)</u>

Supreme Court Law Review. Second Series - Volume 97 (2020)

Supreme Court Law Review. Second Series - Volume 98 (2020)

<u>University of Toronto Faculty of Law Review/Revue de droit de l'Université de</u> **Toronto** - Volume 78 no. 1 (Winter 2020)

<u>University of Toronto Faculty of Law Review/Revue de droit de l'Université de Toronto - Volume 79 no. 1 (Winter 2021)</u>

<u>University of Toronto Faculty of Law Review/Revue de droit de l'Université de</u> **Toronto** - Volume 79 no. 2 (Spring 2021)

<u>Windsor Review of Legal and Social Issues/Revue des affaires juridiques et sociales</u> <u>de Windsor - Volume 42 (July 2021)</u>

The Advocates' Quarterly

Volume 52 no. 1 (September 2021)

ARTICLES

- A Matter of Faith: The Treatment of *Bhasin v. Hrynew* by Appellate Courts (Part II)
 - o Brandon Kain, 1-
- Morality Clauses and the Limits on the Exercise of Contractual Discretion
 - o Sanjit Rajayer, 77-
- Waiving Conditions Precedent
 - o Michael G. Pratt, 119-
- Five Key Domestic Arbitration Considerations for the Uninitiated
 - o Jennifer J. Lake, 135-
- It Is Hard to Write Off an Oral Contract
 - o Paul Fruitman, 174-

Canadian Criminal Law Review/Revue canadienne de droit pénal

Volume 26 no. 1 (September 2021)

ARTICLES

- Fault, Causation and Absolute Liability in Criminal Code s. 320.14
 - o Ami Kotler, 1-
- The Rule of Law: The Role of the Various Participants in a National Security Context
 - o George G. Dolhai, 29-

- The Reasonableness of Regulatory Searches: Saying Goodbye to the Criminal Regulatory Binary
 - Steven Penney, 77-

BOOK REVIEWS

- A Guide to Mental Disorder Law in Canadian Criminal Justice (LexisNexis: 2020) Michael Davies, Anita Szigeti, Meaghan McMahon, and Jill R. Presser.
 - o Justice Patrice F. Band, 109-
- Detention of Terrorism Suspects: Political Discourse and Fragmented Practices (Oxford: Hart Publishing, 2018) Maureen Duffy.
 - o Barry Sullivan, 117-

Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle Volume 34 (Fall 2018)

ARTICLES

- The Use of Prosecution History for Claim Construction in Canada and the United Kingdom: Is a Patent a Journey or a Destination?
 - o William J. Murphy, 1-
- Promise Doctrine: Made to be Broken? Patent Law after AstraZeneca
 - o Yael Bienenstock, Jonathan Silver, and Andrew Bernstein, 15-
- Bagel Bag as Bellwether? Appropriation Art under the Canadian Copyright and Trade-Marks Acts
 - o Matthew Chung, 25-

NOTE

- Transliterations of Names and Surnames: Revisiting Paragraph 12(1)(A) of the Trade-Marks Act
 - o Pablo Tseng, 47-

Canadian Intellectual Property Review/Revue canadienne de propriété intellectuelle Volume 35 (Fall 2020)

ARTICLES

- Trade Secrets, Big Data, and the Future of Public Interest Litigation Over Artificial Intelligence in Canada
 - Matt Malone, 6-
- Contributory Infringement in Canadian Law
 - Norman Siebrasse, 10-
- The Prospects and Limits of Blockchain Technologies in the Global Protection of Geographical Indications
 - o Marsha S. Cadogan, 27-
- Copyright Cases 2019: Back to Basics and Plenty More
 - o Daniela Bassan, 37-
- Constitutionalized Rights to Indigenous Intellectual Property
 - o Reagan Seidler, 51-
- A Brief History of the Evolution of the Patent of Invention in England
 - o Peter Wells and Tilaye Terrefe, 65-

Intellectual Property Journal/Revue de propriété intellectuelle

Volume 33 no. 3 (September 2021)

COMMENTS

- The Perplexities of Patent Prosecution History: Procedure Over Principle?
 - o David Vaver, 225-
- Assessing Trademark Distinctiveness: Comment on Section 32(1)(b) of the Trademarks
 Act
 - o Daniel R. Bereskin, 241-

ARTICLES

- AI and Patents: Finding Harmony Between Protection of Intellectual Property Rights and Innovation
 - o Anna Morrish, 253-
- Assessing the Governance of Wearable Technology in the Changing Privacy Regulatory Framework
 - o Summer Lewis, 279-
- The Right to be Forgotten in Canada
 - o Elif Babaoglu, 303-

Journal of Parliamentary and Political Law/Revue de droit parlementaire et politique Volume 15 no. 3 (September 2021)

PERSPECTIVE

- Crimes Against D/democracy
 - o Gregory Tardi, 461-

COMMENTARY ON THE ROLE OF LAW

- Canada's Judicial Appointment Process
 - o Roger Bilodeau, Q.C., 465-

ARTICLES

- Is the *British North America Act, 1916* Still on the Books? The Balfour Declaration, Constitutional Amendments and Statute Law Revision Acts
 - o Thomson Irvine, 471-
- The Promise of *R. v. Sharma*: An Opportunity to Constitutionalize the Principle of Restraint as a Principle of Fundamental Justice
 - o Michael A. Crystal, 505-
- The Justiciability of the Right to Free Basic Education Conundrum in Nigeria, South Africa and India: From Obstacle to Miracle
 - o Emmanuel Olugbenga Akingbehn, 525-
- The Antagonistic Style of Judicial Review in Bangladesh: A Good Candidate for the Dialogic Model?
 - o M. Jashim Ali Chowdhury, 549-

PRACTICE NOTES

- Viruses and Votes: Elections During COVID-19
 - o Matthew LeBlanc, 575-

- The Canadian Approach to Inmate Voting Rights
 - o Kimvy Ngo, 585-
- (Mis)Direct Democracy: Social Constraints and Legal Solutions for Referenda Concerning Electoral Reform in Canada
 - o Kassandra Neranjian, 595-
- The "Democratic Deficit" of the European Union : Fact or Fiction?
 - o Liam Brunton, 607-

LEGISLATION

- Can a Senator be Suspended Without Pay? The Duffy Case
 - o B. Thomas Hall, 623-

LITIGATION

- Canadian Refugee Lawyers Association (CARL) v. Canada: Legal Challenge to COVID-19 Direct Back Policy for Refugee Claimants
 - o Arghavan Gerami and Stefanie Morris, 637-

JURISPRUDENCE

- Notable Case Law Concerning Legislative Bodes and Their Members
 - o Melanie J. Mortensen, 645-

LITERATURE

- Law, Rights, and Discourse: The Legal Philosophy of Robert Alexy (Portland, Ore.: Hart Publishing, 2007) ed. George Pavlakos.
 - o Megan Ma, 663-
- Fundamental Justice: Section 7 of the Canadian Charter of Rights and Freedoms (Toronto: Irwin Law, 2020) Hamish Stewart.
 - Michael A. Crystal and Peter Ketcheson, 671-

Supreme Court Law Review. Second Series

Volume 97 (2020)

LAWRENCE DAVID - STARE DECISIS, THE CHARTER AND THE RULE OF LAW IN THE SUPREME COURT OF CANADA

- Part I: Introduction
 - 0 1-
- Part II: Horizontal Stare Decisis and the Charter in the Supreme Court of Canada
 27-
- Part III: Vertical Stare Decisis and the Canadian Judicial Hierarchy
 127-
- Part IV: The Two-Output Model of Judicial Review and Charter Precedent in the Supreme Court of Canada
 - 0 169-
- Part V: Charter Precedent and Constitutional Meaning
 - o **187**-
- Part VI: Charter Precedent and Constitutional Decision Rules
 - 。 **231-**
- Part VII: Stare Decisis and the Application of Meaning to Rules
 - o **277-**

- Part VIII: Remedial Rules and Horizontal Stare Decisis
 - o 319-
- Part IX: Stare Decisis and the Rule of Law
 - o **341-**
- Part X Conclusion
 - o 405-

Supreme Court Law Review. Second Series

Volume 98 (2020)

THE FORGOTTEN FUNDAMENTAL FREEDOMS: AN INTRODUCTION

PART I: RECOVERING WHAT HAS BEEN FORGOTTEN

- Big M's Forgotten Legacy of Freedom
 - o Jamie Cameron, 15-
- Recovering Forgotten Freedoms
 - o Dwight Newman, Q.C., 47-
- Truth-Seeking and the Unity of the Charter's Fundamental Freedoms
 - o Derek B.M. Ross, 63-

PART II: FREEDOM OF CONSCIENCE AND RELIGION

- The Reasons for Freedom of Conscience
 - o Brian Bird, 111-
- Blazing the Path: Freedom of Conscience as the Prototypical Right
 - o Barry W. Bussey, 145-
- Putting Conscience Rights in a Box : Can We Take Off the Lid?
 - o Mary Anne Waldron, Q.C., 177-
- Religious Proselytization in Canadian Law: The Residue in the Periphery
 - o Blair A. Major, 213-

PART III: FREEDOM OF THOUGHT, BELIEF, OPINION AND EXPRESSION, INCLUDING FREEDOM OF THE PRESS AND OTHER MEDIA OF COMMUNICATION

- Freedoms of Thought, Belief and Opinion as Protected Inner Freedoms
 - o Monica Fitzpatrick and Dwight Newman, Q.C., 249-
- Would Independent Protection for Freedom of the Press Make a Difference? The Case of R.
 V. Vice Media Canada Inc.
 - Benjamin J. Oliphant, 273-
- Section 2(b) of the Charter and the Regulation of Digital Expression
 - o Sina Kazemi and Avnish Nanda, 317-

PART IV: FREEDOM OF PEACEFUL ASSEMBLY

- Understanding Freedom of Peaceful Assembly in the *Canadian Charter of Rights and Freedoms*
 - Nnaemeka Ezeani, 351-
- Positive Freedoms and Peaceful Assemblies: Reenvisioning Section 2(c) of the Charter
 - Kristopher E.G. Kinsinger, 377-

PART V: FREEDOM OF ASSOCIATION

- Recovering Community: Addressing Judicial Blindspots on Freedom of Association
 - André Schutten, 399-

APPENDIX

- Evolution: On the Origins of Section 2
 - Melanie R. Bueckert, 433-

University of Toronto Faculty of Law Review/Revue de droit de l'Université de Toronto Volume 78 no. 1 (Winter 2020)

ARTICLES

- The Circumstances of Change: Understanding the *Bedford/Carter* Exceptions to Vertical stare decisis
 - o Adil Abdulla, 1-
- Rumours of Corruption: Referrals from the World Bank Sanctions System to National Law Enforcement Authorities
 - S.J. Calum Agnew, 23-
- Fixing the Odds: Designing Intelligent Loot Box Policy in the Canadian Context
 - o Mitchel Fleming, 74-

University of Toronto Faculty of Law Review/Revue de droit de l'Université de Toronto Volume 79 no. 1 (Winter 2021)

ARTICLES

- Presumed Compliant: Charter Review of Statutory Grants of Discretion and the Presumption of Constitutionality
 - Spence Colburn, 1-

University of Toronto Faculty of Law Review/Revue de droit de l'Université de Toronto Volume 79 no. 2 (Spring 2021)

ARTICLES

- Reconsidering the Income Tax Treatment of Investigation Fees
 - o Paul Hildebrandt, 207-
- Shielded from Shame: Civil Immunity for Ontario's Long-Term Care Facilities in the Wake of COVID-19
 - Steve Novakovic, 257-

Windsor Review of Legal and Social Issues/Revue des affaires juridiques et sociales de Windsor

Volume 42 (July 2021)

ARTICLES

- Methodology and the Constitution
 - o The Honourable Justice Malcolm Rowe and Michael Collins, 1-
- Administrative Law, Artificial Intelligence, and Procedural Rights
 - o Amy Goudge, 17-
- A Reasonable Alternative to Guilt : Flight and Anti-Black Racism
 - Danielle Sandhu, 51-
- Green Bonds: A Catalyst for Municipal Action Against Climate Change
 - o Sharath Voleti, 88-

BOOK REVIEW

- Aspiration and Reality in Legal Education (Toronto: University of Toronto Press, 2020) David Sandomierski.
 - o Virginia Torre, 119-