

CASE LAW UPDATE

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Bell Canada v. Rogers Communications Inc.

2010 ONSC 3010, released 27 May 2010

Interlocutory Injunctions – Irreparable Harm – Delay

Bell and Rogers are strong competitors in the area of telecommunications services. Bell brought a motion for an interlocutory injunction restraining Rogers from advertising that its internet service is the “fastest” and “most reliable”, and that it is, on average, faster than Bell’s service.

The injunction was refused on the basis that Bell failed to demonstrate irreparable harm. Bell’s evidence that Rogers’ allegedly false and misleading advertising may cause customers to switch to Rogers was speculative. Further, Bell’s delay of 9 months in bringing the motion suggested that there was no serious concern on Bell’s part that it would suffer irreparable harm. The Court also found that the balance of convenience did not favour granting an injunction and that “there is no justification for the court to interfere in the advertising war between these two large corporations.”