

## Competition

Competition law is a critical part of Canada's business law landscape. Canadian businesses and foreign businesses transacting in Canada or with Canadians need sophisticated legal advice to navigate the complexities of competition law. WeirFoulds assists domestic and international clients to comply with Canada's stringent competition laws.

We are routinely retained by Canadian and multinational companies involved in antitrust investigations or needing competition advice. We focus on high-stakes, contentious competition issues, including mergers, criminal cartels, abuses of dominance, false and misleading advertising claims, and competition class actions. We are adept at navigating complex regulatory investigations, and advocating before administrative agencies on our clients' behalf.

### Lawyers and professionals in this area



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## Areas of Expertise

- Abuse of dominance
- Advertising claims
- Bid-rigging
- Cartels
- Compliance
- Distribution strategies
- Foreign investment
- Investigations
- Mergers and acquisitions
- Misleading advertising
- Monopolization
- Litigation
- Pricing practices

## Representative Experience

We have acted on competition cases for over forty years. Between 1982-1984, one of our partners was seconded to the Restrictive Trade Practices Commission (now Competition Bureau) as Special Counsel.

The matters we have worked on have included leading price-fixing and monopoly cases, far-reaching inquiries and precedent-setting Supreme Court of Canada matters. Among the cases on which we have acted are the following:

- WeirFoulds acts for Toronto-based e-book retailer Kobo Inc. in respect of the international investigation into e-book publishing practices. In March 2014, WeirFoulds successfully obtained an order from the Competition Tribunal preventing the implementation of a settlement agreement between the Competition Bureau and e-book publishers that would have radically altered Kobo's retailing contracts. This is the first time that any party has obtained such an order against the Competition Bureau. The case continues and is scheduled for a hearing in front of the Federal Court of Appeal at the end of June 2015.
- We currently act for one of the world's largest automakers in respect of Canadian class actions regarding price-fixing and bid rigging in the auto parts industry
- We are Canadian competition law counsel to EBay Inc. and PayPal Inc. in respect of ongoing Competition Bureau inquiries.
- ***The Commissioner of Competition v. Labatt Brewing Co. Ltd.***, 2007 Comp. Trib. 9. We acted for the Commissioner of Competition at first instance on the proposed acquisition by Labatt Brewing Company Limited of all of the outstanding units of the Lakeport Brewing Income Fund. This decision is ranked in the Top Ten Business Cases of 2007 in Canada by Lexpert.
- We acted for a major U.S. motion picture distributor in the Competition Bureau's inquiry into the motion picture industry.
- ***Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)***, 1 S.C.R. 425. We acted for the Director in this case that determined the reach of the Director's subpoena power in the face of a constitutional challenge.
- ***Irvine v. Canada (Restrictive Trade Practices Commission)***, 1 S.C.R. 181. We acted for the Commission in this case that delineated the rights of the commission in conducting its fact-finding inquiries.

- *Restrictive Trade Practices Commission v. Director of Investigation and Research, Combines Investigation Act (1983)*, 145 D.L.R. (3d) 540 (F.C.A.). We acted for Shell Oil Company of Canada Ltd. in responding to the Commission's investigation into alleged price fixing in the oil and gas industry.
- *v. Armco (1976)*, 13 O.R. (2d) 32 (C.A.). We acted for one of the accused in connection with an alleged conspiracy to unduly lessen competition.
- *v. St. Lawrence Corp.*, 2 O.R. 305 (C.A.). We acted for one of the accused in respect of an alleged conspiracy to unduly lessen competition and on the issue of whether liability can be based on the doctrine of respondeat superior.

**WeirFoulds**<sup>LLP</sup>

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