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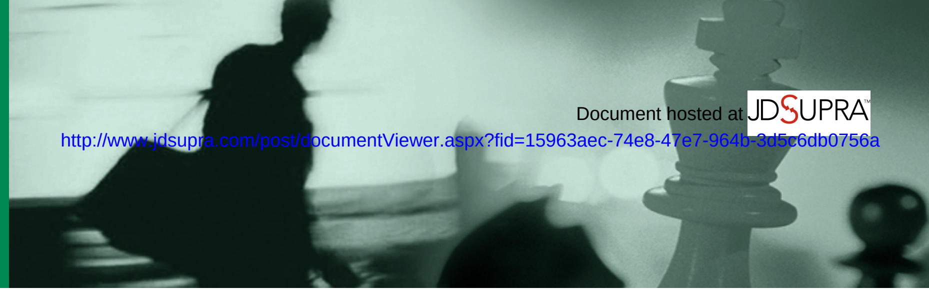

Competition&MarketingBrief Spring 2009

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In this issue we review the fundamental changes to the *Competition Act* which came into effect on March 12, 2009. These amendments materially alter the conspiracy law, which has been the basis of Canada's competition law for 120 years. They also change the merger notification provisions, add significant administrative monetary penalties for abuse of dominant market position, repeal the price discrimination and predatory pricing criminal provisions, and provide for hugely enhanced penalties and fines for misleading advertising.

Secondly, we discuss the recent *Apotex* case, which continues the Canadian courts' exploration of the boundaries between competition and intellectual property laws.

Finally, we provide a summary and commentary with respect to the first Canadian case to award damages in a civil case for misleading advertising – *Maritime Travel Inc.* v. *Go Travel Direct.com*.

Most Significant *Competition Act* Changes in More Than 20 Years

Introduction

James B. Musgrove

Usually the process of Canadian competition law reform is somewhat like the stereotypical Canadian: prudent, incremental and cautious. Usually, but not always. On Friday, February 6, 2009, the Government tabled its Implementation Bill with respect to the January 27, 2009 Budget. The Bill contained the budget for the coming year, including the much-discussed stimulus package, as well as a host of other matters, including very significant changes to the *Competition Act*.

On March 12, 2009 the Bill passed – after *40* days of Parliamentary consideration.

Not only was the process for these *Competition Act* amendments unusual, the amendments themselves are hugely far-reaching, touching on virtually all the major pillars of the Act. They fundamentally alter antitrust enforcement in Canada in ways that may be to some degree predictable, but in other ways are unknowable at this point. It is going to be an exciting number of years for competition law enforcement in Canada. In an article like this it is possible only to outline the highlights of the expected changes and offer some very preliminary commentary, so that is what we set out to do in this Brief.

Changes to the Conspiracy/Cartel Provision

It has been the fundamental tenet of Canadian competition law, since its original enactment in 1889, that agreements which *unduly* restrain or injure competition are illegal. The Bill proposes to alter this fundamental principle by **defining criminal cartels without reference to the need for "undue" effect, where agreements entered into between competitors or likely competitors deal with pricing, market allocation or output restrictions**. There are limited exceptions for arrangements that are ancillary to broader agreements. In addition, there will be a **new civil reviewable regime under which other sorts of agreements will be analyzed to determine whether or not they are likely to lead to a substantial lessening or prevention of competition**, in which case it will be possible to enjoin them. The minimum penalties for price fixing would also be increased, from $10 million and five years imprisonment, to $25 million and 14 years.

This is an earth shaking change. How easy it will be to define when firms are "competitors" or "likely competitors" is not clear. How will the new civil reviewable provision operate – and what types of conduct will it catch that were not subject to challenge under the prior law? Situations in which firms both supply other companies and also compete with them at another level of the marketplace (dual distribution arrangements) will give rise to complex questions, as will the question of how the exemption related to ancillary agreements will work. These provisions will not come into force for a year, and there is a process by which firms may seek advisory opinions from the Competition Bureau – so we may see many requests for such opinions.

Repeal of the Price Discrimination and Predatory Pricing Provisions

For many years commentators, economists and business people have criticized the criminal price discrimination and, to a lesser degree, the criminal predatory pricing provisions of the *Competition Act,* found in sections 50 and 51. They are at odds with sound economic thinking, are costly to administer, and give rise to inefficient distribution arrangements. The Government apparently agrees, and **the Bill repealed the price discrimination and predatory pricing provisions**. Conduct involving price discrimination or predatory pricing can, in some cases, be challenged under the abuse of dominant market position provisions of the Act, and the Government's thinking is apparently that this is what should happen.

Not only was the process for these Competition Act *amendments unusual, the amendments themselves are hugely far-reaching, touching on virtually all the major pillars of the Act.*

Criminal Price Maintenance

The criminal price maintenance provisions of the *Competition Act* have been subject to challenge over the years, on the basis that most vertical conduct (such as exclusive dealing, tied selling and market restriction) is subject to challenge only on a reviewable basis, and only if it can be shown to substantially lessen competition. By contrast, price maintenance arrangements between suppliers and customers are prohibited as criminal conduct. Even a refusal to supply customers who sell at low prices is criminal conduct. This has been thought to be inconsistent with other aspects of competition law, and also inconsistent with approaches to price maintenance in the United States, particularly after recent Supreme Court jurisprudence there. This Bill recognized those criticisms. **It repeals the current criminal law of price maintenance, but re-enacts the provision as reviewable conduct, subject to challenge before the Competition Tribunal if the conduct is found to have an "adverse" effect on competition**.

Merger Review

The merger review provisions of the *Competition Act* have been subject to occasional criticism for not affording the Competition Bureau sufficient time to review transactions in the most complex of cases. This issue came to a head over the last couple of years with respect to the *Labatt/Lakeport* transaction. The Bill **introduced an entirely new procedure to Canada, akin to the U.S. second request procedure**. Under the new law, the standard waiting period before a merger may be concluded is 30 days from the time of pre-notification. But, if the Competition Bureau has concerns with respect to a proposed merger, it can make a demand for documents of the merging parties, and the time clock, during which period the Bureau can review the merger and the parties cannot close a transaction, is halted until the parties fulfill the production requirement. This process, which is now unique to the United States, can be extremely time-consuming and expensive in some cases, but is thought to provide the reviewing agency with the materials it believes it requires.

Merger reviews will also be changed in other respects, the most significant of which is to **increase the "size of transaction" threshold for notifying the Competition Bureau of transactions**, **from $50 million to $70 million**, and to impose a **penalty of up to $10,000/day for failure to properly notify the Bureau of a transaction**. As well, the Commissioner will now be able to challenge mergers for one year after the closing. Currently she has a three-year window in which to bring a challenge.

The introduction of this process to Canada will represent a wholesale change to merger review timing, which will affect both domestic Canadian transactions and also international transactions in which filings are required in Canada.

Abuse of Dominant Market Position

The Bill does not amend the substantive law with respect to abuse of dominant market position, but it does introduce Administrative Monetary Penalties of up to $10 million ($15 million for repeated conduct) for those found to have abused their dominant market position. When a finding of abuse of dominant market position was made previously, the typical remedy was an injunction to prevent continuation of the conduct, although the Act does allow other orders. However, the old provision did not allow for either damages or penalties.

The debate on this question has historically been between those who argue that without monetary penalties there is no disincentive for dominant firms to engage in the anti-competitive conduct, and those who argue that conduct that is injurious to competition rarely occurs – witness the very few cases that have been brought – but introducing significant financial penalties for having been found to have engaged in this conduct will cause firms that might have taken aggressive competitive positions to pull their punches and not compete as vigorously as they might have, which will reduce the vigor of competition in the marketplace.

How easy it will be to define when firms are "competitors" or "likely competitors" is not clear. Situations in which firms both supply other companies and also compete with them at another level of the marketplace will give rise to complex questions.

Advertising and Marketing Changes

The Bill also introduced a series of changes with respect to the advertising and marketing provisions of the *Competition Act,* including:

- Raising **civil penalties for individuals to $750,000 for a first "offence" and up to $1 million for repeat "offences."** Currently, penalties for individuals are capped at $50,000 for the first incident and $100,000 for repeat conduct.
- Raising **civil penalties for corporations to $10 million for a first "offence," and up to $15 million for a repetition**. Currently, penalties for corporations are capped at $100,000 or $200,000 for repeat conduct.
- Increasing **maximum imprisonment terms** for criminal deceptive marketing from five to **14 years**.
- Empowering the Competition Tribunal to require companies to pay **restitution to victims of deceptive marketing practices**.
- Empowering the Competition Tribunal to freeze **assets and prevent the disposal of property before a finding against the advertiser** in cases where there is concern that money may not be available for redress to harmed consumers.

Summary

These amendments are the most significant change to Canadian competition law in over 20 years. They make meaningful changes to all of the key aspects of the law: Mergers; Conspiracy/Cartels; Abuse of Dominant Market Position/Monopolization; and Advertising and Marketing Law – as well as to many other aspects of the Act. To fully understand the implications of even one of these changes, let alone all of them, will be a complex process for firms and their advisors. Businesses will have to carefully review all their material agreements and areas of activity and consider how the new rules will apply. So, for everyone involved in or subject to Canadian competition law, it is going to be an interesting time. Stay tuned.

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Ed.: *A version of this article appeared previously as a Lang Michener Competition/Antitrust Alert.*

Laboratoires Servier et al. v. *Apotex*: The Patent Antitrust Turf War Continues



James B. Musgrove
Esther Rossman
Donald H. MacOdrum

The recently decided case of *Les Laboratoires Servier et al.* v. *Apotex et al.*[1] is a further example of the ongoing high-stakes litigation between generic and name brand pharmaceutical companies, which has involved both patent and, increasingly, also competition law principles. The leading cases to date have included *Molnlycke AB* v. *Kimberly-Clark of Canada Ltd.*,[2] (although this was not a pharmaceuticals case) and *Eli Lilly and Co.* v. *Apotex*.[3] The *Laboratoires Servier* case continues the trend of significant disputes involving both patent and competition law issues which we have written about previously.[4]

The *Laboratoires Servier* case involved a dispute over perindopril, used to treat hypertension. Servier and its corporate affiliates owned the patent for perindopril, and sued Apotex for infringing the patent. Apotex denied the validity of the patent on various patent law grounds. It also alleged that the patent was obtained in a way that contravened the *Competition Act*.

Prior to the time the patent was issued there were conflict proceedings between the plaintiff and other name brand drug manufacturers (Hoechst and Schering) to determine who was entitled to the relevant patent. These proceedings were resolved by way of court-endorsed agreement prior to the issuance of the patent.[5] Apotex alleged that the settlement of these conflict proceedings was contrary to section 45 of the *Competition Act,* and gave rise to the right to damages under section 36 of the Act. Alternatively, Apotex claimed that equitable relief should not be available to Servier, given the basis on which the patent was obtained.

In considering Apotex's *Competition Act* claims the Court noted:

> Thus, the very existence of a patent lessens competition. On its face, this is in direct conflict with provisions of the *Competition Act,* which legislation has as its stated purpose:
>
> The purpose of this Act is to maintain and encourage competition in Canada in order to promote the efficiency and adaptability of the Canadian economy, in order to expand opportunities for Canadian participation in world markets while at the same time recognizing the role of foreign competition in Canada, in order to ensure that small- and medium-sized enterprises have an equitable opportunity to participate in the Canadian economy and in order to provide consumers with competitive prices and product choices. [para. 464]

The Court went on to note, however, that courts have consistently held, despite the apparent conflict, that the existence of a patent is not an offence under the *Competition Act*. The Court noted that in this particular case Apotex did not allege that the patent itself was contrary to the *Competition Act*, but rather that Servier, Hoechst and Schering, by entering into the settlement agreement in the conflict proceedings, lessened competition unduly.

Courts have consistently held, despite the apparent conflict, that the existence of a patent is not an offence under the Competition Act*.*

The Court examined the prior case law, and in particular the *Molnlycke* case and *Eli Lilly* cases. It noted that in the *Molnlycke* case the only impairment of competition was caused by the existence of a patent – regardless of who actually held the patent or to whom it was assigned. This, in the Court's view, was distinguishable from the *Eli Lilly* case, in which the conduct challenged was not merely the existence of a patent or patents, but the transfer of patents to the holder of other patents in the same field, so as to combine the market power created by both patents in the hands of one person. The court had determined in the case of *Molnlycke*, where the impact on competition was created by the issuance of the patent, that there could be no *Competition Act* challenge, whereas in the *Eli Lilly* case, where the impact on competition was as a result of the combination of two potentially competing patents, there was a possibility of C*ompetition Act* challenge.

The situation before the Court in the present case was different still. Here, parties competing with respect to the potential issuance of a patent or patents had resolved their conflict proceedings by way of a settlement before the court, in accordance with the *Patent Act,* as it then was, and the Federal Court Rules. The Court noted that regardless of whether the perindopril was in the same market as other ACE inhibitors, *Laboratoires Servier* could only gain as much market power as was inherent in the patent that was issued. Since there was no evidence that the market power was obtained by methods other than those authorized by the *Patent Act*, the Court concluded that there was nothing more to the creation of market power than the patent itself and that the principles in the *Molnlyck*e case applied. It stated:

> In summary, because [Servier] was merely exercising its right under the *Patent Act* to obtain patents and nothing more, I am satisfied that Apotex's claim for damages under the *Competition Act* must fail.[6]

The Court also noted that even if it were wrong on the substance of the *Competition* Act allegation, the *Competition Act* claim was barred by a limitation period. Section 36 of the *Competition Act* provides for a two year limitation period, and the settlement agreement challenge occurred more than six years prior to the commencement of the counterclaim.

While the Court in the *Laboratoires Servier* case dismissed the *Competition Act* challenges, this will not be the last of the drug patent cases to allege conduct contrary to the *Competition Act*. This is both because the stakes are so high in these matters, and because, if American antitrust law is an inspiration (as it typically is in this field), these matters are unsettled. Indeed, while the propositions articulated in the *Molnlycke* and *Eli Lilly* cases, as summarized in the *Laboratoires Servier* case – that a patent alone cannot give rise to a *Competition Act* claim, but conduct by patent holders (for instance, combining two sets of patents) could give rise to *Competition Act* challenges – we think are fairly settled, the *Laboratoires Servier* case itself we think is somewhat more complex. Once the patent was issued to Laboratoires Servier the market power, if any, that existed was created by the patent, but the question is whether it is possible that conduct – such as agreement amongst competing patent claimants – giving rise to the issuance of a patent, as was apparently the case in *Laboratoires Servier*, can never give rise to a *Competition Act* claim.

> *A patent alone cannot give rise to a* Competition Act *claim, but conduct by patent holders (for instance, combining two sets of patents) could give rise to* Competition Act *challenges*

It seems to us that a conclusion that any conduct that occurred before the issuance of a patent or patents is immune from *Competition Act* challenge will not necessarily prove out in the long run. One can imagine a case, for instance, where two patent claimants might be in a position either to each obtain a patent to achieve the same economic outcome – in which case both would have a patent monopoly but neither would have any sort of economic monopoly – or would be in a position to defeat the other's claim for a patent, so that no patent would issue and there would be no patent or economic monopoly. In both such cases the parties, if acting rationally, would realize that, collectively, they would be better off if a patent was issued – but only one – and therefore monopoly rents could be achieved. Of course, the question would then be who gets the patent, but that issue may be satisfied by way of some sort of payment for the settlement – whether an up-front payment or some sort of stream of royalties or the like. In those circumstances, the two parties could share the monopoly rents that would not have been available if they had not cooperated in settling their patent dispute before the issuance of a patent. Since the *Patent Act* has now been changed to a "first to file" system, the particular issue may not arise in the future, but one might obtain a similar result by a settlement of the issue of the scope of claims covered by potentially competing patents.

We are not suggesting that the situation posited above was necessarily the one faced in the *Laboratoires Servier* case, but one could imagine such a case, and the reasoning in *Laboratoires Servier*, although quite minimalist on this issue, would seem to say that in such a case, once the patent is issued there is no possibility of a *Competition Act* claim. It is not obvious to us that that would or should necessarily be the result in all cases. Indeed, in the United States there is considerable debate and dispute as to antitrust challenges to patent litigation and settlements,[7] and it seems to us naïve to expect that this may not spill over into Canada, in an appropriate case.

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1 2008 FC 825, 67 C.P.R. (4th) 241 [*Laboratoires Servier*]

2 (1991), 36 C.P.R. (3d) 493 (F.C.A.) [*Molnlycke*]

3 See: *Eli Lilly and Co.* v. *Apotex,* 2004 FC 1445, (2004), 35 C.P.R. (4th) 155; *Apotex Inc.* v. *Eli Lilly and Company*, 2005 FCA 361, (2005), 44 C.P.R. (4th) 1.

4 J. Musgrove and D. Edmondstone, "*Lilly* v. *Apotex* – Skirmishes Along the IP/Competition Law Frontier" (2004) 22: 1 Can. Comp. Rec. 60; J. Musgrove and D. Edmondstone, *"Apotex* v. *Lilly*: Subsidiary Issues" (2006) 22: Can. Comp. Rec. 14.

5 It should be noted that the case involved a patent granted under the previous "first to invent" system, rather than the current first to file legislation.

6 *Laboratoires Servier,* at para. 478.

7 See *In re Cardizem CD Antitrust Litigation,* 332 F.3d 896 (6th Cir. 2003); *Schering-Plough Corp.* v. *FTC,* 402 F.3d 1056 (11th Cir. 2005); *In Re: Tamoxifen Citrate Antitrust Litigation,* 429 F.3d 370 (2d Cir. 2005); *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, 363 F. Supp. 2d 514 (E.D.N.Y. 2005), affd. No. 08-1097, 2008 WL 4570669 (Fed. Cir. October 15, 2008).
See also: "Pharmaceutical Patent Litigation Settlements: Implications for Competition and Innovation" report by John R. Thomas, Visiting Scholar at the Congressional Research Service of The Library of Congress, November 3, 2006, available at: <http://ipmall.info/hosted_resources/crs/RL33717-061103.pdf> ; Prepared Statement of the Federal Trade Commission Before the Committee on the Judiciary of the United States Senate on Anticompetitive Patent Settlements in the Pharmaceutical Industry: "The Benefits of a Legislative Solution," January 17, 2007, available at: <http://www.ftc.gov/speeches/leibowitz/070117anticompetitivepatentsettlements_senate.pdf>; and "FTC Litigation at the Antitrust/Intellectual Property Interface," Remarks of J. Thomas Rosch, Federal Trade Commission Commissioner at the Law Seminars International, Pharmaceutical Antitrust, April 26, 2007, available at: <http://www.ftc.gov/speeches/rosch/070426si_pharma.pdf>.

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First Case in Canada to Award Damages for Misleading Advertising


James B. Musgrove


Esther Rossman

In *Maritime Travel Inc.* v. *Go Travel Direct.com Inc.*[1] a Canadian court, for the first time in a reported case, awarded damages to a plaintiff for misleading advertising in breach of the *Competition Act.* This case arose out of advertisements for package holidays placed by Go Travel Direct in various newspapers, including in particular the Halifax *Chronicle Herald.* Commencing in January 2003, Go Travel Direct ran advertisements comparing the price of southern holidays it offered to the price offered by Maritime Travel for such trips. The following January, Go Travel Direct again ran price comparison advertisements, as it did again in January 2005. Maritime Travel attempted, unsuccessfully, to obtain an injunction against the 2003 advertisements. After the 2005 advertisements it sued for damages.

Madam Justice Hood undertook a fairly detailed review of the comparative advertising jurisprudence in Canada, from which she distilled eight principles, as follows:

1. The general impression of the advertisement must be determined, and to do so one has to consider the portion of the public to whom the advertisement is directed.
2. The literal meaning of the advertisement is to be considered as well as the general impression.
3. To try to determine whether the advertisement is false or misleading in a material respect outside evidence may be considered, but not for the purpose of altering the general impression created by the advertisements.
4. The question is whether the advertisement is misleading in a material respect – that is, it must be something that would have an effect on the purchase decision.
5. Aggressive advertising is permitted, unless it is untruthful disparagement.
6. The Court should not interfere with advertising unless the advertising is "clearly unfair."
7. Even advertisements that "push the bounds of what is fair" may not be misleading in a material respect.
8. In the civil context, the burden of proof on the plaintiff is a balance of probabilities; but it is a heavier burden – in the Court's words there must be "substantial proof of activity that is a very serious public crime."[2]

The Court found that Go Travel Direct's 2003 and 2005 advertisements were not materially false or misleading – indeed it found that they were accurate. In particular, the Court found that some of these advertisements had two possible meanings, one of which was true. This same issue had been analyzed in the case of *R.* v. *R.M. Lowe Real Estate Ltd.*,[3] where the Court concluded that advertisements with two possible meanings, at least one of which is true, are not misleading. The Court in *Maritime Travel* adopted this test in the context of a civil claim (*Lowe* was a criminal case). In doing so it noted that the "heavier burden of proof on the balance of probabilities has not been met." The proposition that there is a "heavier burden of proof" in civil cases involving allegations of illegal activity was rejected by the Supreme Court of Canada in *McDougall*.[4] However, it is submitted that the question was not in fact a burden of proof issue; it was a question of whether the conduct (representations which have two meanings, one of which is not misleading) is contrary to the *Competition Act*. Whether the conduct is challenged civilly or criminally the outcome should be the same, and does not turn on the burden of proof. Consequently, it is submitted that the decision in *Maritime Travel*, adopting the *Lowe* decision, is correct in law despite the reference to a "heavier burden of proof" that the Supreme Court has rejected.

While the Court found that the 2003 and 2005 advertisements were not materially false or misleading, it came to a different conclusion in the case of the 2004 advertisements. The Court found that those advertisements were misleading in a material respect, primarily because the advertisements gave the impression that Go Travel's holiday packages generally were less expensive than Maritime Travel's, whereas the specific information in the advertisement was only for one trip available only for a very limited time.

The question then was what damages were caused by the misleading advertising. Since no case thus far in Canada has sought to award damages for misleading advertising, this was a case of first impression. The plaintiff led evidence from a chartered accountant and a chartered business valuator. It sought to obtain damages for the defendant's entire advertising campaign, and for the defendant's conduct in competing with the plaintiffs, but the Court indicated that damages would only be available with respect to injury caused by the *misleading* advertisement, and that other factors affecting the industry should not contribute to the damages suffered by Maritime Travel compensable as a result of the conduct of Go Travel Direct.

Maritime Travel also sought an accounting for profits earned by Go Travel Direct, but the Court noted that an accounting for profits is not an available remedy under Section 36 of the *Competition Act* – damages can only be awarded for injury actually caused by the improper conduct.

The Court found, with limited evidence on the point, that the effects of the misleading advertisement were not limited to a week or even a month, but extended for the entire winter travel season even though the ads themselves ran for only a few days. This is because, the court found, the false advertisements had given the impression that Go Travel Direct's prices were generally less expensive than Maritime Travel's prices.

The approach that the Court took was to determine the percentage of the market that Maritime Travel had in years in which there was no misleading advertising, attempted to ascertain whether there were other factors operating in the year in which the misleading advertising occurred, and to the extent there were no other relevant factors operating, the Court attributed the difference between Maritime Travel's average percentage of sales of holiday packages in other years and its percentage of sales in the year in which misleading advertising had occurred to the market advertising. Based on the average commission that would have been earned on the number of trips not sold over the affected season, the Court found that Maritime Travel had suffered damages of some $216,000 as a result of the misleading advertising.

As noted, this is the first misleading advertising case in Canada in which it has been necessary to actually calculate the damages suffered.

As noted, this is the first misleading advertising case in Canada in which it has been necessary to actually calculate for damages suffered. It seems to us that the court got many of the important principles right. While it is possible to take issue with some approaches taken in the case, and in particular it is possible to question the appropriateness of attributing lower-than-average sales for the entire season to one short set of misleading advertisements, the case nevertheless provides a method for approaching the determination of damages in a misleading advertising setting, which is a very difficult matter. It is the first such method on offer in a Canadian case.

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1 *Maritime Travel Inc.* v. *Go Travel Direct.com Inc.*, [2008] N.S.J. No. 224, 66 C.P.R. (4th) 61 (N.S.S.C.). ["*Maritime Travel*"]. Appeal was heard in January 2009, but was undecided at time of writing.

2 But consider the recent Supreme Court of Canada decision of *F.H.* v. *McDougall*, on this point. *McDougall*, [2008] S.C.J. No. 54.

3 *R.* v. *R.M. Lowe Real Estate Ltd.* (1978), 39 C.P.R. (2d) 266, 40 C.C.C. (2d) 529 (Ont. C.A.) ["*Lowe*"]

4 *McDougall*, *supra* note 2.

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News & Events

News

The 2009 Lexpert/ALM Guide to the Leading 500 Lawyers in Canada Recognizes Lang Michener Lawyers

Lang Michener is pleased to announce that three lawyers from the firm have been recognized as leading practitioners in the *2009 Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*, an annual publication reporting on Canadian legal matters.

Lawyers in this year's publication are: **James Musgrove**, Chair, Competition & Marketing Law Group; **C. J. Michael Flavell, Q.C.**, Chair, International Trade Group; and **Donald MacOdrum**, Partner, Intellectual Property Group.

Events

7th Annual Health Innovation and Policy Summit

April 27–28, 2009
Toronto, ON

David Young, Co-Chair, Privacy Group, will be moderating a panel entitled "Setting the Policy and Regulatory Agenda for New Technologies – Ensuring Benefit/Risk Analysis and Maintaining Public Confidence" at the 7th Annual Health Innovation and Policy Summit. The conference, presented by Insight Information, highlights key developments and innovations in Canadian health policy.

2009 Joint Annual Conference of the CLHIA Compliance Section and CCOS

May 27–29, 2009
Winnipeg, MB

James Musgrove, Chair, Competition & Marketing Law Group, will be speaking at the 2009 Joint Annual Conference of the CLHIA Compliance Section and CCOS. The conference will focus on the Do's and Don'ts of advertising for insurers, covering the relevant standards applicable to advertising, direct marketing, and sales promotions, as well as the regulation of, and compliance with, those standards.

Advanced Forum on Commercial Insurance and Reinsurance

June 15–16, 2009
Toronto, ON

James Musgrove, Chair, Competition & Marketing Law Group, will be presenting on "What Insurers Need to Know about Changes to Canada's *Competition Act*" at the Advanced Forum on Commercial Insurance and Reinsurance. The forum is presented by Insight Information and will assist commercial insurers and their reinsurers to select products and policies to best assist their clients in this economic climate.

Competition&MarketingBrief

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