COMPETITION ENFORCEMENT IN CANADA AND AROUND THE WORLD: 
DIVERGENCE OR CONVERGENCE?

THURSDAY, MAY 10th, 2018

8:15 – 8:55 
Breakfast and Registration

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8:55 – 9:05 
Welcome and Introduction

Section Chair: Anita Banicevic, Partner, Davies Ward Phillips & Vineberg LLP (Toronto)

Conference Chair: Antonio Di Domenico, Partner, Fasken Martineau DuMoulin LLP (Toronto)

9:05 – 10:20 
Revisiting the Antitrust Paradox: ‘Hipster Antitrust’ and the Limits of Antitrust 
[1 hour – substantive content]

‘Hipster antitrust’ is challenging the mainstream approach to competition enforcement in the United States and Canada. What led to the ‘hipster antitrust’ movement, and what is its current state in the United States and Canada? Do public interest or other considerations have a place in antitrust enforcement or is the existing consumer focused approach “just right”? Our international panel of experts will debate both sides of this timely issue.

Moderator: Adam Fanaki, Davies Ward Phillips & Vineberg LLP
Speakers: Vicky Eatrides, Deputy Commissioner, Competition Promotion Branch, Competition Bureau
Deborah Garza, Partner, Covington & Burling LLP
Anthony Niblett, Professor, University of Toronto Law School
Joshua Wright, University Professor, George Mason University and Executive Director, Global Antitrust Institute

10:20 – 11:20 
Immunity and Leniency on the Decline?: Canadian and U.S. Perspectives
[1 hour – substantive content]

Immunity and leniency applications in North America appear to be on the decline. What is behind this decrease and are changes necessary to address this decline? Are class actions detracting from the attractiveness of leniency and immunity programs and are whistleblower amendments necessary? What can Canada learn from other jurisdictions and what are the practical implications of the proposed changes to the Competition Bureau’s Immunity and
Leniency Programs on the likelihood of co-operation? We will hear the latest perspectives from leading lawyers in Canada and the U.S.

**Moderator:** James Mutchnik, Kirkland & Ellis  
**Speakers:**  
Brian Facey, Blake Cassels & Graydon LLP  
Jim Marshall, Deputy Chief Federal Prosecutor, National Capital Region Office, Public Prosecution Service of Canada  
Lisa Phelan, Chief, National Criminal Enforcement Section, Antitrust Division at United States Department of Justice  
Ann Salvatore, Acting Deputy Commissioner, Cartels Directorate, Competition Bureau  

**11:20 – 11:35**  
*Refreshment Break*  
Sponsored by: [Analysis Group](#)  

**11:35 – 12:35**  
Abuse and Monopolization in a Digital Age: New Dog or Old Tricks?  
[1 hour – substantive content]  
How are emerging antitrust issues, such as big data and multi-sided platforms, impacting international perspectives in abuse of dominance/monopolization? Have recent decisions, including TREB and VAA in Canada, American Express in the US and Google in the EU increased convergence or divergence? What can we learn from developments in other jurisdictions? Our international panellists will lead a discussion of the latest jurisprudence and the implications for enforcement.  
**Moderator:** Neil Campbell, McMillan LLP  
**Speakers:**  
Anthony Durocher, Competition Bureau  
Andrew Little, Bennett Jones LLP  
Lawrence Wu, NERA Economic Analysis  

**12:35 – 14:00**  
Lunch: Address from Commissioner Pecman  
[0.75 hours – substantive content]  
**Speaker:** John Pecman, Commissioner of Competition, Competition Bureau  
Sponsored by: [Brattle Group](#)  

**14:00 – 15:00**  
Advertising Enforcement in North America: Not Just for Advertising Anymore?  
[1 hour – substantive content]  
Privacy concerns, "fake news" and “patent assertion entities” could soon be testing the limits of advertising laws and enforcement in Canada. Can and should advertising laws be used to address such issues? Are other laws and/or enforcement regimes better suited? What are the differences or similarities between the Canadian and U.S. approach? Join us for a discussion of  

*Topics and speakers subject to change*
these hot consumer topics, as well as the latest in compliance considerations and highlights from recent cross-border deceptive marketing enforcement matters.

**Moderator:** Sandeep J. Joshi, BMO Financial Group  
**Speakers:**  
Christopher Cole, Crowell Moring LLP  
Lesley Fair, Federal Trade Commission  
Josephine Palumbo, Deputy Commissioner of Competition, Cartels and Deceptive Marketing Practices Branch  
Dominic Thérien, McCarthy Tétrault LLP

**15:00 – 15:15**  
**Refreshment Break**

**Sponsored by:**  
[Edgeworth Economics]

**15:15 – 16:15**  
**Role of Innovation in Merger Review: Important or Overrated?**  
[1 hour – substantive content]

Innovation considerations have played an increasingly prominent role in a number of merger reviews. Dow/Dupont and Bayer/Monsanto are but two recent examples. Is this approach in these reviews unique to the EU? What role does innovation play in merger review in Canada and the U.S.? As multijurisdictional merger review and scrutiny of international transactions continues to grow, what are the lessons and implications if any from other jurisdictions?

**Moderator:** Shuli Rodal, Osler Harkin Harcourt LLP  
**Speakers:**  
Rafique Bachour, Partner, Co-Head of Industrials Group  
Susan Hutton, Stikeman Elliott LLP  
Paul Johnson, T.D. Macdonald Chair, Competition Bureau  
Elliot Silver, Skadden, Arps, Slate, Meagher & Flom LLP

**16:15 – 18:00**  
**Networking Reception**

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