



THE CANADIAN  
BAR ASSOCIATION

# CBA COMPETITION LAW SPRING CONFERENCE

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**INTERNATIONAL PERSPECTIVES ON  
COMPETITION LAW COMPLIANCE**



**MAY 19, 2016 | TORONTO, ON**

**THURSDAY, MAY 19TH, 2016**

**8:15 – 9:00**                      **REGISTRATION & BREAKFAST**

**9:00 – 9:15**                      **WELCOME & INTRODUCTION**

**Rodney Frank**, First Vice Chair, CBA Competition Law Section  
**Charles Tingley**, Davies Ward Phillips & Vineberg LLP, Conference Chair

**9:15 – 10:30**                      **MERGER CLEARANCE IN AN INCREASINGLY COMPLEX GLOBAL ENFORCEMENT ENVIRONMENT – TRENDS AND TIPS**  
(1.25 substantive hours)

**Moderator:**                      **Mark Katz**, Davies Ward Phillips & Vineberg LLP (Toronto)  
**Panel:**                              **Damian Didden**, Wachtell, Lipton, Rosen & Katz LLP (New York)  
   **Peter Franklyn**, Osler, Hoskin & Harcourt LLP (Toronto)  
   **Ricardo Pons Mestre**, Hogan Lovells (Mexico City)  
   **Ann Wallwork**, Deputy Commissioner, Mergers Directorate,  
   Competition Bureau (Gatineau)

Antitrust scrutiny of international transactions is increasingly intense and coordinated across jurisdictions. This panel will discuss the factors affecting international merger review, such as pre-merger notification, managing timelines and country-specific strategic considerations, challenges to coordinating consistent filings and advocacy, pursuing parallel settlement or litigation tracks, coordination of remedies, and the interplay of foreign investment and national security reviews.

**10:30 – 10:45**                      **REFRESHMENT BREAK**  
*Sponsored by Analysis Group*

**10:45 – 12:00**                      **ANTITRUST RISKS OF "ROBO-SELLING" AND PRICING ALGORITHMS IN E-COMMERCE**  
(1.25 substantive hours)

**Moderator:**                      **Casey Halladay**, McMillan LLP (Toronto)  
**Panel:**                              **Professor Salil Mehra**, Temple University Beasley School of Law  
   (Philadelphia)  
   **Tony Nanni**, Cadwalader, Wickersham & Taft LLP (Washington, D.C.)  
   **Katherine Kay**, Stikeman Elliott LLP (Toronto)

New technologies and e-commerce platforms are fundamentally changing the way business is conducted. One of these changes is the increasing use of sophisticated software and pricing algorithms that can quickly and efficiently carry out competitive intelligence gathering and pricing functions in place of traditional salespeople. This panel will examine the antitrust risks of pricing algorithms as a means of facilitating collusion or price coordination among competitors by reference to the latest thinking and enforcement action in this area, including the US DOJ's first ever antitrust prosecution targeting Internet e-commerce in the Topkins case.

**12:00 – 14:00**

**LUNCHEON AND KEYNOTE SPEAKER**

*Sponsored by The Brattle Group*  
(0.75 substantive hours)

**Speaker:** **John Pecman**, Commissioner of Competition

**14:00 – 15:15**

**LOOSENING THE FRAMEWORK OF ABUSE OF DOMINANCE: UNDERSTANDING THE IMPLICATIONS OF THE TREB DECISION IN LIGHT OF FOREIGN EXPERIENCE**

(1.25 substantive hours)

**Moderator:** **Michael Binetti**, Affleck Greene McMurtry LLP (Toronto)

**Panel:** **Elaine Whiteford**, King & Wood Mallesons (London, U.K.)  
**Roxann Henry**, Morrison & Foerster LLP (Washington, D.C.)  
**Donald Houston**, McCarthy Tétrault LLP (Toronto)  
**Anthony Durocher**, Deputy Commissioner, Monopolistic Practices Directorate, Competition Bureau (Gatineau)

Recent jurisprudence emanating from the Commissioner's Toronto Real Estate Board case appears to have expanded the reach of Canada's abuse of dominance provisions to the conduct of non-market participants. This panel will debate the significance and implications of this development based on the Competition Tribunal's forthcoming re-determination decision, current Competition Bureau investigations and the state of play and parallel trends in abuse of dominance and vertical practices abroad.

**15:15 – 15:30**

**REFRESHMENT BREAK**

*Sponsored by CounselQuest*

**15:30 – 17:00**

**THE ENFORCERS PANEL: DEVELOPMENTS, PRIORITIES, TRENDS, AND REFLECTIONS ON COMPETITION ENFORCEMENT IN A GLOBAL CONTEXT**

(1.5 substantive hours)

**Moderator:** **Anita Banicevic**, Davies Ward Phillips & Vineberg LLP, Second Vice Chair, CBA Competition Law Section

**Panel:** **John Pecman**, Commissioner of Competition, Competition Bureau of Canada  
**Edith Ramirez, Chairwoman**, U.S. Federal Trade Commission  
**Renata B. Hesse**, Principal Deputy Assistant Attorney General for the Antitrust Division, U.S. Department of Justice  
**Alejandra Palacios Prieto**, Chairwoman, Mexican Federal Economic Competition Commission

Understanding the enforcer is fundamental to successful antitrust advocacy. This distinguished panel brings together all four of North America's antitrust heads of agency to discuss their priorities and initiatives as well as their reflections on important issues and trends, with an emphasis on cross-border merger review.

**17:00 – 18:00**

**NETWORKING RECEPTION**

*Sponsored by Charles Rivers Associates*

**ACCREDITATION IN EACH PROVINCE AND TERRITORY:**

[Please visit the conference webpage for additional information.](#)

*\*Topics and speakers subject to change*