Ottawa
Local Knowledge and International Reach in the Nation's Capital
About Fasken

Fasken is a leading international business law and litigation firm. With more than 700 lawyers, the firm has ten offices in Canada, the United Kingdom, South Africa, and China.

We provide strategic advice in virtually all areas of business law to a broad range of clients including close to half of the Fortune 100 companies, major corporations, government agencies, Crown corporations, regulatory authorities, non-profit bodies and individual clients. The firm’s international excellence and sector expertise continue to earn top rankings around the world.

Fasken has long recognized the importance of the dynamics and growing complexity of world markets. We help our clients better integrate the effect of laws into their business plans. We offer extensive experience acting for clients dealing with international issues and our lawyers are quoted regularly on legal issues affecting business.

Ottawa Office

In Ottawa, Fasken’s local team of lawyers has broad expertise and practises extensively in the areas of business, communications, labour and employment, litigation, white collar crime, trade, procurement, anti-bribery and corruption, competition, copyright, accountability and ethics law, in the area of government relations, political law and national security. We also engage in a number of related areas of practice, including constitutional and administrative law, human rights, food and drug regulation, official language rights and access to information and privacy.

Much of our expertise draws on our local presence in the national capital, and our knowledge and experience in the law and policy processes of the Canadian federal government and various regulatory agencies.

In addition to our local expertise, we provide our clients with seamless access to the broad range of professional services that Fasken offers on a national and international basis.

Business Law

The Ottawa office advises local, national and international clients on business structures, strategic alliances, public and private equity and debt financing, corporate governance, securities, mergers and acquisitions, other business combinations, infrastructure and public-private partnerships, information technology, intellectual property matters and a broad variety of corporate and commercial agreements. Our business law practice includes specialized commercial advice on matters involving the communications, start-up, technology, mining, defence and railway transportation industries. Lawyers in the Ottawa office are recognized as leaders in technology transactions, mining and corporate law by the Canadian Legal Lexpert Directory and by Best Lawyers in Canada.
Recent business law experience of the Ottawa office includes:

• US$550 million credit facility for a newly established US railcar lessor
• Acquisition of an Ontario-based agri-business by a Québec-based agricultural cooperative
• Sale of US$261 million bonds on a foreign railcar lease/financing wind-down
• Public financing of an optical component manufacturer
• Private placement financing of a TSX-Venture Exchange listed mining company engaged in the acquisition, exploration and development of precious metal prospects in Canada and Mexico
• Sale of an Ottawa electronics manufacturer to a leading California-based electronics manufacturing services provider in a transaction valued at US$53 million
• Advice to an industrial company listed on the TSX-Venture Exchange with respect to continuous disclosure defaults and related cease trading orders
• Take-over bids and proxy-contests for foreign investors in TSX-listed mining companies
• Advice to Chinese companies on out-bound investments in Canada
• Advice to a major defence contractor on a business combination involving competition, corporate and procurement law issues
• Advice to an international pharmaceutical company on a major supply contract
• Advice to the special committee of the board of directors in the sale of a TSX listed technology company
• Restructuring of a technology company to dispose of assets and improve financial performance
• Canadian legal advice to a leading provider of converged IP performance test systems and service verification platforms for wireless and wired infrastructures and services on an asset purchase involving US$44 million in cash and the assumption of certain liabilities
• Acquisition of insurance brokerages in various provinces by Gallagher Benefit Services (Canada) Group Inc.
• Start-up and scale-up services for new and emerging technology companies
• Series B equity financing for Ontario-based technology hardware start-up company
• Corporate reorganizations and other business combinations
• Strategic alliances, including infrastructure and public-private partnerships (P3) involving public and private companies, First Nations, Crown corporations and municipalities
• Asset purchase agreements relating to acquisitions of spectrum by wireless service providers
• Share purchase and asset purchase agreements relating to the acquisition of telecommunications corporations and telecommunications assets
• Corporate secretarial services
Communications Law

The Ottawa office has an international reputation for the excellence of its work in communications law, which involves public regulation of telecommunications, broadcasting, radiocommunication, copyright and the Internet, specialized commercial work for communications industry participants, and competition, copyright and foreign investment matters. The number of lawyers at Fasken practising communications law, and the breadth and depth of their experience and expertise, is unparalleled by any other law firm in Canada. This expertise has been consistently recognized by numerous industry publications that have ranked highly both our firm and leading individual practitioners in Ottawa. For example, Chambers Global 2020 ranks the firm in the highest band (Band 1) in Telecoms, Media and Broadcasting and specifically recognizes three of our Ottawa practitioners. Fasken is one of only two Canadian law firms to achieve this Band 1 ranking.

The Ottawa office represents clients before the CRTC and Innovation, Science and Economic Development Canada (ISED). We represent clients in federal court and Cabinet proceedings arising out of decisions taken by the CRTC and ISED.

Recent communications law experience of the Ottawa office includes:

- Represent Canadian ISPs in Federal Court related to claims for statutory damages arising from the “notice and notice” obligations in the Copyright Act
- Counsel in proceeding before the Broadcasting and Telecom Legislative Review (BTLR) Panel proposing amendments to the Broadcasting Act and the Telecommunications Act
- Counsel to various broadcasting distribution undertakings (BDUs) in CRTC proceedings to renew broadcasting licenses
- Counsel to BDUs in CRTC proceeding on developing a revised regulatory framework for Local and Community Television
- Counsel in CRTC proceeding on telecommunications and broadcasting retail sales practices
- Counsel in CRTC proceeding to establish a regulatory framework for access to in-building fibre in multi-dwelling units (MDUs)
- Counsel to various broadcasting undertakings involved in CRTC dispute resolution proceedings
- Advise various broadcasting undertakings on applications to CRTC requesting changes to ownership or control of licensees
- Counsel in CRTC proceedings on roaming obligations and arbitrations relating to roaming agreements of wireless service providers
- Advise Rogers on wholesale high-speed Internet rate review proceedings
- Counsel in CRTC proceedings on wholesale wireless services
- Regulatory advice on access to support structures for wireless and wireline telecommunications equipment and tower and site sharing requirements for commercial mobile operators
• Regulatory advice on satellite and earth station licensing and market access for foreign satellites

• Regulatory advice on Canadian frequency allocations and RF equipment standards and certification

• Counsel in Innovation, Science and Economic Development Canada policy proceedings on spectrum allocation and utilization

• Regulatory advice relating to acquisitions, licensing and transfers of commercial mobile spectrum by wireless service providers

• Regulatory advice on compliance with the national anti-spam legislation and regulations, the national Do-Not-Call and other Telemarketing Rules, and the Voter Contact Registry requirements

• Counsel to radio and television broadcasters with respect to their applications for new licences and licence renewals

• Counsel to radio and television broadcasters in the CRTC proceeding regarding the tangible benefits policy

• Regulatory advice on access to municipal rights-of-way and other public places

• Regulatory advice on compliance with foreign ownership restrictions applicable to telecommunications and broadcasting undertakings

• Regulatory advice on local telecommunications (CLEC) entry procedures and requirements and VOIP registration requirements and 911 obligations

• Regulatory advice on international licence procedures and requirements

• Regulatory advice relating to compliance with the CRTC regulatory framework for vertical integration within the broadcasting industry

• Regulatory advice relating to compliance with the Broadcasting Distribution Regulations

• Advise Rogers Media on application to CRTC for a licence to operate a national, multilingual and multi-ethnic discretionary service known as OMNI Regional

• Represent Rogers Media in responding to application for leave to Federal Court of Appeal of the CRTC’s OMNI Regional licensing decision

• Advise Rogers Media in responding to petitions to Cabinet challenging the CRTC’s OMNI Regional decision and represent Rogers Media in the Federal Court opposing a judicial review application seeking to overturn a decision by Cabinet

• Advise on the corporate reorganization implemented by Sirius XM Canada

• Counsel to Serious XM Canada on the renewal of its licences to operate national satellite subscription radio undertakings

• Advise Sirius XM Canada in responding to petition to Cabinet challenging the CRTC’s decision to renew the Sirius XM Canada satellite radio licences
Labour, Employment & Human Rights

Fasken is a national leader in labour, employment and human rights law. Our lawyers have a solid track record of successfully representing clients in all aspects of labour and employment law in virtually every private sector industry and across the public sector throughout Canada.

Our labour, employment and human rights lawyers represent and provide practical, innovative, strategic and timely advice to a wide variety of clients in a broad range of sectors and industries, including health care, hospitals, universities, school boards and municipal, provincial and federal government agencies. We also advise Canada’s leading corporations and institutions in federally and provincially regulated industries such as transportation, telecommunications and banking as well as airlines, postal services, mining, manufacturing, hi-tech, construction and retail. We also provide advice to many not-for-profit organizations.

Our lawyers are recognized as leaders in employment law, labour relations and workplace human rights by Chambers Global, Best Lawyers in Canada, Canadian Legal Lexpert Directory, Legal 500 and Who’s Who Legal. Fasken was also recognized as Employment Law Firm of the Year by Chambers Canada in 2016; Chambers and Partners ranked Fasken as top tier (Band 1) for Employment and Labour (Nationwide - Canada, British Columbia, Ontario and Québec) in 2020, and as top tier (Band 1) for Employment and Labour (Nationwide - Canada, British Columbia, and Ontario) in 2018. All of our lawyers in the Ottawa group practice in both official languages and two members of our group are also called to the Québec Bar and can provide legal services to clients on both sides of the Ottawa river.

Recent labour, employment and human rights law experience in the Ottawa office includes:

- Providing day-to-day strategic advice to Human Resources professionals and executives on best practices in the workplace to ensure productivity and constructive labour relations
- Representing public sector and private sector employers before judicial and administrative, including the Ontario Human Rights Tribunal, the Canadian Human Rights Tribunal, the Ontario Labour Relations Board and the Workplace Safety and Insurance Board with respect to employment, labour relations, and human rights matters
- Representing public sector and private sector employers in interest and rights arbitrations
- Representing public sector and private sector employers before labour relations boards with respect to related employer applications, unfair labour practice applications and construction grievances
- Assisting employers facing plant closures or employee reduction measures
- Assisting employers facing allegations and complaints of harassment, discrimination and sexual misconduct in the workplace
- Providing advice to employers in relation to attendance management and request for accommodation
- Providing advice to employers on employment agreements including restrictive covenants such as confidentiality, non-competition and non-solicitation clauses
• Assisting employers on certification application, collective bargaining and work disruptions in case of strikes, lock-outs and picketing, including seeking injunctive relief
• Providing advice on corporate transactions
• Providing advice to public sector employers on the Broader Public Sector Accountability Act, 2010, the Public Sector Compensation Restraint Act, 2012, the Broader Public Sector Executive Compensation Act, 2014 and its related compensation frameworks, and the Protecting a Sustainable Public Sector for Future Generations Act, 2019
• Providing advice and numerous training sessions to private and public sector management and staff on various topics such as accommodation in the workplace, disability management, performance appraisals, work refusals, workplace harassment and investigations, hiring practices and conflicts of interest
• Acting as counsel and spokesperson for Franco-Ontarian Catholic School Boards at bargaining tables with various unions representing teaching and non-teaching staff
• Providing advice to School Trustees’ Associations and Ontario School Boards on all aspects of labour relations in the context of various legislative changes such as the amalgamation of school authorities (2005 and 2009), the enactment and repeal of the Putting Students First Act (2012) and the enactment and implementation of the School Boards Collective Bargaining Act (2014)
• Providing advice to clients in relation to their obligations arising from the Ontario College of Teachers Act, the Early Childhood Educators Act and the Child and Family Services Act
• Providing advice to Ontario School Boards and related consortia on various issues relating to school transportation

Litigation & Dispute Resolution

Fasken has one of the largest and most respected litigation groups in Canada. Some of the most distinguished trial lawyers in Canadian history have practised at the firm.

The Ottawa litigation team builds on this tradition of excellence. Our Ottawa lawyers have acted as counsel at all levels of the Ontario and federal courts, including the Supreme Court of Canada, the courts in several other provinces and various domestic and international tribunals, including the Canadian International Trade Tribunal (CITT). The group has considerable expertise in complex litigation matters including class action and mass litigation cases, shareholder and oppression remedies, commercial and employment litigation, judicial review and appeals of decisions of administrative tribunals, proceedings involving the federal government (including procurement and white collar crimes), injunctions in disputes involving cross-border issues, as well as various domestic and international arbitration matters, including under the International Chamber of Commerce (ICC) Arbitration Rules, the Canadian Free Trade Agreement (CFTA) and the New West Partnership Trade Agreement (NWPTA), and Canadian sport arbitration rules such as those of national sport organizations and the Sport Dispute Resolution Centre of Canada (SDRCC). In addition, our clients benefit from the tremendous resources and talent of the firm’s entire litigation group.
Recent litigation experience of the Ottawa office includes:

- Representation of companies in complex trade, procurement (including debarment) and bid-rigging matters
- Representation of individuals and companies in connection with RCMP investigations, including under the Parliament of Canada Act
- Representation of former Cabinet minister and head of Treasury Board, in R. v. Norman
- Defence of individuals in complex litigation involving parliamentary privilege, Crown prerogative and allegations of defamation and conspiracy
- Representation in matters involving fraud and dissipation of funds
- Representation in franchise litigation
- Defence of international religious organization, clerics and volunteers in class action alleging conversion, conspiracy, negligent misrepresentation, breach of fiduciary duty and human rights violations
- Representation of vendor shareholders of for non-payment of monies owed by purchaser in a case involving issues of breach of contract and restrictive covenants on sale of business (the trial and appeal courts)
- Defence of national commercial property management corporation in a case involving allegations of breach of commercial lease and bad faith by tenant at major Ottawa office complex
- Defence of manufacturers in product liability cases
- Representation of Canadian company with respect to breach of contract and non-payment by organization located in Baghdad, Iraq, and similar representation for breach of contract and non-payment by private and quasi-governmental defendants located in Africa and South America
- Defence of national organization and its directors with respect to allegations of defamation arising from reports delivered at annual general meeting
- Defence of US-based company with respect to allegations of interference with contractual relations arising from defamatory emails delivered by unidentified person alleged to be employee of client’s Canadian subsidiary
- Representation of manufacturer of consumer products against Vancouver-based distributor regarding Canadian and global distribution rights
- Representation of communications company in action for breach of contract and interference with contractual relations with respect to Canadian broadcasting rights over certain foreign-based programming
- Defence of US-based technology company in wrongful dismissal actions brought by former employees as a result of layoffs occasioned by the sale of Canadian subsidiary
- Federal court proceedings on distribution of deferral account funds, including use of the funds to extend broadband access to unserved communities
- Counsel in proceedings before the Patented Medicines Prices Review Board, Ratiopharm Inc. (and ratio- Salbutamol HFA)
• Representation of potential suppliers of goods or services to the federal government in the CITT proceedings involving procurement inquiries and in Federal Court
• Representation of a potential supplier of goods or services from British Columbia to the Alberta provincial education sector in arbitrations conducted pursuant to the CFTA/NWPTA bid dispute resolution processes
• Representation of domestic and international extractive sector in domestic and international arbitration matters involving taxation and complex contractual issues
• Representation of a national sport organization in sport dispute resolution and arbitration files involving athletes’ status and benefits, including appeals at the SDRCC, as well as discrimination and harassment review matters (including third party investigations and in domestic courts)

Supreme Court of Canada Agency and Advocacy Services

A unique subset of our litigation and dispute resolution practice is that the Ottawa office provides agency services to clients involved in litigation at the Supreme Court of Canada, as well as in litigating cases all the way through the Supreme Court of Canada.

The Supreme Court agents in our Ottawa office have extensive experience advising and assisting parties in the practice and procedure of bringing matters through the Supreme Court, from the leave to appeal stage to the appeal stage, and everything in between including interventions, motions, stays in other courts pending leave applications and appeals, changes of counsel and constitutional questions as well as the issue of costs after a proceeding.

Our knowledgeable agents and experienced litigators assist with advising on the Supreme Court Act and Rules of the Supreme Court of Canada in general, assessing the jurisdiction of the Supreme Court, preparing court documents in compliance with the Court’s rules, service and filing of all manner of materials involved in a proceeding, advising and strategizing on how to obtain leave to appeal or leave to intervene and respond to applications for leave or intervention, strategy for advocacy at a hearing of an appeal, coordination and preparation for hearing day, attendance at media and counsel “lock-ups” when decisions are released, and monitoring issues and cases proceeding before the Supreme Court of Canada.

As well, our litigators have acted as lead counsel on several Supreme Court appeals. They and subject-matter experts in other areas of law are able to act as co-counsel on any given case.

We have agents in Ottawa practicing in English and in French.
White Collar Crime

Criminal and regulatory investigations and charges can have a severe impact upon corporations, their executives, employees and shareholder value. Likewise, criminal investigations and charges against government officials and others in high-profile positions can be devastating. Our Ottawa office has the necessary experience and resources to effectively manage multi-jurisdictional white collar crime cases and investigations.

We represent clients from the moment the authorities commence investigations through representation in court or before the relevant tribunal. In addition, our team has experience representing clients in parallel regulatory and civil proceedings, which frequently occur alongside criminal investigations.

Our clients benefit from the team’s extensive network of relationships, including with investigating authorities, outside criminal counsel (who can assist related parties), public relations experts, forensic accountants and forensic computer experts. Backed by the strength of our internationally recognized complex commercial litigation practice and trial expertise, clients can count on our White Collar Crime, Investigations & Compliance Group to defend them in all of the courts within the various jurisdictions in which we practice.

The expertise of the Ottawa office team is complemented by Fasken’s extensive experience in corporate social responsibility, defamation and reputation management, elections and lobbying regulatory compliance, securities, corporate governance, international trade, mining, employment, communications and procurement.

Recent white collar crime, investigations and compliance experience in the Ottawa office includes:

- Representation of Nigel Wright with respect to an investigation by the RCMP. Wright was the Chief of Staff to the Prime Minister of Canada. This matter was related to a broader investigation by the RCMP into whether illegal conduct occurred with respect to expense claims by various Canadian Senators. No charges were laid.
- Represented TPG Technology Consulting in a massive criminal bid rigging case wherein TPG, its President and one of its officers, along with others corporate defendants, were charged with bid rigging under the Competition Act, and conspiracy under the Criminal Code. The proceeding is one of the largest bid-rigging cases in Canadian history.
Trade Law

The Ottawa office maintains a top tier international trade, investment and procurement law practice. Trade lawyers in the Ottawa office maintain leading positions in the international trade and investment bar and trading community. Recognized as leading practitioners in their field, our trade lawyers advise and act for corporate and government clients on Canadian International Trade Tribunal (CITT), World Trade Organization (WTO) and NAFTA issues, investment disputes, international commercial arbitration, trade remedies, customs, import and export controls and controlled goods, sanctions, foreign corrupt practices, foreign investment, trade in cultural goods and services, and all facets of government procurement. We represent our clients before a broad variety of domestic and international agencies, departments, tribunals and courts. In addition, we regularly advise our clients on cross-border trade due diligence, government relations, international environmental law, international agriculture law, international intellectual property law, inter-provincial trade and Cuban-blocking legislation.

Recent trade, investment and procurement law experience of the Ottawa office includes:

- Counsel to a US flight simulator construction company regarding Government of Canada’s refusal to pay and seizure of goods
- Representation of a North-American government as respondent in a judicial review before the Federal Court of Appeal regarding a decision of the CITT in an anti-dumping and subsidy case
- Appeal to CITT of decision by federal government to award IT contract to client’s competitor
- Advice to one of the largest pharmaceutical companies on the NAFTA law applicable to US legislative initiatives seeking to prohibit the importation of prescription drugs into the US
- Advice to foreign governments on various trade related issues in support of trade negotiations with Canada
- Representation of an aerospace company in Federal Court regarding an application for judicial review where the company was able to successfully defend a procurement challenge to its winning bid for an aircraft maintenance contract
- Advice to a North-American supplier of specialty fertilizers on the Canada-Egypt bilateral investment treaty
- Counsel to NAFTA trade dispute panels in Ottawa, Washington, D.C., and Mexico City, on dumping and subsidy cases
- Advice to a US association of primary agriculture products on WTO issues involving the Sanitary and Phytosanitary Agreement
- Representation of a foreign Chamber of Commerce in respect of trade by the businesses represented by the Chamber in Canada
- Advising clients on aspects of the proposed Canada-EU Trade Agreement and meeting with Canadian negotiators on behalf of clients
- Representation of one of the world’s largest manufacturers of aircraft engines in several WTO disputes
Procurement Law

Procurement and government contracts form a remarkably complex area of the law - varying by jurisdiction and influenced by a multitude of factors, including common law, statutes, regulation, international and national treaties, directives, policies and custom.

At Fasken, we provide our public and private sector clients with a common sense approach to navigating this complex area of law, using an experienced, multi-disciplinary team of lawyers. What sets our team apart is the diversity and depth of our experience. Many of us have worked in key roles throughout government and industry, enabling us to provide our clients with unique and unparalleled advice in procurement and government contracts, national and international trade agreements, national security issues and tender law.

We work with our clients throughout the entire procurement process - from requirements development and procurement planning, through the bidding process and contract negotiation, to the final contract award and beyond, including bid challenges, dispute settlements and litigation.

Our team has the experience and reputation to promote, protect and enforce your interests. We not only understand the law and the various tools it provides, but we also use these tools strategically to ensure the best outcome for our clients.

We understand that public procurement and government contracts are not typical commercial transactions. Instead, they involve public expenditures that may attract political and media scrutiny. Our approach takes into account the broader political, business and media context.

Not surprisingly, Fasken is frequently retained to act on staggeringly large, high profile public procurement and government contract matters, often spanning multiple jurisdictions.

Recent experience of the Ottawa office includes:

- Advising on a legacy project involving the former US Embassy on Wellington Street, Ottawa, intended to promote reconciliation among Canadians and Indigenous peoples in Canada
- Negotiating an expedited federal government transaction arising out of the government’s response to the COVID-19 pandemic - estimated value: C$300m
- Advising a major provincial Crown corporation on an infrastructure project for transportation, valued at C$12bn
- Advising a provincial department on the development of and contract negotiations for a services procurement - estimated value: C$1.5bn
- Advising a federal Crown corporation on conflict of interest issues in relation to a two-stage procurement process - estimated value: C$20-30m
- Representing a client in its challenge of a federal procurement for the Canadian navy, valued at C$60bn
- Representing a client in its challenge of a federal government services procurement valued at C$1bn before the Federal Court, CITT and Ontario Superior Court of Justice
• Representing a major defence contractor at the Federal Court and CITT, challenging an RFP for the Department of National Defence - estimated value: C$200m
• Representing clients in several successful public procurement challenges under the CFTA in arbitrations held pursuant to the NWPTA dispute resolution framework
• Representing clients in several international private commercial arbitrations valued at USD$15m

**Competition Law and Investment Canada Act Reviews**

The Ottawa office advises clients on mergers, criminal matters including cartels and bid rigging, restrictive trade practices such as abuse of dominance, refusal to deal, tied selling, exclusive dealing and resale price maintenance, and the misleading advertising provisions of the *Competition Act*. Associated with our competition law expertise is our advice on the notification and review requirements for foreign investments in new and existing Canadian businesses under the *Investment Canada Act*, the security review provisions, and the policies respecting foreign investments in Canadian cultural industries.

In addition, litigators in the Ottawa office represent clients charged with offences under the *Competition Act* and the *Criminal Code*. Our team maintains relationships and works in cooperation with some of Canada’s leading criminal lawyers to bring our clients unparalleled multidisciplinary advice in defending such complex matters.

Competition law experience of the Ottawa office includes:

• Advice and assistance with merger pre-notification and clearance requirements under the *Competition Act*
• Advice and assistance with *Investment Canada Act* notification and net benefit review
• Advice on national security review process and filings
• Advice on the merger of the XM Canada and Sirius Canada satellite radio undertakings and the successful application for a No-Action Letter and waiver of the requirement to file a notification
• Regulatory advice on competition compliance policies for communications companies
• Counsel to the Commissioner of Competition in *Commissioner of Competition v. Canada Pipe Inc.* (abuse of dominance and exclusive dealing)
• Counsel to the Commissioner of Competition in *Commissioner of Competition v. Sears Canada Inc.* (ordinary selling price representations)
• Counsel to lead defendant in one of the largest bid-rigging cases in Canadian history involving the provision of IT services to the Government of Canada
Copyright Law

The Ottawa office has an extensive copyright practice, advising clients on copyright licensing issues and on proposed amendments to the Copyright Act, as well as representing copyright users in tariff proceedings before the Copyright Board of Canada and infringement proceedings before the Federal Court.

We also represent clients in Federal Court of Appeal and Supreme Court of Canada proceedings arising out of decisions taken by the Copyright Board or by other administrative tribunals that relate to matters of copyright law.

The Ottawa office copyright group has recently represented:

- Canada’s largest wireless telecommunications companies, in a lawsuit against the songwriters and music publishers’ collective (SOCAN) to recover royalties that had been paid for the downloading of ringtones under an interpretation of the law that is now known to be invalid
- A consortium of provincial Ministries of Education, in a Copyright Board proceeding in which the consortium argued that much of the copying of short excerpts of books, magazines and newspapers that a teacher makes for the students in his or her class can be considered “fair dealing” and thus does not infringe copyright
- A group of online music services, in a Copyright Board proceeding that set the first-ever tariff for the webcasting of sound recordings in Canada
- A group of online music services, in a Copyright Board proceeding in which the services argued that the royalties payable to songwriters by webcasters should be set in accordance with the royalties payable by commercial radio stations, and that cached copies of streaming music playlists are personal copies that do not infringe copyright
- Two large cable and wireless communications companies, in a Supreme Court of Canada proceeding in which the Court decided that the CRTC does not have the authority to implement a retransmission consent regime for over-the-air broadcast signals
- A group of online music services, in a Supreme Court of Canada proceeding in which the Court determined that music downloads do not infringe songwriters’ and music publishers’ right to communicate their works to the public by telecommunication
- A group of provincial governments, in a Federal Court of Appeal proceeding in which the Court had to decide whether or not these governments were subject to tariffs established under the Copyright Act as a result of the legal presumption of Crown immunity
Government Relations and Strategy

Almost all businesses are affected by decisions made at almost all levels of government.

Those decisions can help or hinder your goals. When you have skilled, well-informed counsel at your side, you can anticipate and reduce risk. You can also identify opportunities to improve the future position of your organization.

Fasken offers three distinct advantages. First, we take a rigorous approach to understanding your business and legal priorities. Second, we conduct ourselves with the highest professional standards. Third, our client relationships are protected by solicitor-client privilege and the strictest discretion.

We assist local clients doing business in foreign jurisdictions, with an emphasis on African and Latin American countries. Our industry knowledge is truly global and well respected by government and clients alike.

Most of our government relations lawyers are fully bilingual in English and French, and some speak additional languages. We are trained in both civil and common law. Many of us have held senior decision-making positions in government, either as advisors to cabinet ministers, elected officials or as lobbyists.

Our client work includes implementing effective government relations strategies for mining, insurance and pharmaceutical industry associations, multinational financial services corporations, and numerous private businesses in Canada and abroad.

Recent government relations experience of the Ottawa office includes:

- Advising Al Jazeera English on successful application to the CRTC to include the award-winning international news and current affairs channel on the lists of services that Canadian cable and satellite distributors may distribute
- Advising a coalition of national and multinational communications and technology companies on legislative amendments to the Copyright Act and representing the coalition in discussions with federal government officials
- Representing Canada’s cable and satellite providers in discussions with Canadian officials on the negotiation of international copyright treaties
Political Law

We have the largest Canadian legal team devoted to political law. We’re widely recognized as leaders, practicing on behalf of domestic and foreign corporations, organizations, public office holders, political parties, candidates and individuals.

Combining deep legal expertise with knowledge of regulatory enforcement, we provide practical and useful guidance to clients.

Fasken assists with lobbyist registration, lobbying compliance and navigating rules on hospitality and gifts. We also respond to enforcement proceedings, conduct due diligence audits, develop corporate policies and assess public-sector conflicts of interest on our clients’ behalf.

In employment matters, we advise corporate clients on hiring former government officials, determining how “revolving-door” and other rules might apply. We also facilitate individual applications for waivers, reductions and exemptions for former government officials.

Our team includes a former Chief of Staff to the Prime Minister of Canada who now serves as the integrity commissioner for 20 municipalities, and the author of Canada’s leading legal text on the law of lobbying.

National Security

Fasken’s Ottawa Office plays a leading role in the Firm’s multi-jurisdictional National Security Group. The Group advises clients across industries on national security and critical infrastructure issues including, Privacy and Cybersecurity; Foreign Investment; Procurement and Government Contracts; Export Controls, Controlled Goods and Economic Sanctions; White Collar Defence and Investigations; Government Security Clearances; and Government Relations. Fasken’s National Security Group — composed of legal, policy, and government relations practitioners from across traditional practice groups — uniquely combines expertise and experience in matters related to national security, defence, and critical infrastructure protection. The National Security Group includes lawyers who have held senior positions throughout private industry and at all levels of government.
Contacts

Sophie Arseneault  
Associate  
+1 613 696 6904  
sarseneault@fasken.com

Nabila Abdul Malik  
Associate  
+1 613 696 6912  
nabdulmalik@fasken.com

Michael Boehm  
Partner  
+1 613 696 6859  
mboehm@fasken.com

Paul Burbank  
Associate  
+1 613 696 6900  
pburbank@fasken.com

Daniel Brock  
Partner  
+1 613 236 3882  
dbrock@fasken.com

Raymond Chrétien, C.C.  
Partner  
+1 613 236 3882  
rchretien@fasken.com

Christine Côté  
Associate  
+1 613 696 6915  
ccote@fasken.com

Gabrielle Cyr  
Associate  
+1 613 696 6902  
gcyr@fasken.com

Laurence Dunbar  
Partner  
+1 613 696 6875  
dlunbar@fasken.com

Guy Giorno  
Partner  
+1 613 696 6871  
ggiorno@fasken.com

Andrew House  
Partner  
+1 613 696 6885  
ahouse@fasken.com

Shannon Kristjanson  
Associate  
+1 613 696 6910  
skristjanson@fasken.com

Julia Kennedy  
Partner  
+1 613 696 6882  
jkennedy@fasken.com

Gerald (Jay) Kerr-Wilson  
Partner  
+1 613 696 6884  
jkerrwilson@fasken.com
Ten offices
Four continents
One Fasken

Canada

Vancouver, BC
550 Burrard Street, Suite 2900
T +1 604 631 3131
vancouver@fasken.com

Calgary, AB
350 7th Avenue SW, Suite 3400
T +1 403 261 5350
calgary@fasken.com

Ottawa, ON
55 Metcalfe Street, Suite 1300
T +1 613 236 3882
ottawa@fasken.com

Québec, QC
140 Grande Allée E., Suite 800
T +1 418 640 2000
quebec@fasken.com

Surrey, BC
13401 - 108th Avenue, Suite 1800
T +1 604 631 3131
surrey@fasken.com

Toronto, ON
333 Bay Street, Suite 2400
T +1 416 366 8381
toronto@fasken.com

Montréal, QC
800 Victoria Square, Suite 3700
T +1 514 397 7400
montreal@fasken.com

Global

London, UK
15th Floor, 125 Old Broad Street
T +44 20 7917 8500
london@fasken.com

Johannesburg, SA
Inanda Greens, Building 2
54 Wierda Road, West
T +27 11 586 6000
johannesburg@fasken.com

Beijing, CH
Level 24, China World Office 2
No. 1 Jianguomenwai Avenue
T +8610 5929 7620
beijing@fasken.com

FASKEN
Law Firm