



Mark Opashinov

Toronto

416.865.7873

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education and year of call

- Called to the Ontario bar - 1998
- Osgoode Hall Law School, LLM - 2010
- Queen's University, LLB - 1996
- Queen's University, MA - 1993
- University of Toronto, BA - 1992
- University of Toronto Schools - 1988

practice areas

business law

fintech

unilateral conduct and distribution practices

negotiated transactions

competition and antitrust

mergers

cartels

foreign investment review

industries

banking, finance and insurance

private equity - buyouts & venture capital investment

energy

media, communications and entertainment

manufacturing, distribution and retail

profile

Mark is a partner in the firm's corporate and competition law groups. Mark has advised domestic and foreign clients on all aspects of Canadian corporate and competition law, including many S&P/TSX 60, Fortune 500 and European and Asian multinational corporations. He counsels clients on their strategic legal decisions as well as the legal issues they face day-to-day. Mark's practice involves a significant transactional component. He regularly advises on mergers, acquisitions, divestitures, joint ventures and re-organizations. In Mark's competition law practice, he counsels clients on the regulatory aspects of their transactions as well as provides advice on the civil and criminal provisions of Canada's *Competition Act*.

Mark's clients cover the range of industry. He has acted for parties in the automotive, biotechnology, computer, chemicals, energy, entertainment, financial services, food processing, health care, Internet, mining, pharmaceuticals, professional services, publishing, software technology, telecommunications, and transportation sectors, among others.

Mark is a recognized leader in the application of project management techniques to complex legal projects and in the use of technology in the practice of law.

directorships and professional associations

- Canadian Bar Association (Competition Law Section and Economics Committee Past-Chair)
- American Bar Association (Antitrust Law and International Law)

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- Association Internationale des Jeunes Avocats (Mergers & Acquisitions and Antitrust Commissions)

representative matters

- Ticketmaster in its defense of alleged deceptive marketing practices
- Luxottica in connection with its US\$54 billion merger with Essilor
- SABMiller plc in its Canadian Competition Bureau clearance of its US \$107 billion take-over by Anheuser Busch InBev SA/NV
- MeadWestvaco Corp. in its US\$16 billion merger with Rock-Tenn Company to create a leading global provider of consumer and corrugated packaging
- Rogers Communications Inc. in its joint acquisition with BCE Inc. of GLENTEL Inc., a Canadian-based multi-carrier mobile products distributor operating close to 500 retail locations in Canada under banners that include WirelessWave, TBooth Wireless, and Wireless Etc.
- Bertelsmann SE & Co. KGaA in its global book publishing joint venture with Pearson plc
- PPG Industries, Inc. in its acquisition of North American architectural coatings business of Akzo Nobel N.V. (coatings)
- Motorola Systems, Inc. in its acquisition of Psion plc (ruggedized computing technologies)
- Patheon Inc. on the divestiture of its clinical packaging business to Bellwyck Packaging Solutions Inc. (packaging)
- Royal & Sun Alliance in its acquisition of L'Union Canadienne, Compagnie d'Assurance from The Co-Operators Group (insurance)
- The Coca-Cola Company in its acquisition of Coca-Cola Enterprises Inc. (beverages)
- Novartis AG in its acquisition of a majority interest in Alcon Inc. (ophthalmic pharmaceutical and eye-care products)
- Royal & Sun Alliance in its acquisition of Glenstone Capital Incorporated, GCAN Insurance Company and Aldis Underwriting Managers Inc. (insurance)
- Live Nation, Inc. in its merger with Ticketmaster, Inc. (concert promotion and ticketing)
- Agrium Advanced Technologies on the acquisition of the business of Evergro Canada Inc. (manufacturing)

awards and rankings

- Recognized by *Chambers Canada (2020)* as a leading

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lawyer in the area of Competition / Antitrust Law

- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the area of Competition / Antitrust Law
- Recognized by the 2019 *Lexpert Guide to the US/Canada Cross-Border Lawyers in Canada* as a leading Canadian lawyer in cross-border practices
- Recognized in the 2019 *Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the area of Competition Law
- Recognized by *Chambers Global (2019)* as a leading lawyer in the area of Competition / Antitrust
- Recognized by *Chambers Canada (2019)* as a leader in Competition/Antitrust
- Recognized by *Best Lawyers in Canada (2019)* as a leading lawyer in the area of Competition / Antitrust Law
- Recognized in the *2018 Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the area of Competition Law
- Ranked by *Lexpert Guide (2018)* as a leading US/Canada Cross-Border Lawyer in Canada
- Recognized in *Chambers Canada 2018* as a leading practitioner in the area of Competition and Antitrust law
- Recognized in *Chambers Global 2018* as a leading practitioner in the area of Competition and Antitrust law
- Recognized in *Chambers Canada 2017* as a leading practitioner in the area of Competition and Antitrust law
- Recognized in *Chambers Global 2017* as a leading practitioner in the area of Competition and Antitrust law

teaching engagements

Mark frequently speaks on corporate and competition law matters – recent engagements include:

- American Bar Association / Canadian Bar Association – *Big Data Antitrust Risks – Which Jurisdiction Will Strike First?* (webinar), (moderator and panelist) – July 23, 2018
- CBA National Competition Law Section – Economist Roundtable with the Competition Bureau - *Pricing Practices in the Digital Economy* (panelist) – May 16, 2018
- Terralex Webinar – *McMillan's Predictive Analytics Program* (panelist) – April 4, 2018
- CBA National Competition Law Section – *Competition Collaboration and Antitrust Compliance in a Connected World* (panelist) – October 26, 2017
- Advocates' Society – *The Use of Technology and e-*

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Discovery Principles Beyond Traditional Civil Litigation –
October 16, 2017

- CBA National Competition Law Section – *Effective Use of Technology in Corporate Transactions* (webinar) – November 15, 2012
- Legal Project Management for the Business Lawyer (webinar) - Canadian Bar Association, November 13, 2012 and May 10, 2012
- *E-Discovery In The Era Of Massive, Electronic Production: What's New, What's Challenging and Where Do We Go From Here?*, September 21, 2012 - 2012 Annual Competition Law Fall Conference Canadian Bar Association

community involvement

- University of Toronto Schools Alumni Association, President and Director
- Toronto Arts Council, Director and Secretary (2005-2011)

publications

September 2019

Getting the Deal Through (Canada Chapter) – Merger Control 2020

November 2018

Getting the Deal Through (Canada Chapter) – Merger Control 2019

January 2018

Proposed Changes to the Competition Bureau's Immunity Program Will Undermine Effective Cartel Enforcement in Canada - Comments of McMillan LLP on the Consultation Draft dated October 26, 2017

January 2018

Getting the Deal Through (Canada Chapter) – Merger Control 2018

March 2017

Merger Musings: December 2016 Takeaways
The Antitrust Counselor - ABA Section of Antitrust Law

January 2017

Government of Canada Provides Valuable Guidance on National Security Review of Foreign Investment in Canada
Foreign Investment Bulletin

January 2017

Getting the Deal Through – Merger Control 2018 (Canada Chapter)

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September 2016

Competition Bureau Issues Consent Agreement Template
Competition and Antitrust Bulletin

May 2016

Video Games as Canadian Culture: Navigating the *Investment Canada Act* in Interactive Entertainment Acquisitions
Technology Bulletin

January 2016

Getting the Deal Through - Merger Control 2016, Canada
Chapter
Global Competition Review

August 2015

The Fundamentals of Canadian Competition Law, Third Edition
Jointly published with the Canadian Bar Association's
Competition Law Section
Authors of Chapter 18: Foreign Investment Reviews, Mark
Opashinov and Jun Chao Meng

July 2015

Competition Bureau's Draft *Intellectual Property Enforcement Guidelines* Provide Welcome Clarity on Bureau Treatment of
Intellectual Property
Competition Bulletin

2015

Getting the Deal Through - Merger Control 2015, Canada
chapter
Global Competition Review

December 2014

Proposed Amendment to *Competition Act* Broadens "Affiliate"
Definition
Competition Bulletin

May 2014

Global Antitrust and Compliance Handbook, Canada chapter
Oxford University Press

presentations

May 7, 2019

Competition Enforcement in the Digital Age
CBA's Annual Competition Law Spring Conference

October 30, 2018

First Mover Advantage: The Legalization of Adult Use Cannabis
in Canada
Co-Chair of the seminar and a panelist for presentation "*Rules
Concerning the Export/Import of Cannabis*", Toronto

October 22, 2018



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Greater Tampa Chamber of Commerce
Presentation

October 16, 2017

Ontario e-Discovery Institute 2017:
The Use of Technology and e-Discovery Principles Beyond
Traditional Civil Litigation, The Advocates' Society

January 11, 2017

Corporate Counseling Committee Monthly Antitrust Update
Program December 2016 Developments
ABA Section of Antitrust Law, Toronto, Ontario

January 22, 2015

Megabytes and Market Power: Advising the Multinational Tech
Company on Antitrust Issues
Moderator, American Bar Association Webinar

October 23, 2014

The Year in Review: *What's New in Competition Law*
The Commons Institute

October 16, 2014

Maintaining Your Competitive Advantage: *What's New in
Competition Law*
McMillan Webinar