



Adam D.H. Chisholm

Toronto

416.307.4209

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education and year of call

- Called to the Ontario bar - 2009
- University of Windsor, LLB - 2008
- University of Western Ontario, B.Sc. (Hons.) - 2004

practice areas

privacy and data protection
litigation

freedom of information and access to
information

administrative law

business litigation

class actions

competition and antitrust

dispute resolution

securities litigation

intellectual property litigation

industries

energy

electricity and utilities

profile

Adam D.H. Chisholm is a partner in the Commercial Litigation Group in the firm's Toronto office. Adam is a skilled and tenacious litigator with expertise in regulatory and intellectual property litigation. He is also well versed in administrative law and freedom of information/access to information law.

Adam is an experienced securities litigator. He has represented and advised clients involved in Ontario Securities Commission investigations and enforcement proceedings and has successfully tried issues related to securities blackout periods and corporate director responsibilities.

One of Adam's focuses is on intellectual property, including trade-mark litigation. He has pleaded cases involving both passing off and the provisions of the *Trade-marks Act*. He has acted for smaller private companies and larger publicly listed corporations and understands the importance of trade-marks to companies of all sizes. In order to deliver optimal results, Adam works closely with the firm's other intellectual property professionals to select the best route to protect clients' trademarks, including appropriate licensing agreements, trade-mark applications, opposition proceedings and expungement proceedings.

Adam has represented clients in a myriad of public law and administrative law forums such as those under the *Securities Act*, *Mining Act*, *Competition Act* and *Freedom of Information and Protection of Privacy Act*. He has particular expertise arguing judicial reviews and statutory appeals related to administrative decisions.

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Adam has acted as litigation counsel before the Ontario Court of Appeal, the Ontario Superior Court of Justice (Divisional Court), the Ontario Superior Court of Justice, Ontario Small Claims Court and Federal Court.

Adam is privileged to have worked with members of Ontario's judiciary. Prior to joining McMillan, Adam clerked for a judge of the Ontario Court of Justice and worked as a research assistant for a judge of the Ontario Superior Court of Justice.

directorships and professional associations

- Canadian Bar Association
- Ontario Bar Association
- Advocates' Society
- Former Executive Member, OBA Administrative Law Section

representative matters

Carter v. Minister of Revenue, 2010 ONSC 2825 (Div. Ct.).

Nemati v. Human Rights Tribunal of Ontario, 2011 ONSC 5431 (Div. Ct.).

The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated, 2013 CACT 10 (Comp. Trib.).

Cardinal v Cleveland Indians Baseball Company Limited Partnership, 2016 ONSC 6929.

Hertz System, Inc. v. Herc Equipment Rentals, 2016 FC 1085.

[969625 Ontario Ltd. v Goldstone Resources Inc.](#), 2017 ONSC 879.

Sino-Forest Corporation (Re), 2017 ONSEC 27 (Ont. Sec. Comm.).

awards and rankings

- *Global Competition Review Awards*, Behavioural Matter of the Year – Americas (2014)
- *Law Society of Upper Canada Award for Outstanding Achievement in Legal Studies* for top 15 cumulative academic ranking in LL.B. program (2008)
- *Robert H. Wilson Memorial Award* for top academic standing in Law III (2008)
- *Carswell Prize* for top academic standing in Law III (2008)
- *John H. Rodd K.C. Award in Conflicts* for top academic standing in Conflicts of Private International Law (2008)
- *President's Roll* (2006, 2008)
- *Stikeman Elliot/Carswell National Tax Award* for top

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academic standing in Tax (2007)

- *Zuber Moot Best Factum Award* (2007)
- *McMillan Binch Mendelsohn LLP Scholarship of Excellence* (2006)
- *CCH Prize* for top academic standing in Legal Research and Writing (2006)
- *Samia Rose Shaheen Memorial Award* for best factum (2006)

media mentions

- "[What to consider as OSC to pay \\$7.5M to three whistleblowers](#)", *BNN Bloomberg*, March 2019
- "Lawyers worried about 10-year cap on tribunal appointments" by Marg. Bruineman, *Law Times*, September 2015
- "No Waiving of Kids Right to Sue" by Robert Todd, *Canadian Lawyer*, January 2010

publications

August 2019

Cryptocurrency Securities Law Update – Platform Framework and Service Providers
Securities and Capital Markets Bulletin

June 2019

TOP TWELVE THINGS TO KNOW - New Canadian Trademarks Act June 17, 2019
Intellectual Property Bulletin

May 2019

Trademark "Use" in the Normal Course of Trade: Revisited
Intellectual Property Bulletin

February 2019

What Does This Letter From The Ontario Securities Commission Mean?
Securities Litigation Bulletin

November 2018

Will my Securities Investigation Evidence be Subject to *FIPPA*?
Securities Litigation Bulletin

August 2018

SCC Supports LGBTQ Students In Balancing Religious Freedoms and Statutory Mandates
Administrative Law Bulletin

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June 2018

SCC Says Judges Have No Business Reviewing Decisions of Voluntary Associations
Litigation and Administrative Law Bulletin

May 2018

Intellectual Property Disputes, Resolutions & Remedies
Volume 5, Ronald E. Dimock, Chapter 18

May 2018

The Supreme Court of Canada Set To Reconsider Judicial Review
Litigation Bulletin

February 2018

Ontario's Whistleblower Regime: Civil Cause of Action for Reprisals Now Possible
Securities Litigation and Employment Law Bulletin

January 2018

The Top 10 Trademark Cases of 2017
Intellectual Property Bulletin

June 2017

Could Donald Trump Make America Great Again In Canada?
Intellectual Property Bulletin

May 2017

New Federal Court Notice on Trial Management Guidelines
Intellectual Property Bulletin

February 2017

Why use this slogan anywhere else?
Intellectual Property and Litigation Bulletin

February 2017

Edmonton East: A Statutory Right of Appeal Does Not Create a New Category of Correctness

October 2016

Standard of Review Reform: Maybe Another Time?
Administrative Law Bulletin

February 2016

Judicial Review "Through the Looking Glass": Issue-By-Issue Analysis
Administrative Law Bulletin

November 2015

Does "Privilege of the Law of Evidence" Include Solicitor-Client Documents?
Privacy Bulletin

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November 2015

When Does Access Become Frivolous?
Privacy Bulletin

July 2015

Equitable Remedies at Tribunals? Only if Statutory
Administrative Law Bulletin

June 2015

The Emaciation of Ontario's Labour Relations Board and
Human Rights Tribunal
Employment and Labour Bulletin

June 2015

What Fair is Fair? The Duty of Fairness Owed to RFP
Proponents
Administrative Law Bulletin

January 2015

The Competition Tribunal Can Be Reviewed On Correctness
Competition Bulletin

January 2015

Records Retention now an Access Issue
Litigation Bulletin

December 2014

When is a Rule a Rule? American and Canadian Approaches
Litigation Bulletin

November 14, 2014

Can't we all get along?: A Federal and Provincial Tribunal as
part of Securities Reform
Ontario Bar Association: Administrative Law Section

July 11, 2014

Is it Correct to Defer?
Ontario Bar Association: Administrative Law Section

July 2014

Will "Deferential Correctness" Impact Your Business?
TerraLex Connections - Newsletter

June 2014

SCC Gives Advice on *FIPPA* "Advice"
Litigation Bulletin

April 2014

Private (School) Decision Not Reviewable
Litigation Bulletin

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February 2009

Alternative Remedies to Construction Liens – PPSA and RSLA Remedies
Hot Topics in Construction Law, Ontario Bar Association
Canadian Institute of Continuing Legal Education

presentations

April 2018

Opportunities and Challenges of Written Hearings
Chair, Ontario Bar Association Professional Development,
Toronto, Ontario

April 2017

Amending Pleadings
Pleading Your Case Successfully, Ontario Bar Association
Professional Development, Toronto, Ontario

November 2016

Ontario's Freedom of Information Act: Corporations Strike Back
Privacy, Data Protection and Cybersecurity Seminar, Toronto,
Ontario