

JOSHUA KRANE*



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Joshua Krane is a nationally and internationally recognized leader in competition / antitrust and foreign investment matters. He advises companies in the agricultural, aviation, consumer products, energy, entertainment, technology and telecommunications industries, collaborating with clients' legal and executive teams to address complex business issues.

Joshua has extensive experience completing strategic transactions, working with government officials on regulatory matters, and resolving commercial disputes. He also offers guidance on pricing and contracting practices, social media and influencer marketing, and relationships with customers, suppliers and competitors.

Considered a leader in advertising law, Joshua has also been at the forefront of new developments as advertising has become increasingly digital. In addition to providing advice on major ad campaigns, he represents clients in disputes before the courts, the Competition Bureau, the Ad Standards Canada and the

Canadian Radio-Television and Telecommunications Commission (CRTC). Joshua successfully resolved a high-profile dispute with the Competition Bureau in a digital marketing case, including, as a first, obtaining the Bureau's agreement not to extend the remedy to websites outside of Canada.

As the former co-author of *Investment Canada Act: Commentary and Annotation*, Joshua is frequently called upon to advise on foreign investment matters, including national security reviews. He has testified twice before the House of Commons standing committee on industry, science and technology regarding the *Investment Canada Act*.

Earlier in his career, Joshua worked for several government agencies, including the legal services branch of the Competition Bureau, the constitutional law branch of the Ministry of the Attorney General of Ontario, and the Federal Prosecution Service.

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Expertise: Aviation, Competition, Antitrust & Foreign Investment, Life Sciences, Manufacturing, Technology

Language Spoken: English, French

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Location: Toronto

Phone: 416.865.7299

Position/Title: Partner, Competition, Antitrust & Foreign Investment

Community Involvement:

- Trustee for the Ontario Science Centre

Publications:

- "[Drip Pricing Amendments to the Competition Act](#)," Co-authored with James Musgrove, C.D. Howe Institute (May 3, 2022)
- "[The way Canada reviews foreign investments is out of date](#)," iPolitics (March 18, 2022)
- "[National security amicus would make foreign investment review more efficient and transparent: report](#),"

Canadian Lawyer Magazine (February 22, 2022)

- "[A Friend in High Places: A Proposal to Add a National Security Amicus to Canada's Investment Review Regime](#)," by Joshua Krane, Stephen Wortley and Connor Campbell, C.D. Howe Institute (February 17, 2022)
- "[Competition Act Changes: Proceed with Caution](#)," C.D. Howe Institute (May 10, 2021)
- "[Opinion: Vigorous enforcement, not studies, are what Canada's competition laws need](#)," by Joshua Krane, Mark Opashinov & William Wu, National Post (April 13, 2021)
- "[Merger regulators don't have crystal balls, but we have backstops if they get it wrong](#)," The Globe and Mail (December 29, 2020)
- "[Opinion: New Competition Bureau guidelines deliver chilling message to businesses already feeling the heat](#)," The Globe and Mail (November 1, 2020)
- "Canada Chapter", Cartels, Eighth Edition, Global Legal Insights (February 2020)
- "Canada Chapter", Cartels, Seventh Edition, Global Legal Insights (February 2019)
- "Opinion: The truth about TREB", REMonline.com (October 9, 2018)
- "Important Recent Competition Law Developments in Canada", Canadian Corporate Counsel: A Practical Reference for Corporate, Municipal and Crown Counsel, Volume 27, No. 7 (September/October 2018)
- "Canada Hikes Merger Filing Fee", Global Competition Review (April 25, 2018)
- "Canada Chapter", Cartels, Sixth Edition, Global Legal Insights (February 2018)

Education & Admissions:

Degree: Admitted to the Ontario bar

Year: 2009

Degree: LLM

University: University of Toronto

Year: 2010

Degree: BCL / LLB (Magna Cum Laude)

University: McGill University

Year: 2008

Degree: B.Soc.Sc. (Summa Cum Laude; Gold Medalist)

University: University of Ottawa

Year: 2004

Media Mentions:

- "[Lexpert Rising Stars Awards winners pay tribute to their mentors at in-person gala](#)," by Zena Olijnyk and Aidan Macnab, *Canadian Lawyer Magazine* (November 23, 2022)
- "[Changes to the Competition Act](#)" Interview with Kelly Cutrara, *Toronto 640News* (May 6, 2022)
- "[Hate it when the final bill is higher than the original price due to surprise fees? Ottawa is now planning to ban the practice](#)," by Christine Dobby, *Toronto Star* (May 5, 2022)
- "[Ruling may make Competition Bureau more likely to pre-emptively challenge mergers in court](#)," by Julius Melnitzer, *Financial Post* (March 1, 2022)
- "[In Shaw/Rogers, Expect a Freedom Divestiture to be a Competitive Process, Former Founder Says](#)," by Saniya Rao, *CTFN* (January 21, 2022)
- "[Terence Corcoran: A key debate opens over the Competition Act](#)", by Terence Corcoran, *Financial post* (Sep 10, 2021)
- "[Updated guidelines on Canada's national security review bring clarity](#)," *Canadian Lawyer* (April 6, 2021)
- "[Federal competition commissioner says international regulators have stronger tools to take on Big Tech](#)," Article by Christine Dobby, *The Globe and Mail* (December 1, 2020)
- "[Does the Competition Bureau have Canada's grocers in its sights?](#)," *LegalWriter* (November 30, 2020)
- "[Roundup of law firm hires, promotions and departures](#)," *Canadian Lawyer* (October 14, 2020)
- "[Quoted: UK landmark class action to see wrangling over Canadian case](#)," by Sylwester Frazzoni, *PaRR* (November 8, 2019)
- "[Quoted: Merger challenge shows Competition Bureau focus on digital economy](#)," by Julius Melnitzer, *The Lawyer's Daily* (July 24, 2019)
- "[Recent decision of Competition Bureau brings glad and bad tidings to shareholders](#)," by Julius Melnitzer, *Lexpert* (April 4, 2017)

Rankings & Recognition:

- Listed in Who's Who Legal: Global 2022 as a future leader in Competition and Foreign Investment Review
- Listed in Who's Who Legal: Canada 2022 as a leader in Competition
- Winner of the Lexpert 2022 Rising Star Awards: Leading Lawyer Under 40
- Thompson Reuters Stand-out Lawyer based on client service excellence
- Recognized by Chambers Canada as a leading lawyer in the area of Competition / Antitrust Law
- Recognized by *Best Lawyers* in Canada as a leading lawyer in the areas of Competition / Antitrust Law and Advertising & Marketing Law

- Recognized in the Canadian Legal Lexpert directory as a Repeatedly Recommended Lawyer in the areas of Competition Law and Advertising & Marketing Law
- Recognized by Who's Who Legal: M&A and Governance (Foreign Investment Review) and as a future leader in Competition / Antitrust Law

Speaking Engagements:

- Speaker: "Making a successful transition to graduate studies/law school", University of Ottawa
- March 24, 2021

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- Presenter: "Government Control of Business", McGill University Faculty of Law
 - February 12, 2021

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- Speaker: Abuse of Dominance Comes in for a Landing: The State of s. 79 Following VAA and TREB The Reviewable Matters/Unilateral Conduct Committee and Competition Litigation Committee of the CBA Competition Law Section, the Canadian Bar Association, Toronto, Ontario
 - January 17, 2020

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- Speaker: Economist Roundtable with the Competition Bureau The Economics and Law Committee of the CBA Competition Law Section, the Canadian Bar Association, Toronto, Ontario
 - May 16, 2018

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- Speaker: Paper, Rock, and Privilege - Document Production in an Age of the Million Document Case The Competition Litigation Committee of the CBA Competition Law Section and the Canadian Bar Association, Toronto, Ontario
 - March 13, 2018

Representative Matters: Recent representative transactional matters include:

- Sunwing Vacations on its combination with WestJet
- Domtar on its proposed US\$2.7-billion acquisition of Resolute Forest Products
- SYNEX on its US\$7.2-billion merger with Tech Data to create TD Synnex
- Domtar on the US\$300-million sale of the Kamloops pulp mill to Kruger
- Quickie Convenience Stores on the sale of 22 retail gas stations and 51 convenience stores to MacEwen Petroleum

- Paper Excellence on its US\$3-billion acquisition of Domtar
- West Fraser Timber on its C\$4-billion acquisition of Norbord
- The Jim Pattison Group in the sale of Sun-Rype Products Ltd. to Lassonde Industries Inc.
- Harris Corporation on its US\$34-billion merger with L3 Technologies
- The Washington Companies on its US\$1.2-billion acquisition of Dominion Diamond
- Summit Park on its US\$50-million acquisition of certain assets from Iron Mountain Incorporated under a consent agreement with the Commissioner of Competition
- Westlake Chemical Corporation on its US\$3.8-billion acquisition of Axiall Corporation
- Imperial Oil on its C\$2.8-billion sale of 497 company-owned Esso retail stations
- Holcim Ltd on its C\$50-billion merger with Lafarge S.A. and on its divestment of certain North American cement, ready-mix, aggregates and construction businesses to CRH plc
- Schneider Electric SA on its acquisition of Invensys plc in a transaction valued at US\$5.2-billion
- Daylight Energy Ltd. on its C\$2.2-billion acquisition by China Petrochemical Corporation, known as Sinopec Group

Recent representative disputed matters include:

- A complaint to the Competition Bureau in connection with a merger that resulted in a significant divestiture remedy
- A real estate board in connection with an abuse of dominance investigation by the Competition Bureau
- StubHub in connection with a Competition Bureau investigation into advertising practices
- The Toronto Real Estate Board in its appeal to the Supreme Court of Canada in connection with a Competition Bureau challenge under the Competition Act
- Alcon Canada in relation to a Competition Bureau investigation under the abuse of dominance provisions of the Competition Act
- Canadian Civil Liberties Association in relation to its intervention before the Supreme Court of Canada in an asset forfeiture case
- An auto parts company in response to a production order issued under the Competition Act
- United airlines in relation to the Competition Bureau's challenge of alliance agreements with Air Canada under the civil merger and competitor collaboration provisions of the Competition Act before the Competition Tribunal

Industries: Aviation, Life Sciences, Manufacturing, Technology



Practices: Competition, Antitrust & Foreign Investment