



Le droit de la concurrence à toutes les sauces

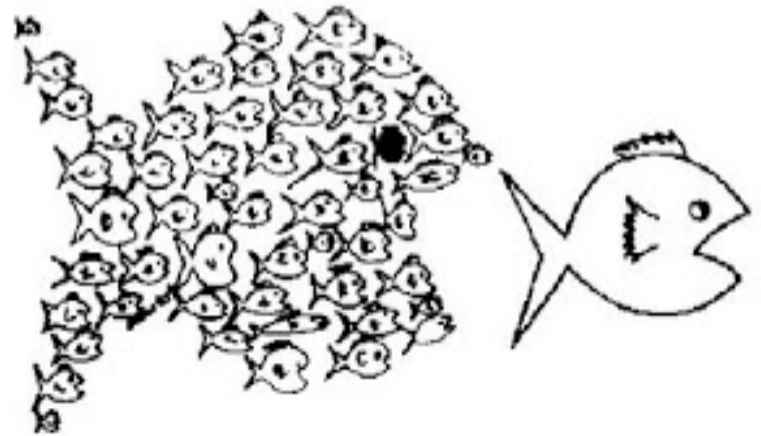
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Colloque national sur les recours collectifs
Palais des congrès, Montréal, le 21 mars 2014

Just how “indirect” can purchasers get?

- In theory no limit, but...
 - Second hand purchasers?
 - What about clearly non affected parties?
 - How to deal with opt outs?
- No inherent conflict of interest for class claimants

CLASS ACTION



What's needed at the authorisation stage

1. Fault

- Very low threshold
- Mere guesses should not work

2. Damages

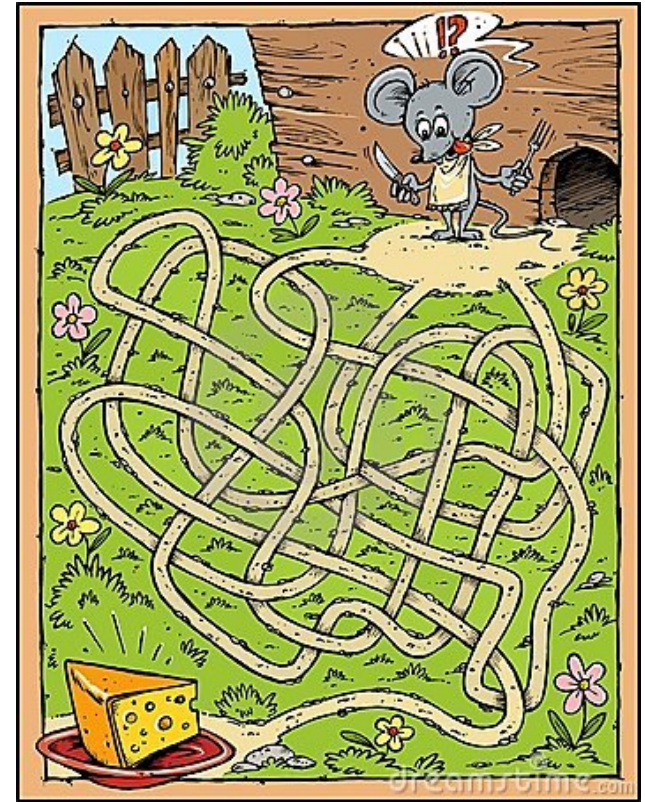
- Existence of damages virtually assumed
- No particular economic theory required



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Going beyond Section 45?

- Civil liability?
- Other Sections of Competition Act?
- Foreign Competition Laws?
- Unjust Enrichment?
- Consumer Protection Legislation?



Impact of Infineon on future cases

- Is « anything goes » the rule now?
- Is proliferation of class actions in sight?
- Have we struck the right economic balance?
- Are we doing any « good »?



"No, Mr. Gredley — a class-action suit doesn't mean that you sue everybody else."



"And so, they lived happily ever after, regardless of how the Supreme Court ruled."

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