Index

The References in the Index are to sections of the following pieces of legislation: Competition Act (CA), Competition Tribunal Act (CTA), Competition Tribunal Rules (CTR), Notifiable Transaction Regulations (NTR).

ABUSE OF DOMINANT POSITION

Generally, **CA 78, 79, 79.1**Prohibition order, **CA 79(1)**Unpaid monetary penalty, **CA 79.1**

ACCESS TO DOCUMENTS

Generally, CTR 65 to 67

ACCESS TO PUBLIC

Generally, CTR 29, 30

ADMINISTRATION

Generally, CA 7 to 29.2

ADVANCE RULING CERTIFICATES

Generally, CA 102, 103

ADVERTISING

See also Misleading advertising Non-availability of advertised specials, **CA 74.04** Publishers of, defences, **CA 60** Sale above advertised price, **CA**

ADVISORY COUNCIL

74.05

Generally, CTA 3(3), 3(4)

AFFIDAVIT OF DOCUMENTS

Generally, CTR 60

AFFILIATED, DEFINED

Generally, CA 2(2), 77(5), 77(6)

AGREEMENTS TO LESSEN/PREVENT COMPETITION

Competitor defined, CA 90.1(11)

AGREEMENTS TO LESSEN/PREVENT COMPETITION—Cont'd

Evidence, CA 90.1(3)

Exceptions, CA 90.1(7) to 90.1(9)

Factors, CA 90.1(2)

Limitation on proceedings, CA

45.1, 90.1(10)

Orders, CA 90.1(1)

AMATEUR SPORT

Generally, CA 6

ANTI-AVOIDANCE

Generally, CA 113.1

ANTI-COMPETITIVE ACTS

Generally, CA 78, 79

APPEALS

Generally, CA 73(3)

Prohibitions, from, CA 34(3) to

34(4)

Tribunal, from, CTA 13

APPLICATION

Generally, CA 4 to 6

ARTICLE, DEFINED

Generally, CA 2(1)

ASSETS

Generally, CA 109 to 110

BAIT AND SWITCH SELLING

Generally, CA 74.04(2), 74.04(3)

BANKS, AGREEMENTS OF

Generally, CA 49

BARGAIN PRICE, SELLING AT COMPETITION TRIBUNAL -Cont'd Generally, CA 74.04(1) Evidence to be oral, CTR 88(2) **BUSINESS, DEFINED** Hearings Generally, CA 2(1) chairman, CTA 11 CASE MANAGEMENT panel, CTA 10(1), 10(3) Generally, CTR 134 to 139 presiding officer, CTA 10(2) Interim orders, CTR 23 **CIVIL ACTION** Intervention, see Intervention Admissibility of Criminal Code Judgment, validity when absence, proceedings, CA 36(2) **CTA 12(3)** Limitation period, CA 36(4) Jurisdiction, CA 75, CTA 8(1) Rights not affected, CA 62, 74.08 Members COMMISSIONER OF acting after expiration of appoint-**COMPETITION** ment, CTA 5(4) Agreements and arrangements iudicial related to protecting environappointment, CTA 3(2)(a) ment, CA 124.3 to 124.7 tenure, CTA 5(1) Appointment, CA 7 lay Defined, CA 2(1) appointment, CTA 3(2) to 3(4) Deputies, CA 8 public service employees, Opinions, CA 124.1 CTA 6(3) Representations to federal boards, remuneration, CTA 6(1) **CA 125** tenure, CTA 5(2) Representations to provincial boards, CA 126 re-appointment, CTA 5(3) temporary substitutes, CTA 5(5) **COMMUNICATION OF** when unable to take part in judg-**CONFIDENTIAL** ment, CTA 12(3) INFORMATION UNDER THE Oath of office, CTA 7 **COMPETITION ACT,** Powers, CTA 8(2), 8(3) INFORMATION BULLETIN. Proceedings open to public, CTR **SEPTEMBER 2013** 29, 30 Representations to provincial Proceedings to be informal, CTA boards, CA 126 9(2) **COMPETITION TRIBUNAL** Questions of fact/mixed fact and Generally, CA 2 (commentary) law, CTA 12(1), 12(2) Access to documents, CTR 65 Questions of law, CTA 12(1), 12(2) Appeals, CTA 13 Rules, see Rules, Competition Chairman, CTA 4 Tribunal Conflicts of interest, CTA 10(3) Sittings, CTA 15, CTR 50(2) Contempt, CTA 8(3) Travel allowances, CTA 6(2) Court of record, CTA 9(1)

COMPUTER SYSTEM

Generally, CA 16, 17

Definitions, CTA 2
Establishment, CTA 3

CONFIDENTIALITY

Generally, CA 29

CONSENT AGREEMENTS

Generally, CTR 105 to 106.2

CONSENT ORDERS

Generally, CA 105

Deceptive marketing practices, CA 74.12

Failure to comply with, CA 74.121

CONSIDERATION AND REPORT

Generally, CA 19 to 24

CONSPIRACY

Generally, CA 45

Defence, CA 45(4), CA 45(5)

Evidence, CA 45(3)

Foreign directives, CA 46

Limitation, CA 45.1, 48(3)

Non-application to specialization agreements, **CA 90**

Penalty, CA 45(2)

CONTEMPT

Generally, CTA 8(3)

CONTESTED PROCEEDINGS

Generally, CTR 35 to 80

Access to documents, CTR 65 to 67

Admissions, CTR 56 to 59

Applications, CTR 35 to 41

Default order, CTR 41

Discovery of documents, CTR 60

to 64

Evidence at hearing, CTR 71 to 74

Expert evidence, CTR 77 to 80

Filing of motion, CTR 43(1)

Intervention, CTR 42 to 55

Pre-hearing disclosure, **CTR 68 to 70**

Reply, CTR 39

Response, CTR 38

Service of documents, CTR 37

Specialization agreements, CTR

100 to 104

CONTESTED PROCEEDINGS

-Cont'd

Variation or rescission of order,

CTR 99

Witness panels, CTR 75 to 76

CONTESTS

Generally, CA 74.06

CONTROLLED, DEFINED

Generally, CA 2(4)

CORPORATION

Affiliated, CA 77(5), 77(6)

Defined, CA 2(1)

Liability of directors/officers/ agents, **CA 65(4)**

Trial with or without jury, **CA 67(4)**

COUNSEL

Inquiry, to assist at, CA 21

Representation of witnesses, CA 12(3)

COURT REVIEWABLE MATTERS

Generally, CA 107.1 to 107.6

CRIMINAL CODE PROCEEDINGS

Institution of, CA 23

Use of, in civil actions, CA 36(2)

CROWN

Competition Act binding on, CA 2.1 Control by, CA 2(4)(b)

CUSTOMS DUTIES, REMOVAL OF

Generally, CA 31

DECEPTIVE MARKETING

PRACTICES

Administrative remedies, CA 74.09 to 74.16

aggravating or mitigating factors, CA 74.1(5)

determination of reviewable conduct, **CA 74.1(1)**

temporary order, CA 74.11

DECEPTIVE MARKETING DEFENCES PRACTICES—Cont'd Generally, CA 60 Appeals, **CA 74.18 to 74.19 DEFINITIONS** Bait and switch selling, CA Agreements to lessen/prevent com-74.04(2), 74.04(3) petition, CA 90.1(11) "Bargain price" defined, CA Competition Tribunal Act, CTA 2 74.04(1) Mergers, CA 91 Civil rights not affected, CA 74.08 Notifiable transactions, CA 108 Consent agreement, CA 74.12, Notifiable transactions regulations, 74.13 NTR 2 Drip pricing, **CA 74.01(1.1)** Specialization agreements, CA 85 Misrepresentations to public, CA 74.01(1) DELIVERED PRICING ordinary price Generally, CA 80, 81 suppliers generally, CA **DIRECTOR** 74.01(2) See Commissioner of Competition supplier's own, CA 74.01(3) print or publish in good faith, CA DIRECTORS/OFFICERS OF 74.07 CORPORATIONS, time, references to, CA 74.01(4) LIABILITY Prize notification, CA 53 Generally, CA 65(4) Promotional contests, CA 74.06 DISCONTINUANCE/WITHDRAWAL Representation as to reasonable test and publication of testimoni-Generally, CTR 26 to 34 als, **CA 74.02** DISCOVERY OF DOCUMENTS Representations accompanying Generally, CTR 60 to 64 product, CA 74.03(1) Rules of procedure, CA 74.17 **DOCUMENTS** Sale above advertised price, CA Access to, CTR 65 to 67 74.05 Discovery of, CTR 60 to 64 Filing of, CTR 96(3) DECEPTIVE TELEMARKETING Production of, CA 11 Disclosures required, CA 52.1(2) Due diligence defence, CA 52.1(2) DOMINANCE, ABUSE OF General impression test, CA 52.1(4) Generally, **CA 78 – 79.1** Injunction, CA 33(1.1) **DOUBLE TICKETING** Offence, CA 52.1(2), 52.1(3), Generally, CA 54, 60 52.1(9) Officers and directors, liability of, **DUE DILIGENCE DEFENCE** CA 52.1(8) Generally, CA 52.1(6) Punishment, CA 52.1(9) **EVIDENCE** Sentencing, CA 52.1(10) Copies of records, admissibility, CA Telemarketing defined, CA 52.1(1) 20(2), 20(3) **DEFECTS OF FORM** Participants, against, CA 69 Reviewable transactions, CA 107 Generally, CA 3

EVIDENCE—Cont'd

Statistics, see Statistics

EXCLUSIVE DEALING

Generally, CA 77, 90, 103.1 to 103.3

EXPERT EVIDENCE

Generally, CTR 77 to 80

FALSE ADVERTISING

See Misleading advertising

FEDERAL COURT

Appeals from, CA 73(3) Jurisdiction, CA 73(1) Powers, CA 32

FINANCIAL INSTITUTIONS, AGREEMENTS OF

Generally, CA 49

FOREIGN JUDGMENTS/LAWS/

DIRECTIVES

Conspiracy, CA 46
Refusal to implement, CA 82, 83

FOREIGN SUPPLIER

Generally, CA 84

GEOGRAPHIC PRICE DISCRIMINATION

Goods, CA 111(a)

INJUNCTIONS

Generally, CA 33

Deceptive telemarketing, CA 33(1.1)

Extension or cancellation of, CA 33(5)

Interim, CA 33(1), 74.111

Punishment for disobedience, CA 33(7)

Terms of, CA 33(4)

INQUIRY

Administration of oaths, CA 14(1) Application for, CA 9

INQUIRY—Cont'd

Attendance by person who is subject of, **CA 12(4)**

Counsel, CA 21

Criminal proceedings, institution of, CA 23

Directions to conduct, CA 10.1(2)

Discontinuance, CA 22

Duration, **CA 10.1(5)**

Effect of an order, CA 11(4)

Formation of, CA 10

Information as to progress of, CA 10(2)

Market or industry, CA 10.1(1)

Obstruction of, CA 64

Oral examination, CA 11

Orders of presiding officer, CA 14(2) to 14(4)

Person outside Canada, CA 11(5)

Presiding officer, CA 13

Private, to be conducted in, **CA** 10(3)

Production of records, CA 11

Records or information in possession of affiliate, CA 11(2)

Report, interim, CA 28

Self-incrimination, CA 11(3)

Sending draft to certain person, CA 10.1(7)

Terms of reference, CA 10.1(3), (4)

Warrant for entry of premises, see Search and seizure

Witnesses, see Witnesses

Written return of information, CA 11(1)(c)

INSURANCE COMPANIES, AGREEMENTS OF

Generally, CA 49

INTERIM ORDERS

Application of Part, **CTR 95**Application to vary or set aside,

CTR 99

Ex parte, service of, CTR 98 Injunction, CA 33(1)

Competition Act

INTERIM ORDERS—Cont'd

Mergers, CA 100 Notice of application, CTR 96 Official language, CTR 97 Reviewable transactions, CA 104 Tribunal, before, CTA 11

INTERVENTION

See also Province Attorney general, participation, **CTR 52** Commissioner, intervention by, **CTR 54** access to documents. CTR 55 Consent orders, CTR 86 to 90 Disposition, CTR 46 Document list, CTR 51 Filing of motion, CTR 43 "Intervenor" defined, CTR 1 Intervention allowed, CTR 47 Mergers, CA 101 Motions, CTR 27, 38 to 41 Notice, CTR 50 Province, by, CA 88, CTR 49, 101 Reply, CTR 45

INVESTIGATION AND RESEARCH

Response, CTR 28

Generally, CA 7 to 17

JOINT MONOPOLIZATION

Tribunal, before, CTA 9(3)

Generally, CA 79 (commentary)

Service of documents, CTR 48, 53

Specialization agreements, CA 88

JURY TRIALS

Generally, CA 67(1) to 67(4), 73(2)

LIMITATION PERIODS

Abuse of dominant position, CA 79(6)
Civil action, CA 36(4)
Merger, CA 97
Offences, CA 67(6)

LOAN ORDER

Generally, CTR 128 to 133

LOTTERIES

Generally, CA 74.06

MARKET RESTRICTION

Generally, CA 77

MERGERS

See Reviewable transactions
Advance ruling certificates, CA
102, 103
Guidelines, see Merger enforcement
guidelines
Intervention by province, CA 101
Merger, defined, CA 91
Orders, conditional, CA 99
Orders, interim, CA 100

Orders, making

generally, **CA 92** exceptions, **CA 94 to 98** factors to consider, **CA 93**

limitation period, CA 97

MINISTER, DEFINED

Generally, CA 2(1)

MISLEADING ADVERTISING

Deemed representation to public, CA 52(3)

Drip pricing, CA 52(1.3)
Duplication of proceedings, CA 52(7)

General impression test, CA 52(4)
Permitted representations, CA
52(1.2)

Proof of deception not required, CA 52(1.1)

Representation accompanying products, CA 52(2)

Reviewable conduct, CA 52(6) Statutory provisions, CA 52, 60

MOTIONS

Generally, CTR 81 to 94 Formal procedure, CTR 82 application, CTR 82

MOTIONS—Cont'd	MUTUAL LEGAL ASSISTANCE
Formal procedure, CTR 82	—Cont'd
—Cont'd	Search and seizure—Cont'd
decision without a hearing, CTR 86	warrant, CA 30.05(2), 30.06, 30.07
evidence and memorandum, CTR 87	NOTICE
notice of motion, CTR 83	Application, CTR 3, 56
service of response, CTR 85	Expert witnesses, CTR 77 to 80
testimony by affidavit, CTR 88	Of prize, CA 53
Informal procedure, CTR 81	Statistics, prior to admission of, CA
Motion for summary disposition,	72(1)
CTR 89 to 94	NOTIFIABLE TRANSACTIONS
motion refused or granted, CTR 93 to 94	Generally, CA 108 to 119, NTR 16 , 123 to 124
notice of motion, CTR 89 response, CTR 90	Aggregate value, determination of, NTR 4 to 14
testimony, CTR 91	Anti-avoidance, CA 113.1
tribunal's power, CTR 92	Application, CA 109, 110
MULTI-LEVEL MARKETING	Audited financial statements, NTR 3
PLAN Generally, CA 55, 55.1, 60	Definitions, CA 108
•	Exemptions
MUTUAL LEGAL ASSISTANCE	generally, CA 113
Agreements	acquisitions, CA 111
generally, CA 30.01, 30.3	combinations, CA 112
publication of, CA 30.02	Failure to comply, CA 123.1
requests under, CA 30.03	Information required, NTR 16
Search and seizure	Information to be certified, CA 118
access to premises, CA 30.06(5)	Non-application, CA 109
appeals, CA 30.24	Notification to Director
application of sections 15, 16 and	generally, CA 114, 115(2)
19, CA 30.04	exemption, generally, CA 115
arrest warrant, CA 30.18	exemptions for cross-directors of
evidence, CA 30.08, 30.1, 30.12	affiliated companies, CA
evidence for use abroad, CA	117
30.1, 30.09, 30.11 to 30.17, 30.19(1)	re-notification requirements, CA 118
evidence from abroad, CA 30.25	where information irrelevant, CA
to 30.28	116(2), 116(3)
lending exhibits, CA 30.19 to 30.23	where information unavailable, CA 116(1)
request by foreign state, CA	Prenotification, CA 114
30.05(1), 30.08(2), 30.29, 30.291	Regulations, generally, NTR SOR87 to 348

NOTIFIABLE TRANSACTIONS —Cont'd

Regulations, power to make, CA 124

Short Form Information, NTR 16
Waiting period before completion,
CA 123

OFFENCES

Admissibility of statistics, CA 70 Civil rights not affected, CA 62 Competition, in relation to, CA 45 to 62

Defences, CA 60

See also Punishment

Directors/officers of corporation, by, CA 65(4)

Jurisdiction of Federal Court, CA 73

Jury trials, CA 67(1) to 67(4), 73(2)

Notice, CA 72

Other, CA 64, 65

Procedure for enforcing punishment, CA 67

Statistics collected by sampling methods, **CA 71**

Venue of prosecutions, CA 68

OFFENDERS

Information returns, CA 35 Prohibitions, CA 34

ORDINARY PRICE CLAIMS

Generally, CA 74.01(2), 74.01(3)

PARTICIPANT

Generally, CA 69

PRICE MAINTENANCE

Generally, CA 45.1, 76

PRIVATE ACCESS

Generally, CTR 114 to 127

PRIVILEGE, SOLICITOR-CLIENT

Generally, CA 19

PRODUCT, DEFINED

Generally, CA 2(1)

PRODUCTION OF DOCUMENTS

Generally, CA 11

PROHIBITIONS

Generally, CA 34, 67(5), 79

PROMOTIONAL CONTESTS

Generally, CA 74.06

PROVINCE

See also Intervention
Service of notice of application on,
CTR 37

PUBLISHERS OF

ADVERTISEMENTS, DEFENCES

Generally, CA 74.07

PUNISHMENT

See also Offences

Abuse of dominant position, CA **79(3.1)–79(3.3)**

Bid-rigging, CA 47(2)

Conspiracy, CA 45(2)

Conspiracy relating to professional sport, CA 48

Destruction/alteration of records/ things, CA 65(3)

Double ticketing, CA 54(2)

Financial institutions, agreements of, CA 49(1)

Foreign directives, CA 46(1)

Information returns, failure to make, CA 35(2), 65(2)

Injunctions, failure to comply with, CA 33(7)

Misleading advertising, CA 52(5)

Multi-level marketing plan, CA 55(3)

Obstruction, CA 64(2)

Procedure for enforcing, CA 67

Produce records, failure to, CA 65(2), 65.2

Index-8

PUNISHMENT—Cont'd

Prohibitions, failure to comply with, **CA 34(6)**

Promotional contests, **CA 74.06**Pyramid selling, **CA 55.1(2)**

Representations/testimonials, CA 74.02

Sale above advertised price, CA 74.05

Warrant, failure to comply with, CA 65(1), 65.1

PURPOSE

Generally, CA 1.1v

PYRAMID SELLING

Generally, CA 55.1, 60

QUESTIONS OF LAW

Generally, CTA 12(1), 12(2)

RECORDS

See also Search and seizure Defined, CA 2(1) Destruction/alteration, CA 65(3) Inspection/copies, CA 18, 20 Production, CA 11 Seizure, CA 15, 16

REFERENCES

Generally, CTR 107 to 113

REFUSAL TO DEAL

Generally, CA 75, 103.1 to 103.3

REGISTER OF

SPECIALIZATION AGREEMENTS

Generally, CA 89

REGULATIONS, POWER TO MAKE

Competition Act, CA 128 Investigation and research, CA 24 Notifiable transactions, CA 124

REMEDIES

Generally, CA 31 to 36

REPORT TO PARLIAMENT

Generally, CA 127

REPRESENTATIONS

Compensation, relating to, CA 55, 60

Reasonable test, as to, CA 60, 74.02

RESPONSE

Generally, CTR 38, 44

RESTRAINT OF TRADE, REMEDIES TO LESSEN

Generally, CA 32

RESTRICTIVE TRADE PRACTICES

Generally, CA 84

REVIEWABLE MATTERS

See also Deceptive marketing practices

Generally, CA 74.01 to 74.16

Administrative remedies, CA 74.09 to 74.16

Appeals, CA 74.18 to 74.19

Rules of procedure, CA 74.17

REVIEWABLE TRANSACTIONS

See also Rules, Competition Tribunal

Generally, CA 75 to 107

Applications by Director

notice of application, CTR 36

reply, CTR 39

response, CTR 38

responses, order in default, CTR

Consent agreements, CA 105

Evidence, CA 107

Interim orders, CA 104

Variation/rescission of agreements, CA 106, CTR 49

RULES, COMPETITION TRIBUNAL

Advance publication, CTA 17

RULES, COMPETITION TRIBUNAL—Cont'd Applications of Director, CTR 3 to 7 Consent agreements, CTR 105 to 106

Definitions, CTR 2
Discovery of documents, CTR 60

to 64
Interim orders, CTR 95 to 99

Interpretation, CTR 1
Power to make, CTA 16(1)

Pre-hearing disclosure, **CTR 68 to 70**

Quorum needed to make, CTA 16(4)

Specialization agreements, CTR 100 to 104

Tabling before Parliament, CTA 16(3)

When effective, CTA 16(2)

SALE ABOVE ADVERTISED PRICE

Generally, CA 74.05

SANCTIONS

See Punishment

SEARCH AND SEIZURE

Generally, CA 15

Computer system, use of, CA 16 Copies of thing seized, CA 18(3)

Data, of, CA 16

Offences, CA 65

Presentation/report on thing seized, CA 17

Retention of thing seized, CA 17(3), 18(4)

Return of thing seized, CA 18(4) Solicitor-client privilege, CA 19

SELF-INCRIMINATION

Generally, CA 11(3)

SERVICE

Documents, intervention, CTR 48, 53

SERVICE—Cont'd

Loan order, CTR 31

Motion for intervention, CTR 42 Notice of application, CTR 37, 53,

Private access, CTR 123, 127 Response, formal procedure, CTR 85

SERVICE, DEFINED

Generally, CA 2(1)

SOLICITOR-CLIENT PRIVILEGE

Generally, CA 19

SPECIALIZATION AGREEMENTS

See also Reviewable transactions

Definitions, CA 85

Motion for registration, CA 102

Non-application of conspiracy/ exclusive dealing/agreements to lessen/prevent competition provisions, **CA 90**

Notice of appearance, CTR 101 Notice of application, CTR 100

Register of, CA 89

Registration

generally, CA 86

Reply, CTR 103

SPORTS

Amateur, application of Act to, CA

Professional, conspiracy relating to, CA 48

STAFF

Generally, CA 25 to 27, 29

STATISTICS

Admissibility, CA 70, 71

Attendance of preparer for crossexamination, CA 72(2), 72(3)

Notice required before admission, CA 72(1)

SUBSIDIARY, DEFINED

Generally, CA 2(3)

SUGGESTED RETAIL PRICE

Generally, CA 61

SUPPLY, DEFINED

Generally, CA 2(1)

TELEMARKETING

See also

Deceptive telemarketing Defined, CA 52.1(1)

TESTIMONIALS

Generally, CA 53, 60

TIED SELLING

Generally, CA 77

TIMETABLE OF APPLICATION

Generally, CTR 40

TRADE, INDUSTRY OR PROFESSION, DEFINED

Generally, CA 2(1)

TRIBUNAL

See Competition Tribunal

TRUST COMPANIES, AGREEMENTS OF

Generally, CA 49

UNDERWRITING

Generally, CA 5

VARIATION/RESCISSION OF ORDERS

Generally, CA 106, CTR 49

WHISTLEBLOWING

Generally, CA 66.1

Confidentiality, CA 66.1(2)

Prohibition from disciplining

employee for whistleblowing, **CA 66.2**

WITHDRAWAL/DISCONTINUANCE

Generally, CTR 50 to 51

WITNESSES

Expert, CTR 77 to 80

Inquiry, at

competence/compellability, CA

12(1)

fees, CA 12(2)

representation by counsel, CA

12(3)

Panels, CTR 75 to 76

manner of testimony, CTR 78