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| <p>MANZER CANADA–U.S. COMMERCIAL LAW GUIDE Second Edition by Dr. Alison R. Manzer Release No. 1, March 2024</p> |
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Publisher’s Release Note

This publication is a practical guide to commercial business and legal issues that can arise for businesses operating in both Canada and the United States. An examination of each of Canada and the United States, on a comparative basis, indicating areas that should be considered by a business commencing, or continuing, business in both countries. The book highlights commercial law in areas where similarities or differences in the legal systems can affect business operations, legal decisions, legal documentation and practices and processes.

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This release features updates to the Sentencing and Resolutions Table – Offences under the Competition Act in Chapter 19. Competition Law. This release also features an update to Appendix 10C, Trademarks Act – Table of Concordance.

Highlights:

- **Sentencing and Resolutions Tables – Offences under the Competition Act - Materially false or misleading representations made while engaged in telemarketing** – The accused was sentenced to a term of imprisonment of 30 months to be served concurrently on counts of fraud over, making materially false or misleading representations while engaged in telemarketing, and using a forged document. A significant number of aggravating factors existed: 1. Croteau’s deceitful activity was well-planned, organized, and deliberate 2. Croteau’s conduct included abusive collection practices, that might be considered threatening and harassing of the targets. 3. Croteau’s illegitimate activity spanned a period of years. Thousands of Final Notices were sent out to targeted businesses. Over two thousand businesses and professionals, both in and outside of Canada, were victimized. 4. Croteau carried on his activity even after being told repeatedly by customers, the Better Business Bureau, and the police that it was misleading. 5. In total, the schemes grossed almost \$1.3 million. No restitution had been made. 6. Croteau caused not only financial, but also emotional harm to his victims. 7. Croteau created a risk of harm to the reputations and legitimate business of Credifax and the Yellow Pages by his efforts to associate his illegitimate activity to them. 8. The prolonged time period during which Croteau preyed on others for his own economic advancement, the multiple forms of deliberate deception in which he engaged, and his previous convictions and sentence in the United States demonstrated the need for a global sentence that made society’s condemnation of his conduct very clear. It was also critical that the sentence send a strong message to Croteau and to other like-minded persons that such conduct will attract significant periods of imprisonment in the penitentiary. Justice Fuerst noted that, were it not for the guilty pleas, a sentence greater than 30 months in jail would be entirely reasonable given Croteau’s high moral

blameworthiness and the seriousness of his offences. Justice Fuerst was satisfied that the joint submission of Crown and defence counsel appropriately balanced the aggravating and mitigating circumstances while recognizing the relevant principles of sentencing: *R. v. Croteau*, 2023 CarswellOnt 6457, 2023 ONSC 2480 (Ont. S.C.J.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages