



Eric Dufour

Partner | Toronto

416.595.8673

edufour@millerthomson.com

Biography

Eric Dufour has a specialized competition law practice with expertise in foreign investment review. He provides transactional, litigation, and general compliance advice under the *Competition Act* (Canada) and the *Investment Canada Act*.

Eric has acted in both civil and criminal matters under the *Competition Act* (Canada), including:

- reviewing mergers and strategic alliances as well as preparing pre-merger notifications, requests for advance rulings, and competitive impact submissions;
- advising and representing clients in respect to criminal matters, such as conspiracy, bid-rigging, and misleading advertising;
- advising and representing clients in respect to immunity and leniency applications;
- coordinating foreign antitrust filings;
- responding to subpoenas and information requests;
- reviewing and opining on trade practices and representing clients in related challenges;
- negotiating, drafting, and reviewing contracts and merger agreements;
- preparing submissions and presentations to the Canadian Competition Bureau;
- reviewing advertisements, contests, and promotions; and
- conducting competition law audits and designing compliance programs for corporate clients and trade associations.

Eric provides advice on all aspects of the *Investment Canada Act*, including:

- reviewing merger transactions, as well as preparing notifications and applications for review;
- negotiating, drafting, and reviewing contracts and merger agreements; and
- preparing submissions to and negotiating with the Investment Review Branch of Industry Canada.

Eric regularly deals with the Competition Bureau and Industry Canada's Investment Review Division, and has also acted as counsel in matters

RELATED SERVICES

Capital Markets & Securities
Class Actions
Commercial Litigation
Competition / Antitrust
Corporate
Financial Services
Global Trade and Customs
Marketing, Advertising & Product Compliance
Mergers & Acquisitions

RELATED INDUSTRIES

Agribusiness & Food Production
Automotive
Banking

RELATED FOCUS AREAS

Investing in Canada

involving commercial disputes, class action proceedings, commercial torts, civil actions under the *Competition Act*, and contracts.

Eric has extensive experience with clients in diverse sectors including financial services, transportation, electricity, publishing, oil and gas, forestry, metals, communications, advertising, food and beverage, manufacturing, retail, and information technology. Prior to joining Miller Thomson, he worked in another leading competition law group in Toronto and has also worked in the Mergers Branch of the Competition Bureau.

Professional achievements & leadership

- *The Best Lawyers in Canada*, Competition/Antitrust Law, 2016 - 2022, 2024; Advertising and Marketing Law, 2021-2024
- *The Canadian Legal Expert Directory* - Competition Law, 2019 - 2020, 2022-2024; Advertising and Marketing Law, 2021 - 2024
- *Who's Who Legal*, Canada Guide - National Leader; Canada - Competition, 2020, 2022-2023
- *Chambers Global*, Competition/Antitrust, 2012 - 2016, 2020 - 2021
- *Chambers Canada*, Competition/Antitrust, 2016, 2017, 2020 - 2021
- *Who's Who Legal*, Canada Guide - Global Leader; Competition, 2020
- Chair, Criminal Matters Committee of the Competition Law Section of the Canadian Bar Association

Notable matters

- Maple Group / TMX Group
- Air Canada / Canadian Airlines
- Canadian Imperial Bank of Commerce / Toronto-Dominion Bank
- Alcoa Inc. / Reynolds Metals Company
- Alcoa Inc. / NAMD Inc.
- Best Buy Co. Inc. / Future Shop Ltd.
- Georgia-Pacific Corporation / Fort James Corporation
- Hewlett-Packard / EDS
- Loblaw Co. Ltd. / Sunspun Foodservice
- Loblaw Co. Ltd. / T&T Supermarkets
- McCain Foods Limited / Charcuterie de Bretagne Inc.
- McCain Foods Limited / Wong Wing, Inc.
- Northland Power Income Fund / Northland Power Inc.
- SITQ / Deka-ImmobilienGlobal
- MacMillen Bloedel Limited / Weyerhaeuser Company
- Alcatel SA / Newbridge Networks Corporation
- Psion PLC / Teklogix International Inc.
- Tale & Lyle North American Sugars Ltd. / Westway Holdings Canada Inc.
- Softchoice Corporation / Nexinnovations
- Service Corporation International / Alderwoods Group, Inc.
- Union Energy Limited Partnership / Ozz Corporation
- Ryder Truck Rental / Pollock Rentals Limited
- Saint Gobain Corporation / Vytec Corporation
- Saint Gobain Corporation / OFI LP
- Nufarm Agricultural Inc. / AHM Marks
- ACCO Brands Corporation / MeadWestvaco Corporation's Consumer & Office Products Business
- Masterfeeds Inc. / Ridley Inc.
- Kraus Group of Companies / Hilco (UK) Ltd.
- Sunrise Farms / Dunn-Rite Foods
- Powerstream Inc. / Barrie Hydro Distribution Inc.
- Novell Inc. / Platespin Ltd.

- Genzyme Corporation / Diagnostic Chemicals Limited
- Berkshire-TWC Financial Group Inc. / Manulife Financial Corporation
- Turner Construction / Clark Builders
- First Choice Group PLC / Kuoni Reisen Holding AG
- C&N Touristic AG / Thomas Cook Canada
- Balli North America, Inc. / Klockner Steel Trade Corporation
- Texaco Inc. / Chevron Corp.
- Champion International Corporation / International Paper
- PrimeWest Energy Inc. / Cypress Energy Inc.
- Teklogix Inc. / Psion PLC
- L-3 Communications / Wescam Inc.
- Norwich Union Holdings (Canada) Limited / American International Group, Inc.
- Commercial Union Life Holdings Canada Ltd. / The Manufacturers Life Insurance Company
- UBS Warburg / Enron Canada
- Key Equipment Finance Canada Ltd. / Toronto-Dominion Bank
- Conagra Grocery Products Limited / Artel Inc.
- Agrifoods International Cooperative / Saputo Inc.

Thought leadership

- Commissioner of Competition Clarifies Investigative Procedures and Confirms New Initiatives, Competition Law Report, February 2013
- Panellist on the “Eye to I: Working Effectively with In-House Counsel on Competition Files” 2012 panel for the CBA National Competition Law Section’s Young Lawyers Committee and Corporate Counsel Committee
- Competition Law Newsletter – Midyear Review, July 2012
- “Navigating the per se prohibition minefield – How competition law reforms have impacted common business agreements and relationships”, CBA Business & Corporation Newsletter, March 2011
- “Outlet Center Competition & Radius Restrictions”, 2011 Commercial Real Estate Newsletter
- GLG’s “International Comparative Legal Guide to Merger Control 2011”, Canadian Chapter
- PLC’s 2010/2011 “International Acquisitions Practice Guidelines”, Canadian Chapter
- PLC’s 2010/2011 “Mergers Acquisition Handbook”, Canadian Chapter
- “The Investment Canada Act – Canada’s Waking Giant?”, International Law Office Newsletter”, November 24, 2010
- “Associations Beware: Competition Law Amendments Will Affect You”, 2010 BLG Competition Law Group Newsletter
- “What Foreign Investors Need to Know About the U.S. Steel Case”, 2010 BLG Competition Law Group Newsletter
- Quoted – “Bureau makes good on abuse case promise”, Julius Melnitzer, The Financial Post, May 13, 2010
- “US DOJ – Adobe System “No Cold Call Solicitation Agreements”, 2011 BLG Labour & Employment Newsletter
- Panelist on the “Hot Topics in Pricing and Distribution” panel at the 2007 CBA Section of Competition Law Annual Competition Law Conference
- “The Leegin Decision – A New Beacon for Change in Canada?”, The Price Point – Price Discrimination Committee Newsletter, Winter 2008 American Bar Association Section of Antitrust Law Volume 7, Issue 2
- Panelist at the “E-Discovery Conference”, Infonex 2003
- Panelist at the “Negotiating & Drafting International Business

Agreements Conference”, Federated Press 2006

- “The Competition Tribunal: Have the Amendments Regarding Discovery and Expert Testimony Improved This, Oft-cited, “Noble But Failed Experiment?”, Corporate Litigation Journal, (2008) vol. 6, number 4, page 420
- Canada Rejects Petronas-Progress Deal: What is a “Net Benefit” to Canada?, Securities Practice Notes, Fall 2012

Professional memberships

- Canadian Bar Association (Competition Law section)
- American Bar Association (Antitrust Law section)
- Association des juristes d’expression françaises de l’Ontario

Languages spoken

- English
- French