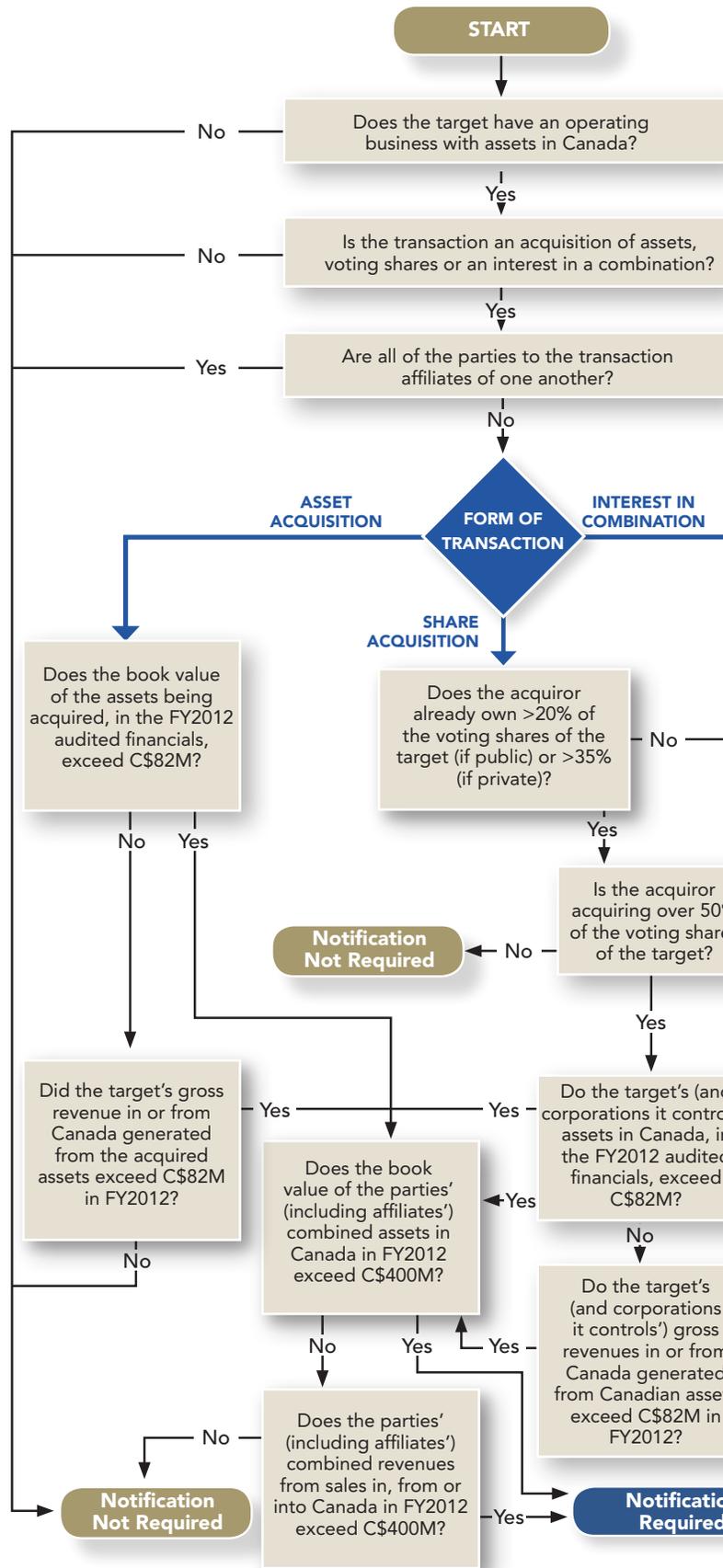


# CANADIAN PRE-MERGER NOTIFICATION



## Notification under the *Competition Act*

This flowchart will help assess whether a merger is subject to mandatory pre-merger notification under the *Competition Act*. This chart is not legal advice.

- Two corporations are **"affiliates"** if they are controlled by the same parent (which owns >50% of their voting shares).
- "Assets in Canada"** can include financial assets, goodwill and any other intangible assets on the books of the Canadian business, and IP held in Canada.
- Limited exceptions exist for some types of transactions.

This chart covers the principal categories of business transactions. However, other transaction structures may also give rise to prenotification obligations (e.g., amalgamations), and the rules differ slightly for such structures.

# Competition and Foreign Investment Group

## Experience & Expertise

Stikeman Elliott's Competition and Foreign Investment Group is a highly regarded market leader in Canada, widely and consistently recognized nationally and internationally for its in-depth knowledge and expertise in the practice of competition law under the Competition Act and foreign investment review under the *Investment Canada Act*.

The Group has extensive experience acting on major national and international transactions, criminal investigations, class and other civil actions, Competition Tribunal proceedings regarding mergers, abuse of dominance and other reviewable matters, and day-to-day compliance in a wide range of industries.

Canadian and international corporations and foreign law firms frequently seek the Group's counsel on high-profile domestic and international mergers in which coordinated resolution of regulatory issues is critical. When corporations find themselves subject to proceedings under the *Competition Act*, either before the courts or the Competition Tribunal, we have extensive experience and expertise to effectively represent them. In criminal and class and other private actions, the Group frequently represents Canadian, American, European and Asian corporations. Where appropriate, advantageous settlements are negotiated and implemented on a nationwide basis.

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For further information, please contact any member of the Competition and Foreign Investment Group:

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