



Davit Akman

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[Competition & Foreign Investment Review](#)
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Davit is recognized as a leading Canadian competition/antitrust lawyer.

He advises domestic and international clients in the pharmaceutical, software, manufacturing, retail and technology sectors on all aspects of Canadian competition and foreign investment review law, including:

- mergers and acquisitions
- cartel and other criminal matters
- private actions (including class actions)
- advertising and marketing practices
- abuse of dominance
- other reviewable trade practices

Davit has secured regulatory clearance in cross-border and international transactions in a wide array of industry sectors.

He has served as counsel in a number of Canada's most important competition litigation cases, including matters before the Supreme Court of Canada and the Canadian Competition Tribunal. A significant portion of Davit's practice involves defending national and cross-border class actions alleging anti-competitive conduct.

Davit's litigation experience includes:

- Representing Parrish & Heimbecker, Limited in the first contested merger case heard by the Canadian Competition Tribunal since 2011
- Representing Loblaw Companies Limited and George Weston Limited in connection with “the largest alleged conspiracy in the history of Canadian competition law enforcement”
- Representing Glenmark Pharmaceuticals Inc., USA and Glenmark Pharmaceuticals Canada Inc. in connection with “the largest [alleged] private sector corporate cartel in history”
- Representing the Commissioner of Competition in *Commissioner of Competition v Visa Canada Corporation and MasterCard International Incorporated*, the first price maintenance case heard by the Competition Tribunal
- Acting as counsel in *Commissioner of Competition v Canada Pipe Company Ltd*, the seminal abuse of dominance case in Canada
- Acting as counsel in *Sun-Rype Products Ltd v Archer Daniels Midland*, one of Canada's leading antitrust class action cases

He has represented parties in inquiries under the civil and criminal provisions of the *Competition Act*, including immunity and leniency applicants about alleged price fixing and other cartels.

Clients and peers have described Davit as “an excellent lawyer – very thoughtful, responsive, and strategic,” “diligent, efficient and creative,” “very savvy and knowledgeable” and “outstanding. Super smart, practical and an unabashed advocate. I would trust him with my most important relationships.”

He clerked at the Supreme Court of Canada for [Justice Louise Arbour](#).

Experience

- Parrish & Heimbecker, Limited on competition and regulatory matters in respect of its acquisition of 10 Louis Dreyfus Company grain elevators and in competition litigation before the Competition Tribunal arising from that transaction.
- Loblaw Company Limited and George Weston Limited in respect of both the Competition Bureau's ongoing bread price fixing investigation and the related class action litigation.
- Glenmark Pharmaceuticals Inc., USA and Glenmark Pharmaceuticals Canada Inc. in the Canadian generics price fixing class action.
- Government of Canada/CDIC on all Canadian competition and regulatory matters in its acquisition of the Trans Mountain Pipeline and proposed expansion project from Kinder Morgan, Inc.
- Hewlett-Packard Company, HP Inc. and HP Canada in the proposed Ontario class action against Intel, Microsoft, Lenovo, Dell, Apple and HP in respect of the “Spectre” and “Meltdown” defects in certain Intel central processing units..
- KEMET Corporation and KEMET Electronics Corporation in multiple class actions alleging price fixing of sales of capacitors, including cross-border issues arising out of parallel U.S. class actions and international antitrust investigations.
- AmeriPride Services Inc. on competition and regulatory matters for its US\$1.0 billion acquisition by Aramark.
- CIMIC Group on competition and regulatory matters in the sale for \$2.116B of a 50% equity interest in its subsidiary Thiess, the world's largest mining services provider, to Elliott Advisors.
- Preferred Proppants in its disposition of its Canadian proppant sands business to Source Energy Services.
- Elanco Animal Health Incorporated in its acquisition of Pevtec Microbia, including inventory and pipeline assets.

- Virtu Financial on competition and regulatory matters in the sale of its MatchNow business to Cboe Global Markets.
- Major private education provider on competition and regulatory matters in connection with its sale to a private equity fund for C\$400 million.
- HP Inc. in the proposed British Columbia class action against Facebook, Blackberry, Huawei, Samsung, Dell, HP and others in respect of alleged breaches of Facebook users' privacy.
- Preferred Proppants in its disposition of its Canadian proppant sands business to Source Energy Services.
- Elanco Animal Health Incorporated in its acquisition of Prevtex Microbia, including inventory and pipeline assets.
- Virtu Financial on competition and regulatory matters in the sale of its MatchNow business to Cboe Global Markets.
- Major private education provider on competition and regulatory matters in connection with its sale to a private equity fund for C\$400 million.
- HP Inc. in the proposed British Columbia class action against Facebook, Blackberry, Huawei, Samsung, Dell, HP and others in respect of alleged breaches of Facebook users' privacy.
- Loblaw Companies Limited in the Competition Bureau's abuse of dominance investigation of certain of LCL's supplier policies.
- Eli Lilly and Company in successfully striking a competition counterclaim for damages by Mylan Pharmaceuticals ULC in patent and trademark infringement litigation of tadalafil (CIALIS®).
- Stone Canyon Industries LLC on competition and regulatory matters for its US\$2.4 billion acquisition of BWAY Corp.
- Stone Canyon Industries LLC on competition and regulatory matters for its US\$2.3 billion acquisition of Mauser Group NV.
- Sumitomo Corporation on competition and regulatory matters for its €751 million acquisition of Fyffes plc.
- Securian Financial Group on competition and regulatory matters for its US\$142 million acquisition of the Affinity business of *ivari*.
- eBay Canada Limited and Marktplaats BV in successfully opposing an application by Audatex Canada, ULC to the Competition Tribunal for leave to apply for an order under the refusal to deal provision in section 75 of the *Competition Act*.
- Innovative Medicines Canada (formerly Rx&D) — the national association of leading research-based pharmaceutical companies — and several of its members in the updating of the Competition Bureau's *Intellectual Property Enforcement Guidelines*.
- Canadian Chamber of Commerce before the Supreme Court of Canada in the leading antitrust class action appeal in *Sun-Rype v Archer Daniels Midland*.
- Commissioner of Competition before the Competition Tribunal in the price maintenance case brought against Visa and MasterCard.
- BCE Inc. and Bell Canada in the landmark case in the Supreme Court of Canada involving the proposed \$51.7 billion privatization of BCE — the largest leveraged buyout in history.
- Hewlett-Packard on competition and regulatory matters for its \$40 billion acquisition of Compaq.
- Mars Canada and Mars, Incorporated in multiple class actions alleging price-fixing of sales of chocolate confectionery products, including cross-border issues arising out of parallel U.S. class actions, and in a related criminal investigation by the Canadian Competition Bureau.
- Whirlpool and Embraco in multiple class actions alleging price fixing of sales of compressors, including cross-border issues arising out of parallel U.S. class actions, and in a related criminal investigation by the Competition Bureau.
- Beijing Matsushita Color CRT Company, Ltd. in multiple class actions alleging price fixing of sales of cathode ray tubes, including cross-border issues arising out of parallel U.S. class actions.

- Rogers and Microcell in defending a series of class actions throughout Canada concerning so-called "system access fees" charged by Rogers, Microcell and many other telecommunications companies. These include some of the largest class actions in Canadian history.
- DIRECTV, Inc. in the Supreme Court of Canada in *Bell Express Vu Limited Partnership v Rex*, a leading decision on the interpretation of the federal *Radiocommunication Act* and, more generally, the principles governing the interpretation of statutes.
- Canada Pipe Company Ltd. before the Competition Tribunal, Federal Court of Appeal and Supreme Court of Canada in the leading abuse of dominance case in Canada.
- Criminal investigation by the Commissioner of Competition into an alleged conspiracy in the Canadian carbonless paper industry.
- Agricore United in proceedings before the Competition Tribunal to rescind a consent agreement filed in the merger of United Grain Growers Ltd. and Agricore Cooperative Limited, to form Agricore United.
- Commissioner of Competition as special counsel in contested proceedings relating to a Consent Order in Abitibi-Consolidated Inc.'s acquisition of Donahue Inc.
- Commissioner of Competition concerning proposed amendments to the *Competition Act* (including the criminal conspiracy provision in section 45).
- Barrick Gold Corporation in defending successfully claims asserted against Barrick by Newmont Mining Corporation and St. Andrew Goldfields Ltd. in royalty and other agreements entered into in the sale of a sizeable operating mine in Northern Ontario.
- Special Committee of Patheon Inc. in its response to a hostile bid made by JLL Partners Inc., valued at US\$600 million, including in proceedings before the Ontario Securities Commission and in an action by Patheon for, among other things, breach of fiduciary duty, breach of confidence, breach of contract, conspiracy and oppression.

Insights & Events

Beyond our Walls

Professional Involvement

- Chair, Antitrust Law Committee, ABA Business Law Section
- Former Chair, Criminal Matters Committee, Canadian Bar Association National Competition Law Section
- Former Chair, Competition Law Committee, Intellectual Property Institute of Canada
- Member, American Bar Association (Sections of Antitrust Law, Litigation, Business Law and Intellectual Property Law)
- Member, Canadian Practice Committee, Intellectual Property Owners Association
- Member, Law Society of Upper Canada
- Member, Canadian Bar Association
- Member, The Advocates' Society

Community Involvement

- Acted pro bono for the Federation of Associations of Canadian Tamils in the Supreme Court of Canada in a Charter of Rights and Freedoms challenge to the federal Immigration Act in *Suresh v Canada*.

Awards & Recognitions

- Recognized in the 2021 and previous editions of *Chambers Global* and *Chambers Canada* (Competition/Antitrust: Litigators)
- Recognized in the 2021 and previous editions of *Who's Who Legal (Global and National): Competition*
- Recognized in the 2021 and previous editions of *Expert Guides - Competition and Antitrust as a world's leading practitioner*
- Recognized in the 2020 and previous editions of *The Canadian Legal Lexpert® Directory (Competition Law)*
- Recognized in the 2020 and previous editions of *The Best Lawyers in Canada®* (Corporate and Commercial Litigation)
- Recognized as a leading litigator in the 2018 edition of the *Lexpert®/Report on Business Litigation Special Edition*
- Recognized by *Who's Who Legal* and *Global Competition Review* as one of the world's leading competition experts aged 45 and under in the 2017 edition of *Who's Who Legal: Competition - Future Leaders*

- Ontario, 2001

- LLB (with Honours), University of Toronto, 1999
- BA (with Honours) in Political Studies/Economics (First Class Standing), Queen's University, 1995

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