



## Subrata Bhattacharjee

National Co-Chair of the Competition and Foreign Investment Review Group

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Subrata is National Co-Chair of the firm's Competition and Foreign Investment Review Group and National Business Leader of the firm's Corporate Commercial Group. He is recognized for providing strategic competition, foreign investment and regulatory advice to global corporations on complex matters of high reputational and commercial significance.

He focuses his practice on all aspects of Canadian competition/antitrust law, foreign investment law and regulatory litigation, including quasi-criminal and constitutional matters. Much of this advice has focused on the data, media and technology sectors, including major global digital platforms.

Subrata has consistently been named as one of Canada's leading competition/antitrust lawyers in the most prominent international and domestic peer review surveys.

He has led the defence of clients in major international and domestic cartel investigations and related litigation, including class actions, cleared major multi-jurisdictional and domestic mergers in virtually all industry sectors, and provided advice on other contentious and compliance matters under the *Canadian Competition Act*.

Subrata carries on an extensive foreign investment practice, and has advised non-Canadian investors (including state owned enterprises) on Canadian foreign investment issues under the *Investment Canada Act* and other

federal policies/legislation including national security reviews. He also provides high level advice on government relations, regulatory strategy and policy issues to global and domestic clients, particularly in the media and technology sectors.

Subrata has appeared as counsel in all levels of court in the Province of Ontario, the Federal Court and the Supreme Court of Canada.

Recent matters of note include advising Netflix on its C\$500m Canadian production investment and the establishment of Netflix Canada, lead representation of Deutsche Bank AG in the Canadian aspects of the LIBOR, precious metals, foreign exchange and sovereign bond matters, and ongoing advice to Samsung Electronics Company and Samsung Canada on numerous competition law and regulatory matters.

Subrata is active in the international competition policy community. He is one of the few non-U.S. attorneys to have served as an Officer and on the Council of the American Bar Association Antitrust Law Section after holding successive senior leadership positions in the Section. He is also a Non-Governmental Advisor to the International Competition Network (ICN) appointed by the Canadian Competition Bureau.

He is routinely cited as an expert in Canadian competition/antitrust in major international and domestic business publications, including the *Financial Times*, *Bloomberg*, *Globe and Mail* and *National Post*.

He has been an invited participant in programs organized by the World Economic Forum, World Knowledge Forum, Asia Pacific Economic Council and International Competition Network.

Subrata is Co-Chair of the firm's Korea Practice and a member of its Asia Pacific Steering Committee.

## Experience - Mergers

- **Hong Kong Exchanges and Clearing Limited (“HKEX”)** on the Canadian aspects of its UKP 31.6 billion offer for London Stock Exchange Group plc (financial services).
- **Pan American Silver Corp** as global regulatory coordinating counsel in its US\$ 1.07 billion acquisition of Tahoe Resources Inc. (natural resources).
- **RBC GAM Inc.** in its strategic alliance with BlackRock Asset Management Canada Ltd. concerning ETF products (financial services).
- **Capital Power Corporation** in its C\$1 billion acquisition of Goreway Power Station Holdings Inc. (energy).
- **Imperial Metals Corporation** in its sale of a 70 per cent interest in the Red Chris mine in British Columbia to Newcrest Mining Limited for US\$806.5 million and a follow-on joint venture between the parties for the ongoing operation of the Red Chris mine (natural resources).
- **COSCO Shipping Holdings Co. Ltd. (COSCO) and Orient Overseas International Ltd. (OOIL)** in COSCO's US \$6.3B acquisition of OOIL (transportation).
- **Sumitomo Corporation** in its acquisition of 26.08% of the shares of Sumitomo Precision Products Co. from Nippon Steel and Sumitomo Corporation (industrial).
- **Retirement Concepts** in its acquisition by Anbang Insurance Group (real estate).
- **Cabela's Incorporated** in its US\$5.5 billion acquisition by Bass Pro Shops (retail).
- **Alterra Power Corp.** in its C\$1.1 billion acquisition by Innergy Renewable Energy Inc. (energy).
- **VCA, Inc.**, in connection with their US\$9.1 billion acquisition by Mars, Incorporated (professional services).
- **Bedrock Industries**, in its C\$500 million acquisition of Stelco Inc. (industrial).

- **Zayo Group Holdings** in its C\$465 million acquisition of MTS Allstream (technology/telecommunications).
- **HollyFrontier Corporation**, in its C\$1.125 billion acquisition of Suncor Energy's Petro-Canada Lubricants business (industrial).
- **Globalive Capital**, as a member of an investor consortium, on refinancing, restructuring and the ultimate C\$1.6 billion sale of their portfolio company, WIND Mobile (now Freedom Mobile). (technology/telecommunications).
- **Northern Property REIT**, in its creation of a C\$3 billion national multi-family REIT through the acquisition of True North Apartment REIT and C\$535 million multi-family portfolio from Starlight Investment Ltd. (real estate).
- **Health Care REIT, Inc.** in its C\$1 billion acquisition of HealthLease Properties REIT (real estate).
- **Globalive Capital** in its C\$300 million acquisition of WIND Mobile (technology/telecommunications).
- **Balfour Beatty PLC** in connection with its US\$1.35 billion sale of Parsons Brinckerhoff Group Inc. to WSP Global Inc. (professional services).
- **Arris Group** in its US\$2.35 billion sale of Motorola Home to Google, Inc. (technology).
- **The Danaher Corporation** in its US \$6.8 billion acquisition of Beckman Coulter, Inc. (health care).
- **Lions Gate Entertainment** in its successful defence of an unsolicited bid by Carl C. Icahn (media/entertainment).
- **Philip Morris International** in its C\$2 billion acquisition of Rothmans, Benson & Hedges, Inc. (industrial).
- **Teck Cominco** in its C\$4.1 billion acquisition of Aur Resources Inc. (natural resources).
- **Abu Dhabi National Energy Company PJSC (TAQA)** in its C\$5 billion acquisition of PrimeWest Energy Trust (natural resources).
- **Abu Dhabi National Energy Company PJSC (TAQA)** in its C\$2 billion acquisition of Northrock Resources Inc. (natural resources).
- **Phelps Dodge Corporation** in its proposed US \$40 billion acquisition of Inco Ltd. and Falconbridge Ltd. (natural resources).

## Insights & Events

- Competition Bureau Initiates Predatory Pricing Investigation of WestJet Airlines Ltd
- Supreme Court to hear hotly contested issues affecting competition class actions
- Canadian Government Blocks Chinese Foreign Investment Due to National Security Concerns
- New Filing Fee for Competition Bureau Merger Reviews
- The Antitrust Review of the Americas 2018 Canada: Private Antitrust Litigation
- Comprehensive Economic And Trade Agreement (CETA) Now In Force
- Federal Government's 2017 Budget Bill Now In Force
- Federal Government's 2017 Budget Bill Will Amend Review Thresholds And Public Reporting Obligations Under The Investment Canada Act
- National Security Guidelines Seek to Provide Clarity to Foreign Investors, but Uncertainty Remains
- Foreign Investment In Canada: Past, Present, & Future
- Raising The Curtain On Canadian National Security Reviews: 2015-16 Investment Canada Act Report

## Beyond Our Walls

### Professional Involvement

- Director, Netflix Canada
- Director, Canada China Business Council

- Officer, American Bar Association Section of Antitrust Law, 2018-present
- Council, American Bar Association Section of Antitrust Law, 2015-2018
- Past Co-Chair, Committee Operations, American Bar Association Section of Antitrust Law, 2012-2015
- Past Member, Long Range Planning Committee, American Bar Association Section of Antitrust Law, 2011-2012
- Past Chair, Distribution & Franchising Committee, American Bar Association Section of Antitrust Law, 2009-2011
- Chair, Canadian Chamber of Commerce Competition Law & Policy Committee
- Past Chair, Criminal Matters Committee, Canadian Bar Association, Competition Law Section, 2008-2009
- Appointed Non-Governmental Advisor (NGA) to International Competition Network – ICN Cartel Working Group (SG1 and SG2)

## Community Involvement

- Part-time Faculty (Competition Law), Dalhousie Law School, Halifax, Nova Scotia, 2001-2011
- Special Lecturer, Trial Advocacy, Faculty of Law, Queen's University, 1999-2001

## Awards & Recognitions

- Recognized in the 2020 and previous editions of *Chambers Global - The World's Leading Lawyers for Business* (Competition/Antitrust).
- Recognized in the 2020 and previous editions of *Chambers Canada - Canada's Leading Lawyers for Business* (Competition/Antitrust).
- Recognized as a 2019 (as well as previous years) Acritas Star by inhouse counsel as a stand out lawyer.
- Recognized in the 2019 and previous editions of *Who's Who Legal: The International Who's Who of Competition Lawyers* (Competition Law).
- Recognized in the 2019 and previous editions of *Who's Who Legal: Canada* (Competition Law).
- Recognized in the 2020 edition of *Who's Who Legal: Thought Leaders – Competition* (Global Elite - one of only three Canadian competition lawyers ranked).
- Recognized in the 2020 edition of *Best Lawyers in Canada* (Competition/Antitrust Law).
- Recognized in the 2019 and previous editions of *The Canadian Legal Lexpert® Directory* (Competition Law).
- Recognized as a leading litigator in the 2019 edition of the *Lexpert®/Report on Business Litigation Special Edition*.
- Recognized in the 2020 and previous editions of *Global Competition Review's GCR 100*.
- Recipient, 2018 Lexpert Zenith Award for Mid-Career Excellence.
- Recognized by the 2017 Client Choice Awards as the exclusive winner in the Competition and Antitrust category in Ontario.
- Recognized by the South Asian Bar Association as Male Lawyer of the Year (2009).
- Recognized by the Global Competition Review as one of the World's Top 40 Under 40 Competition Lawyers (2008).
- Recognized as one of *Lexpert®'s Rising Stars – Leading Lawyers Under 40* (2006).

## Bar Admission & Education

- Ontario, 1995

- Post Graduate Diploma in EU Law, King's College London, 1996
- Fox Scholar, Middle Temple, London, U.K., 1995
- LLB, Dalhousie University, 1993
- BA, Dalhousie University, 1990
- BSc, Dalhousie University, 1989

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