


Bill Hearn

Partner

EMAIL bhearn@foglers.com

PHONE 416.941.8805

 Services provided through a professional corporation



Bill Hearn is an experienced business lawyer with expertise in corporate and commercial law and in specific areas of regulatory law.

He acts for businesses, governments, Crown agencies, charities and trade associations. The main industry sectors in which he works are agricultural, automotive, chemical, consumer products, construction, energy and resources, defence, financial services, gaming, liquor, life sciences, marine, pharmaceutical, rail, retail and sports and entertainment.

A recognized leader in many fields, Bill is ranked highly in Best Lawyers in Canada, Chambers Canada, Lexpert, Martindale-Hubbell, and Who's Who Legal. He is listed as a Regulatory lawyer in the Lexpert 2019 *Guide to the Leading U.S./Canada Cross-Border Lawyers in Canada*. Chambers recognizes Bill as a "quintessential advertising and marketing lawyer", saying he does "phenomenal work" in consumer protection and regulatory compliance, and "is talented and got years under his belt advising clients in the advertising and marketing area. He is highly regarded for his expertise in the food and pharmaceutical sectors." Chambers also says Bill is "well known in the community for his thought leadership" and "experienced working with private and public clients". Who's Who Legal recognizes Bill as one of Canada's leading shipping and maritime lawyers saying he is "a gifted lawyer with a broad client base".

As a corporate and commercial lawyer, Bill's practice includes: private mergers and acquisitions (especially in highly regulated industries such as for-profit post-secondary education); corporate governance (for businesses as well as trade associations and charities); corporate reorganizations; and negotiating and drafting contracts (such as RFPs, tenders, licenses, co-promotion and services agreements).

As a regulatory lawyer, Bill's practice includes: advertising and marketing (with an emphasis on consumer protection, personal information and data protection, and Canada's anti-spam law (CASL) compliance and enforcement; competition (mainly deceptive marketing practices, unilateral conduct, pricing and distribution policies, and compliance programs and audits); international trade (i.e., sales and remedies); privacy (especially with respect to consumers in the marketing context); procurement (mainly hospital and defence); and transportation (with a focus on marine).

Bill is a frequent writer and presenter on topics relating to his specialized areas of practice.

Education & Memberships

EDUCATION

Cambridge University, LL.M., 1989
[International Business and Trade Law](#)

Called to Ontario Bar, 1988

University of Toronto, LL.B., 1986

University of Toronto, Trinity College, B.A. Hons., 1983
[International Relations & Economics](#)

MEMBERSHIPS

Advertising Standards Canada

Canadian Marketing Association

Canadian International Council -Toronto Chapter, 2008-present

Association of Canadian Port Authorities

Law Society of Ontario

Ontario Bar Association

Canadian Bar Association

Awards & Recognition

Chambers Canada
[Leading Advertising & Marketing Lawyer](#)

PRACTICE AREAS

Advertising and Marketing

Competition, Trade, Procurement and Investment

Corporate Commercial

Privacy, Data Governance and Cybersecurity

Representative Work

Public Research Institution - Innovative Fundraising under Industrial Regional Benefits (IRB) Policy

Advising a public institution in consultations with Industry Canada on an innovative way to raise funds from the private sector in order to establish a new research centre through a public-private consortium involving the institution, a Canadian private sector company, and a defence contractor as members all to leverage financial contributions to the centre through the use of the contractor's credits under the IRB policy applicable to the Canadian Government's defence procurement projects.

Federal Crown Corporation - Corporate Governance

Advising a corporation's governance committee in resolving a difficult corporate governance matter that included navigating complex issues of law, ethics, public policy, government relations and public relations.

Renewable Energy Co-Operative

Advised limited partner in a project financing for a planned wind farm in Ontario that successfully closed.

Ontario Power Regulator

Drafting plain language re-write of complex master energy conservation agreement (and related program rules, guidelines and other documents) with Ontario's many independent electricity distributors.

US Private Equity Funds and US Private Universities & Career Colleges - Canadian M&A

Leading teams of corporate, tax, finance, employment and regulatory counsel (involving approvals under the Competition Act, Investment Canada Act and provincial private career college laws), working across borders with US and other foreign lawyers and establishing out-of-province ULCs and/or Luxembourg SARLs, to negotiate, draft and close many private M&A transactions where Canadian private career colleges have been either bought or sold.

Canadian Schedule I Bank - Co-Branded Debit Card Awards Program

Drafting complex and tailored agreements and advising on various commercial, trade-marks, privacy, banking and other regulatory legal issues to launch a first-of-its-kind national debit card awards program co-branding a major Canadian bank and one of Canada's leading retailers.

Canada Port Authorities - Establishment & Operation

Over an initial 12-month period, negotiating with Transport Canada and drafting the letters patent, by-laws, resolutions and other organizational documents and related agreements to commercialize a nationally significant port and establish it as a Canada port authority under the Canada Marine Act. Thereafter, advising that CPA and other CPAs from coast-to-coast on a variety of issues including amalgamation, infrastructure renewal, government funding and P3s, corporate

Canadian Legal Lexpert® Directory
Most Frequently Recommended in the area of Advertising & Marketing Law

The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada
Advertising & Marketing Lawyer

The Best Lawyers™ in Canada
Advertising & Marketing Lawyer

Who's Who International Legal - Canada
Leading Shipping & Maritime Lawyer

Martindale and Hubbell
High BV® Distinguished - Business Law

Speaking Engagements & Publications

Speaker, How Canada's Proposed Private Sector Modernized Privacy Law and New AI Systems Law Will Impact Canadian Business, Council of Canadian Innovators CEO Briefing on Bill C-27, July 2022

Speaker, Happy Together: Privacy and Competition Law in a Digital Economy, CBA Fall Law Series, December 10, 2020

Co-Chair and Speaker, Canadian Institute's Annual Advertising & Marketing Law Conference, 2015- 2019

Speaker, Taming the Contest Beast Canadian Contest Law & Practice and the CMA's updated Guide to Promotional Contests, December 13, 2018

Speaker and Course Leader, Lexpert's 10th Annual Privacy and Data Protection Conference, November 27, 2018

Speaker, CMAprivacy: Important Privacy Developments and How They Impact Your Organization, "GDPR & ePrivacy Regulations - Understanding the Impacts on Business", October 25, 2018

NAFTA 2.0 - Tweets, Traps and Trends in Trade and Transportation, Panel at 30th Annual Transportation Logistics Conference, Bill Hearn, Lawrence Herman, Carlos Sesma, Jr., and Olga Torres, Hamilton, September 25, 2018

Advertising & Marketing Update: Trending Now, Presentation at LSO's The Six Minute Business Lawyer, Toronto, June 4, 2018

A GDPR Gap Analysis from a Canadian Compliance Perspective, Panel at IAPP Canada Privacy Symposium 2018, Bill

governance, and PILTs.

National Charity

Conducting corporate governance review, drafting changes to constating and charitable registration documents, and preparing corporate governance manual for directors and officers.

Canadian Drywall Producer - International Trade Dispute

Representing an independent Canadian drywall producer against several multinational companies (with operations in both Canada and the United States) in a major anti-dumping hearing before the Canadian International Trade Tribunal and lobbying the federal Minister of Finance on public interest issues following a federal Order-in-Council to review the CITT's decision all to ensure the continued imposition of duties on dumped imports of US drywall into Western Canada so as to protect Canadian producers from injury due to unfairly traded goods.

Canadian Email Marketer

Settling high profile CRTC enforcement action regarding alleged violations of CASL and assisting client enhance its CASL compliance program to fulfill undertaking with CRTC.

Canadian Association for Marketers and Advertisers

Updating code of practice for members and providing advice on training programs for members.

US Wellness Coaching Company

Providing health professions regulation, privacy and extra-provincial corporate registration advice for launch of employee benefit wellness coaching program across Canada.

Telecommunications Company

Advising company in connection with Canada's Commissioner of Competition's litigation against Bell, Rogers, Telus and the Canadian Wireless Telecommunications Association regarding alleged deceptive advertising of certain premium text messaging and rich content services.

Coalition of Health Care Providers

Advising as a registered lobbyist on proposed changes to Canada's direct-to-consumer prescription drug advertising laws.

Canadian Oil & Gas Pipeline Proponent

Advising as a registered lobbyist on marine port regulatory matters related to proposed major pipeline project in Canada.

Canadian Sports and Entertainment Enterprise

Advising on range of advertising & marketing and sponsorship issues for promoting sports teams and other events, and helping it establish a CASL compliance program.

Major Hollywood Studio

Advising on range of advertising & marketing issues (including contests and promotions) and intellectual property protection issues relating to studio's new film releases.

Canadian Agri-Chemical Trade Association

Advising on range of corporate governance, competition law compliance, regulatory, public policy & government relations, and other matters

Hearn, Fabian Seip and David Young,
Toronto, May 24, 2018

**Understanding Cyber Risk and Building
Cyber Resilience, Seminar, Bill Hearn and
Iain Paterson, Toronto, May 7, 2018**

**Speaker and Course Leader, "General Data
Protection Regulation (GDPR) - Implications
for Canadian Businesses" and "Blockchain -
The Promise and the Perils" at Lexpert
Information Privacy and Data Protection
Conference, November 30, 2017.**

**Speaker, "Effective Online Disclaimers -
Making Fine Print Enforceable" and "Digital
Native Advertising - Distinguishing
Advertising from Editorial Content" -
What's Trending Now in Digital Advertising
& Marketing Law Seminar, February 28,
2017**

**Speaker and Course Leader, "Viewing and
Being Viewed - Minimize Digital Risk",
Lexpert Information Privacy & Data
Protection Conference, Toronto, December
1, 2016**

**Speaker, "Critical Claims Concerns" OBA
Advertising and Marketing Law: Social,
Digital, Online Compliance, October 21,
2016**

**Speaker, "Consumer Protection: Some
Important Recent Developments Pertinent
to Ontario Business Lawyers", The Six
Minute Business Lawyer, Law Society of
Upper Canada, June 8, 2016**

**Speaker, "Protecting Your Brand In the
Digital Marketplace: Competition Law
Compliance", Canadian Marketing
Association webinar, June 1, 2016**

**Speaker on "CASL Enforcement" and
"Programmatic Advertising, Online
Behavioural Advertising and Big Data",
Lexpert Information Privacy and Data
Protection Conference, December 1, 2015.**

**Speaker, Pharmaceutical Advertising and
the PAAB Code, Pharmaceutical Advertising
Advisory Board (PAAB) annual national
training seminars, November 24 and 26,
2015**

**Speaker, "CASL Compliance for
Pharmaceutical Companies",
Pharmaceutical Advertising Advisory Board
(PAAB) webinar, March 2015**

**Speaker, "CASL Compliance", Lexpert
Information Privacy & Data Protection
Conference, Toronto, December 2014.**

**Speaker, "Competition Law Risks of Trade
Associations", LSUC 6 Minute Business
Lawyer, June 2013**

including protection of proprietary interests in pesticides data and other intellectual property matters and working with Health Canada's Pest Management Regulatory Agency.

Global Family Entertainment, Media and Travel Enterprise

Providing Canadian advertising & marketing, consumer protection, commercial, pricing, privacy, payment card, anti-money laundering and unclaimed property law advice to a leading international family entertainment and media enterprise regarding its industry-leading global suite of online virtual worlds for kids.

Coalition of Ontario Canada Port Authorities - PILT Lobby

Lobbying the federal and Ontario governments to establish a new basis on which Canada port authorities would make payments in lieu of taxation (PILTs) to their neighbouring municipal governments.

Canadian Corn Producers - Trade War

Leading a multi-lawyer team in a three-pronged attack on dumped and subsidized US grain corn which included: launching anti-dumping and countervailing duty proceedings (culminating in an application for judicial review to the Federal Court in which there were 34 adverse parties including the United States Trade Representative), convincing Canada to launch a WTO complaint against certain US agricultural subsidies and lobbying federal and provincial governments for more robust risk management programs for Canadian corn farmers.

Recent Insights

CORPORATE COMMERCIAL

2024 Canadian Legal LEXPERT Directory Rankings

Announcement, Recognition

CORPORATE COMMERCIAL

41 Lawyers Profiled Across 24 Areas of Law in The Best Lawyers in Canada, 2024

Announcement, Recognition

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Improving Your Organization's Cyber Resilience

Article

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Mondaq Thought Leader Award

Announcement, Recognition

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Data Protection & Privacy 2023 - Canada Law & Practice

Article

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Why Businesses of All Sizes in Canada Should Have Privacy Management Programs...If Not Now, Sooner than Later

Article

Fogler, Rubinoff LLP Recognized in the 2023 Canadian Legal Lexpert Directory

Speaker, "US and Canadian Perspectives on Ad Interpretation", American Bar Association Consumer Protection webinar, March 2013

Speaker, "Accountability and the Code of Conduct for Directors and Officers of Canada Port Authorities", Association of Canadian Port Authorities, Governance Conference, 2011

Professional & Community Involvement

Board of Directors, Canadian Marketing Association

Former Chair, Board of Trustees, Armour Heights Presbyterian Church

Former Director and Executive Committee Member, National Advertising Benevolent Society (NABS)

Published Works

"Canada" chapter in Getting the Deal Through, Advertising & Marketing Guide, 2016 & 201

"Canada" chapter in Global Legal Group, Comparative International Pharmaceutical Advertising Guide, 2016.

"Misleading Advertising and Marketing Practices" chapter in Fundamentals of Canadian Competition Law, Carswell, 2015.

Pro Tips from the Early Days of Canada's Anti-Spam Legislation, Lexpert CCA Corporate Counsel Directory and Yearbook, 2014.

Ontario's Proposed Unclaimed Intangible Property Program, Marketing Magazine 2013.

"Procurement and Tendering" chapter in Construction Law in Canada, LexisNexis, 2012.

Announcement, Recognition

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

What's Ahead in 2023 for Privacy and Cybersecurity Law

Article

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Canada Proposes New AI Law for Private Sector Inspired by EU's Proposed AI Act

Article

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

How Canada's Proposed Private Sector Modernized Privacy Law and New AI Systems Law Will Impact Canadian Business

Article

2022 Canadian Legal Lexpert Directory

Recognition

COMMERCIAL LEASING

Eight Partners Ranked as Leading Practitioners in Canadian Legal Lexpert® Directory, 2021

Recognition

ADVERTISING AND MARKETING

Chambers Ranked: Advertising & Marketing Law

Recognition

7 Partners Recognized in the 2020 Canadian Legal Lexpert Directory

Recognition

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Interview: Legal campaign calls on five watchdogs to investigate political parties over privacy concerns

Interview

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Happy Together: Privacy & Competition Law in a Digital Economy

Speaking Engagement

ADVERTISING AND MARKETING

Interview: Keeping up with the Influencers

Interview

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Interview: OPC Understaffed as Mandatory Data Breach Reporting Comes Into Effect

Interview

PRIVACY, DATA GOVERNANCE AND CYBERSECURITY

Interview: Tired from GDPR? Get ready — next is the ePrivacy Regulation

Interview

ADVERTISING AND MARKETING

Canadian Advertising & Marketing Law: An Overview Of The Rules, The Regulators And Their Powers

Article