


# Bill Hearn

## Partner

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 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.

**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)**

**Recent Insights**

**PRIVACY, DATA GOVERNANCE AND CYBERSECURITY**

**Success Before the BC Supreme Court in a Landmark Decision With Respect to BC's Personal Information Protection Act and its Application to Canada's Federal Political Parties.**

Announcement

**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**

**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.*

**Management Programs...If Not Now, Sooner than Later**

Article

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

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

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