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March 10, 2020

Via email: ised.minister-ministre.isde@canada.ca

The Honourable Navdeep Bains, P.C, M.P.
Minister, Innovation, Science and Industry
Innovation, Science and Economic Development Canada
235 Queen Street
Ottawa, ON K1A 0H5

Dear Minister Bains,

We are writing to extend our congratulations on your election and appointment as Minister of Innovation, Science and Industry. We look forward to continuing a positive and constructive relationship with you and your team.

The Canadian Bar Association (CBA) is a national association representing over 36,000 jurists, including lawyers, notaries, law teachers, and students across Canada. We promote the rule of law, access to justice, effective law reform and provide expertise on how the law touches the lives of Canadians every day. Your mandate contains matters that are of particular importance to several CBA Sections.

The Intellectual Property Section deals with legal issues around ownership, licensing, transfer and protection of intellectual property and related property rights. The Business Law Section's mandate covers the law governing corporate entities including governance, securities regulation, commercial law and consumer law. The Competition Law Section promotes a greater awareness and understanding of legal and policy issues relating to competition law and foreign investment. The Privacy and Access Law Section represents specialists in privacy law and access to information issues from across Canada.

The Intellectual Property Section applauds your government's efforts to improve and invest in the intellectual property sector over the past four years. We recognize your support of the Canadian Intellectual Property Office and appreciate the department's meaningful stakeholder consultations. We would be pleased to assist in your review of the *Copyright Act*.

The Business Law Section looks forward to participating in consultations on creating a pan-Canadian public registry for beneficial ownership and accompanying legislation. We support efforts to combat financial crime and stress that those efforts must respect the fundamental individual rights and freedoms of all Canadians. We also support continued gender equality and diversity in Canadian companies.

The Competition Law Section asks your government to prioritize competition in the Canadian economy through the effective enforcement of competition law. Healthy competition is the foundation of a market economy and effective competition law enforcement is critical to ensuring competitive prices and product choices, as well as increasing productivity and innovation. Any new legislation should impair market forces to the minimal extent necessary to achieve policy objectives. Attention to the regulatory burden on businesses and effective competition law enforcement must be part of the solution.

While the Privacy and Access Law Section is pleased by your government's focus on Canadians' privacy, we recommend that any regulatory changes be approached cautiously. The *Personal Information Protection and Electronic Documents Act* (PIPEDA) has worked well, primarily because its knowledge-and-consent model is adaptable to emerging technologies. Great care will be required to ensure that future regulation of data-portability and data-exchanges does not pigeonhole innovation. We encourage broad consultation with various stakeholders, including representatives of historically marginalized groups. The Privacy and Access Law Section would also be pleased to contribute.

Given our legal perspective on many issues in your mandate, we would appreciate the opportunity to meet with you and your officials to discuss how we might assist you in addressing those issues.

Yours truly,

(original letter signed by Marc-Andre O'Rourke for Lydia C. Salvi, Alexis Kerr, Huy Anh Do and Erin Best)

Lydia C. Salvi
Chair, Business Law Section

Alexis Kerr
Chair, Privacy and Access Law Section

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