



Adam D.H. Chisholm

Toronto

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education and year of call

- Called to the Ontario bar - 2009
- Canadian Securities Course - 2020
- University of Windsor, LLB - 2008
- University of Western Ontario, B.Sc. (Hons.) - 2004

practice areas

privacy and data protection

litigation

freedom of information and access to information

administrative law

business litigation

class actions

competition and antitrust

dispute resolution

securities litigation

intellectual property litigation

white collar defence and government investigations

industries

energy

electricity and utilities

profile

Adam D.H. Chisholm is a partner in the Commercial Litigation Group in the firm's Toronto office. Adam is a skilled and tenacious litigator with expertise in regulatory and intellectual property litigation. He is also well versed in administrative law and freedom of information/access to information law.

Adam's administrative law practice includes advising institutions and private clients on tribunal decision-making. Adam has experience attacking and defending administrative decisions. Adam has expertise flowing from his frequent authorship on administrative law topics and as a former member of the Ontario Bar Association's Administrative Law section executive.

Adam is an experienced securities litigator. He has represented and advised clients involved in contested transactions, investigations and enforcement proceedings before the Ontario Securities Commission. He has also succeeded at trial in civil matters concerning securities blackout periods and corporate director responsibilities. Adam has written about issues concerning white-collar crime and regulatory proceedings.

One of Adam's focuses is on intellectual property, including trademark litigation. He has pleaded cases involving both passing off and the provisions of the *Trademarks Act*. He has acted for smaller private companies and larger publicly listed corporations and understands the importance of trademarks to companies of all sizes. In order to deliver optimal results, Adam works closely with the firm's other intellectual property professionals to select the best route to protect clients' trademarks, including appropriate licensing agreements, trademark applications, opposition proceedings and

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expungement proceedings.

Adam has represented clients in a myriad of public law and administrative law forums such as those under the *Securities Act*, *Mining Act*, *Competition Act* and *Freedom of Information and Protection of Privacy Act*. He has particular expertise arguing judicial reviews and statutory appeals related to administrative decisions.

Adam has acted as lead litigation counsel before the Ontario Court of Appeal, the Ontario Superior Court of Justice (Divisional Court), the Ontario Superior Court of Justice, Federal Court of Appeal, Federal Court and Ontario Small Claims Court.

Adam is privileged to have worked with members of Ontario's judiciary. Prior to joining McMillan, Adam clerked for a judge of the Ontario Court of Justice and worked as a research assistant for a judge of the Ontario Superior Court of Justice.

directorships and professional associations

- Canadian Bar Association
- Ontario Bar Association
- Advocates' Society
- Former Executive Member, OBA Administrative Law Section

representative matters

Carter v. Minister of Revenue, 2010 ONSC 2825 (Div. Ct.).

Nemati v. Human Rights Tribunal of Ontario, 2011 ONSC 5431 (Div. Ct.).

The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated, 2013 CACT 10 (Comp. Trib.).

Cardinal v Cleveland Indians Baseball Company Limited Partnership, 2016 ONSC 6929.

Hertz System, Inc. v. Herc Equipment Rentals, 2016 FC 1085.

[969625 Ontario Ltd. v Goldstone Resources Inc.](#), 2017 ONSC 879.

Sino-Forest Corporation (Re), 2017 ONSEC 27 (Ont. Sec. Comm.).

In the Matter of The Catalyst Capital Group Inc., [File No. 2019-41](#).

Rovi Guides, Inc. v. Videotron G.P., [2019 FC 1220](#), aff'd 2019 FCA 321.

awards and rankings

- Recognized in the *2020 Benchmark Litigation: Canada*

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Guide as a Future Star

- *Global Competition Review Awards*, Behavioural Matter of the Year – Americas (2014)
- *Law Society of Upper Canada Award for Outstanding Achievement in Legal Studies* for top 15 cumulative academic ranking in LL.B. program (2008)
- *Robert H. Wilson Memorial Award* for top academic standing in Law III (2008)
- *Carswell Prize* for top academic standing in Law III (2008)
- *John H. Rodd K.C. Award in Conflicts* for top academic standing in Conflicts of Private International Law (2008)
- *President's Roll* (2006, 2008)
- *Stikeman Elliot/Carswell National Tax Award* for top academic standing in Tax (2007)
- *Zuber Moot Best Factum Award* (2007)
- *McMillan Binch Mendelsohn LLP Scholarship of Excellence* (2006)
- *CCH Prize* for top academic standing in Legal Research and Writing (2006)
- *Samia Rose Shaheen Memorial Award* for best factum (2006)

media mentions

- "[Four Toronto lawyers newly appointed to Ontario's securities proceedings advisory committee](#)", *Canadian Lawyer*, February 21, 2020
- "[Catalyst questions independence of HBC special committee at OSC hearing](#)", *Financial Post*, December 12, 2019
- "[Richard Baker may have to sweeten HBC bid by 10 per cent to sway shareholders, analyst says](#)", *The Globe and Mail*, December 12, 2019
- "[Battle heats up between Catalyst and Hudson's Bay over privatization bid](#)", *The Globe and Mail*, December 11, 2019
- "[Empty Docket](#)", by Brent Dowdall, *CBA National Magazine*, December 2019
- "[What to consider as OSC to pay \\$7.5M to three whistleblowers](#)", *BNN Bloomberg*, March 2019
- "Lawyers worried about 10-year cap on tribunal appointments" by Marg. Bruineman, *Law Times*, September 2015
- "No Waiving of Kids Right to Sue" by Robert Todd, *Canadian Lawyer*, January 2010

publications

May 2020

Clorox v Chloretec: The Application of *Vavilov* in the Trademarks Context
Intellectual Property Bulletin

May 2020

No Family Resemblance: The Court of Appeal Rules on Interpretation of "Security" and Custodial Sentences
Securities and Capital Markets Bulletin

April 16, 2020

Canadian White-collar Crime Perspectives: Government Investigations and COVID-19
Litigation Bulletin

March 27, 2020

Bill C-13 Receives Royal Assent: Change to the Canadian Patent Landscape in Response to COVID-19
Intellectual Property Bulletin

March 26, 2020

COVID-19: Seeking Court Relief Regarding the Disease of Trademark Infringement
Intellectual Property Bulletin

March 25, 2020

COVID-19: "Essential" Information About the Consequences of Continuing to Operate a "Non-Essential Business" in Ontario and Québec
COVID-19 Bulletin

March 2020

The HBC Privatization: OSC Provides New Guidance For a Special Committee Process and Reconfirms Disclosure Obligations in Conflict of Interest Transactions
Securities and Capital Markets Bulletin

December 2019

No Insider Trading Without Clear Evidence
Securities Litigation Bulletin

August 2019

Cryptocurrency Securities Law Update – Platform Framework and Service Providers
Securities and Capital Markets Bulletin

June 2019

TOP TWELVE THINGS TO KNOW - New Canadian Trademarks Act June 17, 2019
Intellectual Property Bulletin

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May 2019

Trademark "Use" in the Normal Course of Trade: Revisited
Intellectual Property Bulletin

February 2019

What Does This Letter From The Ontario Securities
Commission Mean?
Securities Litigation Bulletin

January 2019

Cross-Border Copyright Guide 2019
TerraLex, page 20

November 2018

Will my Securities Investigation Evidence be Subject to *FIPPA*?
Securities Litigation Bulletin

August 2018

SCC Supports LGBTQ Students In Balancing Religious
Freedoms and Statutory Mandates
Administrative Law Bulletin

June 2018

SCC Says Judges Have No Business Reviewing Decisions of
Voluntary Associations
Litigation and Administrative Law Bulletin

May 2018

Intellectual Property Disputes, Resolutions & Remedies
Volume 5, Ronald E. Dimock, Chapter 18

May 2018

The Supreme Court of Canada Set To Reconsider Judicial
Review
Litigation Bulletin

February 2018

Ontario's Whistleblower Regime: Civil Cause of Action for
Reprisals Now Possible
Securities Litigation and Employment Law Bulletin

January 2018

The Top 10 Trademark Cases of 2017
Intellectual Property Bulletin

June 2017

Could Donald Trump Make America Great Again In Canada?
Intellectual Property Bulletin

May 2017

New Federal Court Notice on Trial Management Guidelines
Intellectual Property Bulletin

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February 2017

Why use this slogan anywhere else?
Intellectual Property and Litigation Bulletin

February 2017

Edmonton East: A Statutory Right of Appeal Does Not Create a
New Category of Correctness

October 2016

Standard of Review Reform: Maybe Another Time?
Administrative Law Bulletin

February 2016

Judicial Review "Through the Looking Glass": Issue-By-Issue
Analysis
Administrative Law Bulletin

November 2015

Does "Privilege of the Law of Evidence" Include Solicitor-Client
Documents?
Privacy Bulletin

November 2015

When Does Access Become Frivolous?
Privacy Bulletin

July 2015

Equitable Remedies at Tribunals? Only if Statutory
Administrative Law Bulletin

June 2015

The Emaciation of Ontario's Labour Relations Board and
Human Rights Tribunal
Employment and Labour Bulletin

June 2015

What Fair is Fair? The Duty of Fairness Owed to RFP
Proponents
Administrative Law Bulletin

January 2015

The Competition Tribunal Can Be Reviewed On Correctness
Competition Bulletin

January 2015

Records Retention now an Access Issue
Litigation Bulletin

December 2014

When is a Rule a Rule? American and Canadian Approaches
Litigation Bulletin

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November 14, 2014

Can't we all get along?: A Federal and Provincial Tribunal as part of Securities Reform

Ontario Bar Association: Administrative Law Section

July 11, 2014

Is it Correct to Defer?

Ontario Bar Association: Administrative Law Section

July 2014

Will "Deferential Correctness" Impact Your Business?

TerraLex Connections - Newsletter

June 2014

SCC Gives Advice on *FIPPA* "Advice"

Litigation Bulletin

February 2009

Alternative Remedies to Construction Liens – PPSA and RSLA Remedies

Hot Topics in Construction Law, Ontario Bar Association

Canadian Institute of Continuing Legal Education

presentations

April 2018

Opportunities and Challenges of Written Hearings

Chair, Ontario Bar Association Professional Development, Toronto, Ontario

April 2017

Amending Pleadings

Pleading Your Case Successfully, Ontario Bar Association

Professional Development, Toronto, Ontario

November 2016

Ontario's Freedom of Information Act: Corporations Strike Back
Privacy, Data Protection and Cybersecurity Seminar, Toronto, Ontario