



## Featured Cartoon



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## Events

### January 26, 2018 | Ottawa Annual Tea at Zoe's

On Jan. 26, Fasken Ottawa held its Annual Tea at Zoe's at the Chateau Laurier. The event is hosted by the women lawyers and students of the Ottawa office for our female clients. It was a wonderful afternoon and well attended, providing us with an opportunity to thank our clients and giving them the chance to network with one another.

### February 7, 2018 | Ottawa Ringling in the Lunar New Year



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## Introduction

Welcome to the 27th edition of *Capital Perspectives: Ottawa's Business Law Update*. This authoritative resource provides legal insight and perspective on the issues that matter to private and public sector organizations operating in the National Capital Region.

Each issue of *Capital Perspectives* draws on Fasken Ottawa's expertise in a variety of specialized areas of law to help our readers

make sense of the events, issues and trends that impact their organizations.

In this issue, we look at how the federal budget released last month impacts international trade, the Canadian ownership and control requirements that continue to apply to telecom and broadcasting companies, and how recent amendments to Ontario legislation impact not-for-profits. In addition, we recap News and Events and feature in our Expert Spotlight, associate, Yufei Lou, who has a rare perspective on doing business in China.

### **The Federal Budget 2018 - Spotlight on Trade Issues**

Clifford Sosnow and Robin Edger explore how the federal government's 2018 budget released last month impacts international trade, from its emphasis on deepening trade relationships with China and Asia, to supporting women-led businesses, promoting leadership in business integrity and simplifying access to a basket of export-related programs.

### **Canadian ownership rules in telecom and broadcasting**

How do Canadian ownership and control requirements under Canada's *Telecommunications Act*, *Broadcasting Act* and *Investment Canada Act* apply to the ownership and operation of telecom and broadcasting businesses in Canada? Stephen Whitehead provides a brief review of the regulatory landscape.

### **Not-for-profit corporations in Ontario: small changes foreshadow legislative overhaul**

Virginia Schweitzer and Kevin Massicotte dive into how not-for-profit corporations in Ontario will be affected under recent amendments to the *Corporations Act* and under Ontario's long-awaited *Not-for-Profit Corporations Act* when it finally comes into force. The amendments and the new *Act* are intended to modernize the legislative scheme and provide considerable benefits to not-for-profits.

### **Who is Fasken Ottawa?**

Fasken is a leading national and international law firm with more than 700 lawyers and with ten offices on four continents. Clients rely on us for practical, innovative and cost-effective legal services. We solve the most complex business challenges, providing exceptional value and putting clients at the centre of all we do.

The Ottawa office is home to 27 lawyers, of which almost half are ranked as leading practitioners by *Chambers*, *Lexpert*, *Best Lawyers in Canada* and other prestigious and independent publications.

Associate Yufei Luo and articling student Kevin Massicotte represented Fasken Ottawa last month at the lunar new year reception hosted by His Excellency, Ambassador Lu Shaye and his wife, Mme. Wang Liwen, of the People's Republic of China. Some 300 guests from the Chinese and Canadian business and cultural communities, Chinese-funded companies and media were on hand to celebrate the Year of the Dog at the Chinese embassy. Present at the event were senior officials from Global Affairs Canada (including Assistant Deputy Minister Asia Pacific, Donald Bobiash and Director General, North Asia and Oceania, Dr. Sarah Taylor), Canadian Senator Joseph A. Day, and Members of Parliament Geng Tan and Shaun Chen.

[MORE EVENTS](#)

## **News**

### **January 2018 | Ottawa Our Own Stephen Acker Takes Down the Shingle**

After many years with Fasken Ottawa and its predecessor Johnston & Buchan, Stephen Acker retired at the end of January. Steve's legal career has spanned almost three decades. He switched careers after a dozen years in the federal public service, when he finally decided he'd had enough of "writing and re-writing memos that were signed by others."

In addition to his contributions to the firm and to the practice of telecommunications law in Canada, Steve has played an active role to support local causes. Most notably, he is a regular with the annual Lawyer's Play at the Great Canadian Theatre Company. The Play is a fundraising project that features a volunteer cast of lawyers and each year raises funds for a different charitable partner.

Steve is known for his collegial nature around the office and his

Fasken's team of lawyers in the nation's capital offers broad expertise in the following areas of law: business; communications; labour and employment; litigation; international trade; procurement; anti-bribery and corruption; competition; copyright; accountability and ethics; and white collar crime. We also engage in a number of related areas of practice, including constitutional and administrative law, human rights, official language rights, privacy and government relations. We provide our clients with seamless access to the broad range of professional services that Fasken offers on a national and international basis.

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## Featured Articles

### The Federal Budget 2018 - Spotlight on Trade Issues

[Clifford Sosnow](#), Ottawa | [Robin Edger](#), Ottawa | [Kevin Massicotte](#), Ottawa

The 2018 Budget saw the Canadian government announce noteworthy trade initiatives. These center around four main themes: (1) China and Asia; (2) initiatives for women-led businesses to expand exports; (3) increasing the government's regulatory approach regarding Canadian corporate social responsibility including in foreign jurisdictions; and (4) consolidation of export programs under the Trade Commissioner Service.

[FULL ARTICLE](#)

### Canadian Ownership Rules in Telecom and Broadcasting

[Stephen P. Whitehead](#), Ottawa

Canadian ownership and control requirements no longer apply to a broad range of telecom entities operating in Canada and do not apply to the increasing number of broadcasting entities that deliver programming in Canada via mobile devices or the Internet.

Canadian ownership and control requirements do remain in place, however, for traditional Canadian broadcasters. In addition, non-Canadians wishing to establish some new telecom or broadcasting

willingness to step up as a mentor to our junior lawyers. We will miss Steve but have no doubt that he will continue to prosper and play an active role in the community. Maybe he'll visit once in a while to play us some blues harmonica.

### January 23, 2018 | Ottawa Sending a Kid to Camp with Easter Seals



As part of Fasken Ottawa's continuing commitment to support our local community, we were very pleased to make a donation to the Send A Kid to Camp campaign of Easter Seals Ontario. This donation will cover the cost for a child to attend a 10-day session at Easter Seals Camp Merrywood (located on the shores of Big Rideau Lake) this summer. At Camp Merrywood, campers expand their leadership abilities through a myriad of creative arts programs and fully accessible multi-sports activities.

Our donation cheque was presented by Fasken Ottawa to Christopher Ullmark, the Easter Seals Ontario Regional Ambassador – Ottawa, at our office on Jan, 23. Appearing with Christopher in this photo of the presentation are (from left to right) Alexandra Logvin, Fasken Ottawa associate who spearheaded this initiative; Jennie Wilson, Fundraising Specialist, Easter Seals Ontario; and Virginia Schweitzer and Scott Prescott, Co-Managing Partners of Fasken Ottawa.

### January 26, 2018 | Ottawa A Win for the Canadian Organic Standards Coalition

Robin Edger, an associate with the Fasken Ottawa office who practices primarily in our Government Strategy and Ethics group, has been working with a coalition of all of the organic agriculture national

businesses in Canada or to take control of such businesses in certain circumstances need to be mindful of the provisions of the *Investment Canada Act*.

[FULL ARTICLE](#)

## Not-for-profit Corporations in Ontario: Small Changes Foreshadow Legislative Overhaul

Virginia K. Schweitzer, Ottawa | Kevin Massicotte, Ottawa

In 2010, the Ontario government passed the *Not-for-Profit Corporations Act* (Ontario) (ONCA). As of March 2018, however, the ONCA is not yet in force. As a result, the *Corporations Act* (Ontario), which was passed in 1990, as amended, continues to govern the affairs of Ontario not-for-profit corporations (NFPs).

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## Expert Spotlight

### Speaking the Universal Language of Business

Fasken Ottawa

When navigating the complexities of Canada-China commercial transactions, it helps to speak the languages of all involved. But the proficiency that matters most is fluency with the laws of the two countries.

Ottawa Associate Yufei Luo is equally at home in either country, fluent in Mandarin, Cantonese and English. She grew up in the busy port city of Guangzhou, a four-hour drive from Hong Kong, and studied in Beijing, Guangzhou, Kuala Lumpur and Toronto. She has obtained master of law degrees in both Canada and China.

Before coming to Canada, Yufei worked at one of the most prestigious law firms in China, providing counsel for high-profile Chinese domestic and North American companies and advising on Chinese foreign investment laws, commercial lending, corporate law and employment matters.

associations to lobby the government to commit financial support for the process involved in updating the Canadian Organic Standards. The review is done every five years to ensure production methodologies reflect current practices and technological advancements being employed by the organic industry.

Historically, the Canadian organic sector has been at a competitive disadvantage in the world market as a result of having to fund the maintenance of the Canadian Organic Standards. Our largest trading partners, the United States and the European Union, regulate and fund their respective national standards. Robin and the coalition have been meeting with government officials to advocate that the Canadian organic sector needs comparable support to remain competitive and maintain market development.

Speaking at the Guelph Organic Conference and Tradeshow on Jan. 26, Agriculture and Agri-Food Minister Lawrence MacAulay announced the Government of Canada will provide this essential financial support to cover costs associated with updating the Canadian Organic Standards. Our clients are thrilled with their successful campaign.

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A few years ago, Yufei followed her family to Canada and subsequently earned her legal credentials for the Ontario Bar. Today, she is a Chinese-qualified lawyer, admitted to practice in both China and Canada with specialties in mergers and acquisitions, private equity and general corporate law.

We spoke to her about practicing law between two nations and cultures.

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