

## Publisher's Note

2019 — Release 1

Previous release was 2018-4

From Your Library:

<input type="checkbox"/>	_____

Michael H. Ryan

# Canadian Telecommunications Law and Regulation

---

This publication provides a comprehensive statement and analysis of the law relating to telecommunications law in Canada. This in-depth reference deals with a broad range of topics, including a general description of the constitutional and legislative framework governing telecommunications services, the incorporation, licensing and powers of carriers, the regulation of rates, resale of services, carrier liability and the duty to serve, the powers of the CRTC and the conduct of regulatory proceedings. The publication includes a discussion of all significant case law and regulatory rulings across Canada. Supplemented annually, this publication is an invaluable reference for anyone involved in this rapidly changing field.

This release revises the existing case law and commentary in Chapter 7 (Interconnection Access and Other Matters), 10 (Criminal Law and Competition Law); and 11 (International Agreements). This release includes the addition of the US-Mexico-Canada Agreement (USMCA) in Appendix D (International Agreements). This release also includes other revisions and updates to the General Agreement on Trade in

---

THOMSON REUTERS CANADA

**Customer Support**

1-416-609-3800 (Toronto)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

E-mail: [CustomerSupport.LegalTaxCanada@TR.com](mailto:CustomerSupport.LegalTaxCanada@TR.com)

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Services (GATS) currently in Appendix E (Rate Regulation prior to the Regulatory Framework Decision).

### Highlights

- **Criminal Law, Competition Law, and International Treaties — Criminal Law and Competition Law — Jurisdiction in Cyberspace:** In *British Columbia (Attorney General) v. Brecknell*, the B.C. Court of Appeal considered whether the courts had jurisdiction under section 487.014 of the *Criminal Code* (concerning which, see §1006(d)) to issue a production order requiring Craigslist to produce documents located outside Canada to a peace officer in British Columbia. Craigslist, the court said, had a “virtual”, but not a physical presence in British Columbia. The court said that, in the internet era, “it is formalistic and artificial to draw a distinction between physical and virtual presence. Corporate persons...can exist in more than one place at the same time”. It said that it was therefore immaterial whether the corporate person in the jurisdiction had a physical or only a virtual presence. The court concluded that “there is jurisdiction to issue the production order because doing so is not an impermissible extraterritorial exercise of enforcement jurisdiction”: *British Columbia (Attorney General) v. Brecknell*, 2018 CarswellBC 15, 2018 BCCA 5, 6 B.C.L.R. (6th) 51, 358 C.C.C. (3d) 179, 418 D.L.R. (4th) 461, [2018] 6 W.W.R. 12 (B.C.C.A.).
- **Criminal Law, Competition Law, and International Treaties — Criminal Law and Competition Law — Jurisdiction in Cyberspace:** In *Zuckerman v. Target Corporation*, the Quebec Court of Appeal held that the Québec courts had jurisdiction to entertain a class action for damages resulting from a 2013 cyber-attack in the United States that resulted in the theft of the personal information of Target customers in the United States and Canada. Although the data breach occurred in the United States and related to customer data collected in the United States and the litigation did not involve any activities by the defendant in Québec, the court concluded that the fact that the alleged harm was suffered in Québec was sufficient to give Québec courts jurisdiction. The court noted that it was open to the defendant to argue that the court ought to decline jurisdiction based on *forum non conveniens*: *Zuckerman v. Target Corp.*, 2017 Carswell-Que 896, 2017 QCCS 110, EYB 2017-275197 (C.S. Que.).