

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)**

BETWEEN:

**NHK SPRING CO., LTD., NHK INTERNATIONAL CORPORATION, NHK SPRING
(THAILAND) CO., LTD., NAT PERIPHERAL (HONG KONG) CO., LTD., TDK
CORPORATION, SAE MAGNETICS (HK) LTD., HEADWAY TECHNOLOGIES, INC.,
MAGNECOMP PRECISION TECHNOLOGY CO., LTD., MAGNECOMP
CORPORATION AND HUTCHINSON TECHNOLOGY INC.**

APPELLANTS
(Appellants)

- and -

TONY CHEUNG, SYLVIE DE BELLEFEUILLE AND GRAEME HONEYMAN

RESPONDENTS
(Respondents)

- and -

CRIMINAL DEFENCE ADVOCACY SOCIETY

INTERVENER

**MOTION RECORD OF THE SAMUELSON-GLUSHKO
CANADIAN INTERNET POLICY & PUBLIC INTEREST CLINIC
(Motion for leave to intervene)**

Pursuant to Rules 47 and 55 of the Rules of the Supreme Court of Canada

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Court File No. 41451

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**NOTICE OF MOTION OF THE SAMUELSON-GLUSHKO CANADIAN INTERNET
POLICY & PUBLIC INTEREST CLINIC
(Motion for leave to intervene)**

Pursuant to Rules 47 and 55 of the Rules of the Supreme Court of Canada

TAKE NOTICE that the Proposed Intervener, Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC), hereby applies to a Judge of the Court pursuant to Rules 47, 55, and 59(2) of the *Rules of the Supreme Court of Canada*, SOR/2002-156, for an order:

1. granting CIPPIC leave to intervene in this appeal;
2. permitting CIPPIC to file a factum of no greater length than 10 pages;

3. permitting CIPPIC to present oral arguments at the hearing of this appeal; and
4. any further or other order this Honourable Court may deem appropriate.

AND FURTHER TAKE NOTICE that the following documentary evidence will be relied upon in support of this motion:

1. the affidavit of David A. Fewer, Director of CIPPIC, sworn March 23rd, 2026; and
2. such further material as counsel may advise and this Honourable Court may permit.

AND FURTHER TAKE NOTICE THAT this motion shall be made on the following grounds:

1. CIPPIC has a direct and significant interest in this appeal and will leverage its expertise to provide useful submissions different from those of other parties to the appeal:

(i) CIPPIC is a legal clinic with a mandate to advocate in the public interest on legal and policy issues arising at the intersection of law and technology. Litigation in the digital context raises distinct jurisdictional questions that fall within CIPPIC's purview, particularly regarding how the rules of *jurisdiction simpliciter* and *forum non conveniens* apply to borderless digital harms;

(ii) since its founding in 2003, CIPPIC has participated in numerous legal and policy processes relating to the rights of individuals in their use of online platforms, digital privacy, and proper jurisdiction for internet-related claims. This has included interventions before the courts, testimony before parliamentary committees, appearances in quasi-judicial processes, as well as participation in various international policy-making fora on related issues;

(iii) the matters raised by this appeal have implications that extend beyond those of the immediate parties. CIPPIC has a special and direct interest in these broader implications, given its public interest mandate. Adopting a rigid “conduct-only” rule for assuming jurisdiction raises broad implications for the public extending far beyond the commercial parties to this appeal, particularly for torts involving vulnerable litigants. For torts involving gross inequality of power or resource asymmetry, locating jurisdiction primarily in the place of the tortfeasor’s actions risks barring access to justice for plaintiffs who suffer damages in their home jurisdiction. This risk is acute for:

- a. victims of technology-facilitated gender-based violence (TFGBV) and the non-consensual distribution of intimate images, where perpetrators deliberately weaponize borderless digital architecture to conceal their physical location and evade accountability;
- b. vulnerable minors seeking to protect their privacy and sexual integrity from the psychological toxicity and revictimization associated with online cyberbullying;
- c. individual consumers facing a gross inequality of bargaining power when attempting to vindicate statutory or quasi-constitutional rights against large corporations operating through non-negotiable standard form online contracts; and
- d. individuals seeking to vindicate their reputations against multijurisdictional Internet defamation, where the “sting” of the wrong is felt precisely in the victim’s community where the content is read and accessed;

This framework must also remain responsive to emerging AI-facilitated harms, including the creation and distribution of deepfake pornography or the use of algorithmic exploitation, which only further divorce tortious conduct from any identifiable physical location;

(iv) if granted leave to intervene, CIPPIC will draw on its extensive institutional expertise in matters related to digital platforms, privacy, and questions of jurisdiction to provide useful submissions that are different from those of other parties, focusing specifically on how the proposed jurisdictional test impacts access to justice for victims of digital harms; and

(v) this Court has recognized CIPPIC's contributions to and expertise in this field by granting it intervener status on a number of related prior occasions regarding jurisdiction over online content, privacy, and technology-facilitated digital harms, including *R. v. Jarvis*, 2019 SCC 65, *R. v. Downes*, 2023 SCC 6, *Haaretz.com v. Goldhar*, 2018 SCC 28, *Douez v. Facebook Inc.*, 2017 SCC 33, and *Crookes v. Newton*, 2011 SCC 47. CIPPIC has also drawn on this expertise to intervene in related matters before the Federal Court, such as *Privacy Commissioner of Canada v. Aylo*, addressing the non-consensual distribution of intimate images;

2. if granted leave, CIPPIC will make a distinct submission that is not advanced by the parties and is essential to resolving the questions on appeal:

(i) CIPPIC will propose the appropriate jurisdictional framework for borderless digital harms, demonstrating that torts involving digital dissemination crystallize precisely where third parties access or download the illicit content;

(ii) CIPPIC will argue that this approach is constitutionally necessary to ensure that vulnerable litigants are not categorically denied a forum. For torts involving a gross inequality of power or resource asymmetry, locating jurisdiction primarily in the place of the defendant's actions builds an insurmountable barrier to justice that threatens the rule of law; and

(iii) CIPPIC will demonstrate that a strict conduct-only rule is unnecessary, because the existing jurisdictional framework already deploys robust safeguards at the rebuttal stage to rigorously test the strength of a presumptive connection and prevent overreach;

3. the proposed intervention will not cause delay or prejudice to the parties;
4. CIPPIC does not seek costs and asks that it not be liable for costs to any other party in the event it is granted leave to intervene in this appeal;
5. Rules 47, 55, 57, and 59 of the *Rules of the Supreme Court of Canada*, SOR/2002-156; and
6. such further grounds as counsel may advise and this Honourable Court may permit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 23rd day of March, 2026.



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CRIMINAL DEFENCE ADVOCACY SOCIETY

INTERVENER

AFFIDAVIT OF DAVID FEWER

I, David Fewer, of the City of Ottawa, DO SOLEMNLY AFFIRM THAT:

1. I am Director and General Counsel of the Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) based at the Centre for Law, Technology and Society at the University of Ottawa’s Faculty of Law. This affidavit is sworn in support of CIPPIC’s motion for leave to intervene in this appeal.

2. Except as otherwise indicated, I have personal knowledge of the matters to which I depose in this affidavit. Where I lack such personal knowledge, I have indicated the source of my information, and I verily believe such information to be true. Where specific CIPPIC activities are

referred to below in which I have had no personal participation, I have familiarized myself with the relevant files and base my account thereof on this knowledge.

3. I describe herein:

- (i) CIPPIC's structure and mandate;
- (ii) the most relevant aspects of CIPPIC's experience and expertise to this proposed intervention;
- (iii) CIPPIC's interest in this appeal; and
- (iv) CIPPIC's proposed submissions.

PART I. ABOUT CIPPIC

4. CIPPIC is a legal clinic founded at the University of Ottawa's Faculty of Law. It was established in September 2003 with funding from the Ontario Research Network on Electronic Commerce and an Amazon.com Cy Pres fund. The purpose of CIPPIC's creation was threefold: to fill voids in public policy debates on technology law issues; to ensure balance in policy and law-making processes; and to provide legal assistance to under-represented organizations and individuals on matters involving the intersection of law and technology. In 2007, CIPPIC received additional funding from the Samuelson-Glushko Foundation, enabling CIPPIC to continue fulfilling its mandate and to join the international network of Samuelson-Glushko technology law clinics.

5. CIPPIC operates under a Staff Lawyer, and a Director and General Counsel, presently Melissa Dupuis-Crane and myself, respectively. Both are called to the bar of Ontario. CIPPIC benefits from the expertise of an internal Governance Committee composed of faculty members of the University of Ottawa's Faculty of Law.

6. CIPPIC's core mandate is to advocate in the public interest in debates arising at the intersection of law and technology. CIPPIC has the additional mandate of providing legal assistance to under-represented organizations and individuals on law and technology issues, and a tertiary education-based mandate that includes a teaching and public outreach component. In pursuit of these mandates, CIPPIC's activities regularly extend to provision of expert testimony to parliamentary committees, participation in regulatory and quasi-judicial proceedings, and strategic interventions before the courts. CIPPIC is also deeply involved in research and advocacy on the nature and social impact of technological change, and the manner in which the evolving legal landscape interacts with the distinct challenges of a technology-driven world.

PART II - INSTITUTIONAL EXPERTISE

A. JUDICIAL

7. CIPPIC has been granted leave to intervene in numerous judicial proceedings concerning digital privacy, online harms, and cross-border jurisdiction, including:

- (i) *Haaretz.com v. Goldhar*, 2018 SCC 28, addressing *jurisdiction simpliciter* and *forum non conveniens* in the context of borderless online content and digital defamation;
- (ii) *Douez v. Facebook, Inc.*, 2017 SCC 33, addressing jurisdiction, the enforceability of forum selection clauses, and the necessity of protecting the quasi-constitutional privacy rights of vulnerable users against global technology platforms;
- (iii) *Uber Technologies Inc. v. Heller*, 2020 SCC 16, regarding the unconscionability of dispute resolution clauses and the constitutional imperative of access to justice in the digital economy;

- (iv) *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, on adapting court procedures to protect the privacy rights of vulnerable minor victims of online cyberbullying and the severe risks of revictimization;
- (v) *Crookes v. Newton*, 2011 SCC 47, regarding liability for the online publication of hyperlinks and the unique mechanics and jurisdictional implications of borderless Internet architecture;
- (vi) *R v. Downes*, 2023 SCC 6, addressing the criminal offence of voyeurism and reasonable expectations of privacy in the context of technology-facilitated image-based abuse;
- (vii) *Lawson v. Accusearch*, 2007 FC 125, establishing that territorial location cannot immunize an organization from Canadian privacy laws, and that domestic laws apply to the extra-territorial activities of foreign online actors when there is a real and substantial connection to Canada; and
- (viii) *Privacy Commissioner of Canada v. Aylo* (Fed. Ct. File No. T-702-25), addressing the non-consensual distribution of intimate images on digital platforms and the application of Canadian privacy law to borderless architecture.

B. PARLIAMENTARY COMMITTEES AND GOVERNMENTAL CONSULTATIONS

8. CIPPIC has provided expert testimony to parliamentary committees and in other governmental processes regarding the societal and legal challenges posed by online environments, social media, and digital technologies impacting privacy, equality, and human rights, including:

- (i) testimony before the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI) regarding the privacy and human rights implications of facial recognition technologies used by state and commercial actors (June 16, 2022);
- (ii) testimony before ETHI regarding the *Security of Canada Information Sharing Act* (November 22, 2016) and the modernization of the *Privacy Act* (September 20, 2016);
- (iii) testimony before the House of Commons Standing Committee on Industry, Science and Technology (INDU) on Bill S-4 (*Digital Privacy Act*), addressing the need for strong, enforceable privacy rights and the dangers of overly permissive cybersecurity information-sharing regimes (February 19, 2015); and
- (iv) testimony before ETHI on the evolving privacy implications of social media (June 19, 2012).

C. QUASI-JUDICIAL TRIBUNALS

9. CIPPIC participates in activities before quasi-judicial administrative tribunals to address jurisdictional conflicts and the regulation of digital environments, including:

- (i) initiating the complaint with the Office of the Privacy Commissioner of Canada against a U.S.-based data broker that led to the judicial review in *Lawson v. Accusearch*, 2007 FC 125, establishing that territorial location cannot immunize an organization from Canadian privacy laws, and that domestic laws apply to the extra-territorial activities of foreign online actors when there is a real and substantial connection to Canada;
- (ii) filing a landmark complaint and intervention regarding Facebook's third-party

application platform (PIPEDA Case Summary #2009-008), which successfully applied Canadian privacy laws and principles to the borderless architecture of online social networking and held a global technology platform accountable in Canada; and

(iii) representing the OpenMedia Engagement Network in a written inquiry before the Office of the Information and Privacy Commissioner for British Columbia (*re: An Applicant and the Vancouver Police Department*) examining the refusal to respond to an access to information demand regarding surreptitious digital surveillance tools.

D. RESEARCH AND PUBLIC EDUCATION

10. CIPPIC undertakes extensive research, teaching, and writing on the technical mechanisms of digital harm, borderless internet architecture, and technology-facilitated gender-based violence (TFGBV), including:

(i) serving on the Advisory Group for the Law Commission of Ontario's Defamation Law in the Internet Age project, which examined the unique remedial challenges of cross-border digital torts, online reputation damage, and the role of internet platforms in addressing technology-facilitated abuse;

(ii) participating as an active partner in *The eQuality Project*, a 7-year research initiative examining the privacy and equality rights of youth in digital environments, with a specific focus on the devastating localized impacts of technology-facilitated violence;

(iii) contributing to the Citizen Lab's expert submission to the United Nations Special Rapporteur on violence against women, its causes and consequences, regarding the human rights implications of online violence and TFGBV (2017); and

(iv) co-founding the *Safety Net Canada* initiative in collaboration with the BC Society of Transition Houses, producing leading guidance on privacy, security, and digital architecture for programs addressing violence against women.

PART III - CIPPIC'S INTEREST IN THIS APPEAL

11. While the underlying litigation in this appeal concerns competition law, the formulation of the *jurisdiction simpliciter* test for foreign defendants raises broad implications for the public extending far beyond the commercial parties to this appeal. Adopting a rigid “conduct-only” rule for locating a tort would build an insurmountable barrier to justice for victims of TFGBV and the non-consensual distribution of intimate images. Because these digital torts disproportionately impact individuals from marginalized groups, CIPPIC has an institutional interest in ensuring this Court adopts a jurisdictional framework that recognizes where digital harms crystallize upon access, ensuring vulnerable victims are not categorically denied a forum to vindicate their fundamental rights.

PART IV - POSITION AND PROPOSED SUBMISSIONS

12. If granted leave to intervene, CIPPIC would make the submissions outlined in paragraphs 12-15 of the Memorandum of Argument at Tab 3 of CIPPIC's Motion Record. Specifically, CIPPIC would submit that:

(i) the *situs* of a digital dissemination tort is determined by where third parties access the harmful content;

(ii) courts must reject rigid jurisdictional rules that focus exclusively on where the defendant acts, as isolating a tortious act from its foreseeable consequences revives a mechanical approach that this Court has explicitly dismantled;

(iii) adopting a strict “conduct-only” rule creates an insurmountable barrier to justice for vulnerable litigants, particularly victims of TFGBV, rendering their rights illusory and threatening the rule of law; and

(iv) strict “conduct-only” jurisdictional limits are unnecessary because the *Van Breda* framework already contains robust safeguards at the rebuttal stage to prevent overreach.

13. I believe that CIPPIC’s submissions will be of assistance to the Court in deciding the issues raised by this appeal. CIPPIC’s submissions will be distinct in that they will derive from its public interest mandate—a mandate that is distinguishable from that of the parties to the appeal. CIPPIC will cooperate with other parties and interveners to expedite the hearing and avoid duplication.

14. CIPPIC will not seek costs and asks that it not have costs awarded against it if leave to intervene is granted.

15. I make this affidavit in support of CIPPIC’s Motion for Leave to Intervene in this appeal and for no improper purpose.

SWORN before me at the City of Ottawa)
in the Province of Ontario)
this 23rd March, 2026)

Signed by:
David Fewer
168BAF5D783749E...
David Fewer

Signed by:
Melissa Dupuis-Crane
D3EC00B3C63F45B...

Melissa Dupuis-Crane, Commissioner for Taking Oaths

My commission is for life

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Pursuant to Rules 47 and 55 of the Rules of the Supreme Court of Canada

PART I – FACTS

A. OVERVIEW

1. The Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC) seeks an order granting it leave to intervene in this appeal. This appeal addresses the rules for assuming jurisdiction over foreign defendants when tortious conduct occurs abroad, but the resulting harm is felt in Canada. While the underlying dispute concerns economic torts and global supply chains, this Court's ruling will establish jurisdictional precedents that apply far beyond

competition law. Ultimately, the framework adopted here will dictate whether victims of technology-facilitated torts can access Canadian courts to vindicate their rights, or whether borderless digital architecture will successfully shield abusers from accountability.

2. By means of its proposed intervention, CIPPIC offers to assist the Court by providing useful submissions, different from those of the parties, on how Canadian private international law applies to digitally mediated harms. CIPPIC will argue that courts must reject rigid “conduct-only” rules that isolate a tortious act from its consequences. Instead, a defendant commits a digital tort precisely where local audiences download or access the illicit content. CIPPIC will further demonstrate that categorically denying a forum to vulnerable victims renders their rights illusory and threatens the rule of law, and that the existing jurisdictional framework already deploys robust safeguards at the rebuttal stage to prevent overreach. In formulating these submissions, CIPPIC will draw on its unique institutional expertise developed over two decades of direct engagement with digital privacy, online harms, and cross-border jurisdiction.

B. THE PROPOSED INTERVENER - CIPPIC

3. CIPPIC is a legal clinic at the University of Ottawa’s Faculty of Law with a core mandate to advocate in the public interest on issues arising at the intersection of law and technology. CIPPIC has extensive expertise in privacy law, online consumer protection, and human rights in digital contexts. It has frequently intervened before this Court on related issues of cross-border jurisdiction, digital privacy, and access to justice. These interventions include *Haaretz.com v. Goldhar (Haaretz)*, *A.B. v. Bragg Communications, Inc.*, *Douez v. Facebook, Inc.*, and *Uber Technologies Inc. v. Heller (Uber)*.¹

¹ [2018 SCC 28](#) [*Haaretz*]; [2012 SCC 46](#); [2017 SCC 33](#); [2020 SCC 16](#) [*Uber*].

PART II – POINTS IN ISSUE

4. The only issue before the Court in this motion is whether CIPPIC should be granted leave to intervene in this matter of important public interest.

PART III – ARGUMENT

5. An applicant seeking leave to intervene before this Court must address two issues:
- (a) whether the applicant has an interest in the issues raised by the parties to the appeal; and
 - (b) whether the applicant’s submissions will be useful to the Court and different from those of the other parties.²

A. CIPPIC’S INTEREST IN THIS APPEAL

6. CIPPIC’s historical concern regarding public policy and legal issues arising at the intersection of law and technology places the jurisdictional framework at issue in this appeal squarely within its mandate. CIPPIC’s interest in protecting privacy rights at the individual and community levels, and in engaging with stakeholders invested in improving laws directed towards ensuring the safety, dignity, and privacy of marginalized groups, is best reflected in extensive contributions to policy and legal discussions surrounding cross-border jurisdiction and borderless online harms. CIPPIC is deeply familiar with how perpetrators weaponize global network architecture to conceal their physical locations and evade accountability.

7. While this appeal concerns competition law, the application of the *jurisdiction simpliciter* test for foreign defendants raises broad implications for the public extending far beyond the commercial parties to this appeal. Specifically, adopting a rigid “conduct-only” rule for locating a

² *Rules of the Supreme Court of Canada*, SOR/2002-156 at ss 55, 57(2).

tort would create an insurmountable barrier to justice for victims of technology-facilitated torts, particularly technology-facilitated gender-based violence (TFGBV) and the non-consensual distribution of intimate images. Because these digital torts disproportionately impact marginalized groups, CIPPIC has a profound institutional interest in ensuring this Court adopts a framework that recognizes where digital harms crystallize upon access, ensuring vulnerable victims are not categorically denied a forum to vindicate their rights.

B. USEFUL AND DIFFERENT SUBMISSIONS

8. CIPPIC will provide useful and different submissions from those of the parties. The Appellants argue that Canadian courts lack adjudicative jurisdiction because their conduct occurred entirely abroad, asserting that local harm cannot ground a claim.³ The Respondents will argue that the economic harm experienced by indirect purchasers in British Columbia properly locates the tort in the province.⁴

9. CIPPIC's perspective is distinct from both parties. CIPPIC will address the broader consequences of the proposed jurisdictional framework. CIPPIC will argue that courts must reject a rigid "conduct-only" rule, which revives the mechanical approach this Court explicitly dismantled in *Moran v. Pyle National (Canada) Ltd (Moran)*.⁵ Instead, CIPPIC will submit that digital dissemination torts crystallize precisely where third parties access or download the illicit content, aligning with the framework established in *Haaretz* and *Breedon v. Black (Breedon)*.⁶

10. CIPPIC is uniquely positioned to illustrate the human rights stakes of this jurisdictional

³ Factum of the Appellants at para 22.

⁴ Memorandum of Argument of the Respondents (Leave to Appeal) at para 3.

⁵ [1973 CanLII 192 \(SCC\)](#) [*Moran*].

⁶ *Haaretz*, *supra* note 1; [2012 SCC 19](#).

test. Drawing on its extensive expertise in TFGBV and intimate image abuse, CIPPIC will argue that adopting a conduct-only rule builds an insurmountable brick wall for victims of digital harms, rendering their rights illusory and threatening the rule of law as affirmed in *Uber* and *Trial Lawyers Association of British Columbia v. British Columbia (Trial Lawyers)*.⁷ Furthermore, CIPPIC will show that the *Club Resorts Ltd. v. Van Breda* framework already deploys robust safeguards at the rebuttal stage to prevent jurisdictional overreach. This was recently clarified in *Sinclair v. Venezia Turismo*, making a strict conduct-only rule unnecessary. This novel constitutional and rule-of-law perspective goes to the heart of the appeal's public importance and will not be advanced by the commercial parties.

11. CIPPIC will not expand the issues under appeal. CIPPIC will coordinate with the parties to expedite the hearing and avoid duplication.

C. CIPPIC'S PROPOSED SUBMISSIONS

12. If granted leave, CIPPIC proposes to argue that the situs of a digital dissemination tort is determined by where third parties access the harmful content. CIPPIC will submit that a digital tort crystallizes precisely where local audiences download, read, or access the illicit material. This approach correctly links jurisdiction to the local community that receives the content, rather than relying exclusively on the perpetrator's hidden location.

13. CIPPIC will submit that courts must reject rigid jurisdictional rules that focus exclusively on where the defendant acts. CIPPIC will argue that isolating a tortious act from its foreseeable consequences revives a mechanical approach that this Court has explicitly dismantled.⁸ A flexible

⁷ *Uber*, *supra* note 1; [2014 SCC 59](#).

⁸ *Moran*, *supra* note 5.

approach is essential for digital harms, where perpetrators deliberately use borderless architecture—such as VPNs and anonymizing networks—to divorce their conduct from their physical location.

14. CIPPIC will further argue that adopting a strict “conduct-only” rule offends the constitutional imperative of access to justice and threatens the rule of law. CIPPIC will illustrate how such a rule creates an insurmountable brick wall for vulnerable litigants characterized by a gross inequality of power or resource asymmetry. This jurisdictional risk is acute for victims of TFGBV and the non-consensual distribution of intimate images, minor victims of online cyberbullying, individual consumers, and those seeking to vindicate their reputations. The jurisdictional framework must also remain responsive to emerging AI-facilitated harms, including deepfake pornography and algorithmic exploitation, which further divorce tortious conduct from physical location. By forcing these victims to chase anonymous perpetrators to unknown jurisdictions, a conduct-only rule leaves them open to exploitation and renders their statutory and common law rights entirely illusory.

15. Finally, CIPPIC will submit that strict conduct-only jurisdictional limits are unnecessary because the *Van Breda* framework already contains robust safeguards against overreach.⁹ As recently clarified in *Sinclair*, the rebuttal stage rigorously tests the strength of a presumptive connection by shifting the heavy onus to the defendant to prove the relationship is weak or non-existent.¹⁰ CIPPIC will argue that this staged design, along with the doctrine of *forum non conveniens*, provides the proper mechanism to decline jurisdiction without categorically barring

⁹ *Club Resorts Ltd. v. Van Breda*, [2012 SCC 17](#).

¹⁰ *Sinclair v. Venezia Turismo*, [2025 SCC 27](#).

the courthouse doors to victims of digital abuse.

PART IV – COSTS

16. CIPPIC will not seek costs in this matter and asks that costs not be awarded against it in this motion or in the appeal if leave to intervene is granted.

PART V – ORDER SOUGHT

17. CIPPIC respectfully requests an Order from this Court:

- (i) granting CIPPIC leave to intervene in this appeal;
- (ii) permitting CIPPIC to file a factum of no greater length than 10 pages;
- (iii) permitting CIPPIC to present oral arguments at the hearing of this appeal; and
- (iv) such further or other Order as this Honourable Court deems appropriate.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 23rd day of March, 2026



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PART VI – TABLE OF AUTHORITIES

<u>Statutory Provisions</u>		
1.	<i>Rules of the Supreme Court of Canada</i> , SOR/2002-156 at ss 55, 57(2)	5
<u>Case Law</u>		
2.	<i>A.B. v. Bragg Communications Inc.</i> , 2012 SCC 46	3
3.	<i>Breedon v Black</i> , 2012 SCC 19	9
4.	<i>Club Resorts Ltd. v. Van Breda</i> , 2012 SCC 17	15
5.	<i>Douez v. Facebook, Inc.</i> , 2017 SCC 33	3
6.	<i>Haaretz.com v. Goldhar</i> , 2018 SCC 28	3, 9
7.	<i>Moran v. Pyle National (Canada) Ltd.</i> , 1973 CanLII 192 (SCC)	9, 13
8.	<i>Sinclair v. Venezia Turismo</i> , 2025 SCC 27	15
9.	<i>Uber Technologies Inc. v. Heller</i> , 2020 SCC 16	3, 10