

Need to Know: Norwich Orders

Daniela Bassan, Stewart McKelvey

Co-Panelist: **David T. Fraser**, McInnes Cooper

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7C - Technology and Tracking
Down Evidence

Comparison Chart

NORWICH ORDER	INJUNCTION
5 part test	3 part test
Modernized Tool	Traditional Remedy
Conduit Respondents	Target Defendants
Staged Process	Planned Process

INTERPLAY WITH IP

- COPYRIGHT – WEB CONTENT
- TRADEMARK – NAME & LOGO
- DOMAIN RIGHTS – ADDRESS
- OTHER RELATED RIGHTS



TRACE THE TRACKS

- Domain Registrar
- Hosting Company
- Mail Server
- Other



Anonymity

“should not be a vehicle for **impunity**”

*Robert J Currie, “Cross-Cutting Conflicts”
Annual Review of Civil Litigation 2016

Sample Cases – Win Some, Lose Some

*Olsen v Facebook, 2016 NSSC 155 (*granted)*

*1654776 Ontario Limited v. Stewart, 2013 ONCA 184 (*denied)*

*York University v Bell Canada, 2009 CanLII 46447 (Ont SCJ) (*granted)*

CHOSE WISELY

- FRONT END: Jurisdiction Issues
- MIDDLE PART: ID Issues
- BACK END: Enforcement Issues



BE CURIOUS

- IT Investigations
- Web Investigations
- Party Investigations
- Other



Do's

- Consider range of actors
- Consider diverse locations
- Consider scope of relief
- Consider online logistics



Don'ts



- Overlook Rules and Policies
- Underestimate Time Needed
- Skip the Technical Analysis
- Under-Educate the Court

Q&A



Thank you!

DANIELA BASSAN

