



# Andrew Bernstein

PARTNER

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Andrew provides clients with leading experience, deep knowledge and skilled advocacy to advance their interests in patent and commercial disputes, as well as appellate matters, in all levels of court.

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## CONTACT

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## Overview

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Andrew helps clients involved in numerous types of disputes, including intellectual property, commercial and public law matters. A significant portion of his practice involves patents, copyright, and trademark disputes arising in the life sciences, information technology, media and other industries.

Andrew's commercial litigation practice includes considerable experience in class actions, licensing, contract and tort actions, frequently advising and defending traditional and new media clients on defamation and free expression issues. He also has a strong track record in public law matters, having acted for both public- and private-sector clients in administrative hearings, judicial reviews and constitutional law cases.

Andrew is an experienced appellate lawyer. He has helped numerous clients navigate difficult appeals before the Ontario and Federal Courts of Appeal, as well as other appellate courts across the country in a wide variety of areas of substantive law, including contracts, patents, copyright, class actions, administrative and constitutional law. He has also argued several appeals before the Supreme Court of Canada.

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He is an excellent advocate. If you go up against him in court, you know it's going to be a battle.’

—CHAMBERS CANADA, 2023

# Featured Work

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## Challenging single-use plastics prohibition

Torys acted as counsel to NOVA Chemicals in its successful application for judicial review challenging an order by the Ministry of the Environment adding "Plastic Manufactured Items" to the list of Schedule 1 toxic substances under the *Canadian Environmental Protection Act*

## Milton Logistics Hub Project

Torys acted as counsel to CN Rail on all aspects of its Milton Logistics Hub Project, a major new rail facility in the Greater Toronto and Hamilton Area, including acting as the legal lead in the complex, multi-year federal environmental approval process and high-profile public hearing, as well as several related court proceedings

a multinational technology company in a proposed class action before the Federal Court of Canada alleging breaches of privacy and anti-competitive conduct, as well as tort and breach of contract claims of geographic misrepresentation

a biopharmaceutical company in response to patent impeachment proceedings brought before the Federal Court of Canada concerning a patent for a novel bispecific antibody targeting multiple myeloma

Nova Chemicals in its appeal before the Alberta Court of Appeal of the judgment in its dispute with Dow Canada ULC concerning the operation of an ethylene plant near Joffre, Alberta

Rogers Media and other co-defendants in successfully dismissing defamation proceedings brought before the Ontario Superior Court by comedian Mike Bullard in connection with a Q&A interview published in Chatelaine following Mike Bullard's criminal conviction

Canada's largest telecommunications providers in the joint defence of a patent assertion made by Wi-Lan Inc. over LTE technologies and communications relating to 4G LTE technology

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# Recognition and Awards

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2016-2025	<i>Chambers Canada</i> —Leading lawyer in intellectual property: litigation, litigation: general commercial (Ontario) and litigation: administrative and public law
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2008-2024	<i>Chambers Global</i> —Leading lawyer in intellectual property: litigation
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2019-2025	<i>The Legal 500</i> —Leading partner in dispute resolution: Ontario and intellectual property
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2018-2025	<i>Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys</i> —Litigation Star (commercial and IP)
2022-2023	<i>LMG Life Sciences</i> —Leading life sciences lawyer in intellectual property
2011-2024	<i>IAM Patent 1000: The World's Leading Patent Practitioners</i> —Leading lawyer in litigation
2019-2025	<i>Managing IP's IP Stars</i> —Patent star
2013-2025	<i>Best Lawyers in Canada</i> —Leading lawyer in corporate and commercial litigation, intellectual property law and technology law
2013-2024	<i>Lexpert/American Lawyer's Guide to the Leading 500 Lawyers in Canada</i> —Leading lawyer in intellectual property, corporate commercial litigation and intellectual property litigation
2013-2024	<i>The Canadian Legal Lexpert Directory</i> —Leading lawyer in intellectual property, intellectual property litigation, corporate commercial litigation, biotechnology, class actions, defamation & media and public law litigation
2013-2023	<i>Who's Who Legal</i> —Global and National leading lawyer in patents, patent litigation and life sciences
2018	<i>Best Lawyers in Canada</i> —Intellectual property law lawyer of the year (Toronto)
2018	<i>Lexpert/Thomson Reuters' Guide to the Leading U.S./Canada Cross-Border Corporate Lawyers in Canada</i> —Most frequently recommended in dispute resolution

## Insights

### Foreign interference regulation in Canada

As our world becomes increasingly globalized and technologically advanced, foreign interference poses a growing threat to Canadian sovereignty.

[BWA: All about interjurisdictional immunity](#)

[Don't just do it—justify it! Supreme Court confirms that justification is key in administrative decision-making](#)

[Breakfast With Appeal: The “Live, from Toronto...” edition](#)

[Building Canada Act to streamline approvals for national interest projects](#)

[Supreme Court: interjurisdictional immunity remains essential constitutional doctrine](#)

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## News

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### 23 Torys litigators recognized in the 2025 *Benchmark Litigation* guide

This recognition is a testament to our lawyers' considerable achievements and impact on the legal landscape.

[“Conventions are not law”: FCA decision helps correct potential misconceptions](#)

[Seeking justice for thalidomide survivors](#)

[Torys' strength in patent law recognized by Managing IP](#)

[Seven Torys partners recognized as world leaders in patent law](#)

[Ontario Court of Appeal overturns dismissal of human rights climate case](#)

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## Professional Involvement

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Andrew is currently the Co-Chair of the Advocates Society's Appellate Practice Group, which he founded. He has previously been the Chair of the Canadian Bar Association's Intellectual Property section, a member of the Board of Directors of the Advocates Society and a member of the Board of IT.Can.

In 1997 and 1998, Andrew served as a law clerk to Chief Justice Lamer of the Supreme Court of Canada. In 2003–2004, Andrew obtained his LLM at the University of California (Berkeley), primarily focusing on intellectual property law.

## Education and Bar Admissions

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### Education

LLM (Fulbright Fellow), 2003

University of California, Berkeley

LLB (Gold Medalist), 1997

University of Toronto, Faculty of Law

BComm (FC Honours, Economics), 1994

McGill University

### Bar Admissions

Ontario (Treasurer's Medal), 1999