

Protection of
Corporate Bodies

10.03 a. Protection may be extended to corporate bodies in a manner similar to that extended to private individuals, if the corporate body can be said to be Canadian.

b. The decision whether, in fact, a corporation can be said to be Canadian must be made after a careful consideration of the particular facts in each case and by looking at the situation of the corporation as a whole. The place of incorporation, the country in which the main business is carried on, the nationality of the stockholders, the nationality of the persons in whom effective control of the corporation is vested are all relevant to the question as to whether the real beneficial interest is Canadian.

c. Generally speaking, a company incorporated in Canada is entitled to protection. This may be refused where the incorporators are largely aliens, or where the majority of the stock is owned by citizens of the country in which protection is sought, or if the corporation does not sufficiently represent Canadian interests.

d. Sometimes a foreign corporation may be entitled to protection on the ground that a substantial interest in the corporation is owned