



**Ryan J. Black**

**Partner**

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Ryan Black practises technology-related business law, with a particular focus on intellectual property, information technology, video games and esports, and internet-facing businesses. Ryan combines his expertise in these areas with a background in corporate/commercial law, including mergers and acquisitions, technology outsourcing, service provisioning, venture capital funding, high-technology employment, licensing and commercial contracting, to provide clients with market-leading legal advice.

Ryan also regularly assists clients in acquiring, selling or commercializing technologies, whether it is negotiating or drafting a term sheet or contract, strategizing with management, closing a deal, or dealing with contractual issues or disputes. Ryan works with companies across Canada and internationally who are systems integrators, consultants, developers, retailers, publishers and service providers, particularly in the software, information technology and video game industries.

As a former software and Internet developer, Ryan has a unique insight to emerging technology matters important to today's businesses, such as cybersecurity, blockchain technologies, artificial intelligence, open source software, deepfakes, cloud computing, and social media. Ryan is a frequent speaker and presenter on a wide variety of legal matters including Canada's Anti-Spam Law (CASL), video game law and policy matters, technology trends and regulations, and intellectual property issues, and also is the co-author of "Internet Law Essentials: Canada's Anti-Spam Law", published by *Specialty Technical Publishers*. Ryan authored the 2017 update to that CASL book, focusing on CASL compliance.

Ryan also delivers practical advice on protecting the valuable information they hold, such as: protecting trade secrets or other intellectual property; responding to cybersecurity, ransomware or cyber-extortion threats; complying with privacy and other regulatory regimes, or industry standards bodies, regarding sensitive or personal information; and developing internal and external policies, training and compliance programs relating to these topics.

In 2017, Ryan was named as one of Canada's leading lawyers under 40 in Lexpert's annual Rising Stars edition, in 2019 he was

#### RELATED SERVICES

- Intellectual Property and Technology
- Corporate
- Mergers and Acquisitions
- Emerging Growth and Venture Capital
- Private Equity
- Commercial Contracts
- Cybersecurity
- Data Protection, Privacy and Security
- Media, Sport, Gaming and Entertainment
- Technology Transactions and Strategic Sourcing
- Trademark and Copyright
- Video Games and Interactive Entertainment Law

#### LANGUAGES SPOKEN

English

named an Acritas Star for peer-recommended lawyers, and he has also been named a 2020 Best Lawyer in Canada for Information Technology Law. Ryan currently acts as Clinic Adjunct for the Centre for Business Law at the University of British Columbia Peter A. Allard School of Law, a director (and Chair, Governance) of the Canadian Internet Registration Authority, a director of the Vancouver Fireworks Festival Society, and a director of the Video Game Bar Association.

## LANGUAGES SPOKEN

- English

## EXPERIENCE

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- Acted for Trimble in two Canadian-based acquisitions in 2019, 3Log Systems and the Can-Net assets from Cansel.
- Acted for NuData Security Inc., a cyber-fraud detection and behavior analysis software platform, from its inception and founding in 2007 through its sale to Mastercard Incorporated in April 2017.
- Represented Bit Stew Systems Inc. from its inception through multiple financings culminating in its sale to a subsidiary of General Electric Co. in a cash transaction valued at US\$153 million.
- Lead counsel for Plentyoffish Media Inc. ("POF") and its founder Markus Frind in POF's acquisition by The Match Group for US\$575 million in cash; Canadian counsel for POF and The Match Group since.
- Acted for Cengea Solutions Inc. in its 2010 acquisition by Trimble Navigation Limited.
- Acted for many internet, media, technology and video game companies on all corporate and commercial matters including founding, employment, leasing, confidentiality and IP protection, licensing, investment and M&A.

## CREDENTIALS

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### Admissions

- British Columbia, 2006

### Recognitions

- *Canadian Legal Lexpert® Directory* (Computer and IT Law), 2020; (Technology Transactions), 2020
- *Best Lawyers in Canada* (Information Technology Law), 2020
- Listed as Acritas Star™ Lawyer 2019-2020
- Lexpert's Rising Stars: Leading Lawyers under 40 (2017)

### Education

- LL.B., University of Alberta, 2004
- B.Comm. (with distinction), University of Alberta, 2000

### Memberships

- Clinic Adjunct, Business Law Clinic at the Allard School of Law (UBC) (2019/2020 academic year)
- Director and Chair, Governance, Canadian Internet Registration Authority (steward of .ca and Canada's Internet presence)
- Director, Video Game Bar Association
- Director, Board of Directors, Vancouver Fireworks Festival Society (responsible for the annual Honda Celebration of Light)
- Registered Trade-Mark Agent
- Member, Canadian IT Law Association (IT.Can)
- Member, Canadian Bar Association

## Teaching Engagements

- Clinic Adjunct, Business Law Clinic, Peter A. Allard School of Law, University of British Columbia, August 2019 to Present
- Business and Technology for Lawyers (5-part series featuring Technology Issues in Contracts, High Technology Employment, Cybersecurity & Privacy and The Future of Tech Law for Lawyers), Chair, CLE BC, Feb-May 2019
- CLE-TV: Anti Spam Update: Prepare for End of CASL Transition (online) CLE BC, June 2017
- Regular lecturer at UBC Business Law Clinic speaking to intellectual property, technology and dealing with start-up companies, 2016, 2015
- Business and Technology for Lawyers (5-part series featuring Anti-Spam Law Update, Technology Issues in Contracts, Social Media & Privacy, Copyright Act Update, and IT Best Practices for Lawyers), Chair, CLE BC, 2015
- CLE-TV: The New Anti-Spam Law: It's Broader Than You Think, Continuing Legal Education Society of British Columbia, April 2014
- Privacy Update 2013: Canada's Anti-Spam Legislation, Speaker, CLE BC, May 2013
- Legal Strategies in Business Acquisitions 2011: Intellectual Property Matters, Panelist/Speaker, CLE BC, February 2011
- U.S. Legal Issues in Technology Companies, Speaker, Acetech Symposium, June 2009
- An Introduction to Intellectual Property, Speaker, Early Career Masters Course, Sauder School of Business (UBC), 2009

## INSIGHTS

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### Publications

#### **A well-guarded CASL: Canada's anti-spam regime held constitutional**

17 JUN 2020

On June 5, 2020, the Federal Court of Appeal released its decision in the appeals raised by 3510395 Canada Inc. aka CompuFinder in response to two decisions by the Canadian Radio-Television and Telecommunications Commission. The Court of Appeal's ruling confirms their view on the constitutionality of one of CASL's core features, the regulation of commercial electronic messages. In this alert, we take an in-depth look at the court's findings, their implications for future CASL investigation targets, and the specific facts that led to the FCA upholding the CRTC's C\$200,000 fine.

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#### **A comprehensive study of BC's VR/AR ecosystem: successes and challenges for the road ahead**

5 MAY 2020

As technological innovations catch up with the human imagination, the video game industry has become increasingly lucrative, earning a record \$120.1 billion in 2019 alone. This industry's success has driven the development and emergence of innovative new hardware that has empowered the Virtual Reality/Augmented Reality industry. With the foundation laid by British Columbia's robust video game and film economy, the province's VR/AR industry has seen exponential growth over the last decade.

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#### **BDC launches matching investment program to support Canadian venture capital-backed companies affected by COVID-19**

15 APR 2020

On April 9, 2020, BDC Capital, the investment arm of the Business Development Bank of Canada, announced that it had launched the BDC Capital Bridge Financing Program to support Canadian venture-backed companies impacted by COVID-19.

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#### **Significant online defamation damages in Canada — are online platforms immune?**

24 FEB 2020

Canadian courts have a reputation of awarding relatively modest damage awards in tort cases, especially when compared to our neighbours to the South. However, a recent BC Supreme Court case, *Rook v Halcrow*, demonstrates that Canadian courts will award significant damages in relation to online defamation —in that case, the defendant acted with malice when undertaking a protracted online campaign to defame a former lover on social media and the court awarded damages in excess of \$230,000. For businesses that host content online, this award raises the spectre of the potential liability that intermediaries face when their users post defamatory content on or via their platforms or services.

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- Shocking U.S. "Loot Box" Bill Should Surprise No One: The Video Game Industry Under Attack, May 2019
- Financial Institutions: OSFI's Heightened Cyber Security Incident Reporting Obligations Now In Effect, April 2019
- VFX Animators Awarded Overtime Pay: Decision Sets High BC Bar for "High-Tech Professional", April 2019
- What Can and Should the Law Do About 'Deepfake': An Update, December 2018
- A \$250,000 Reminder that "CASL" is Not Just an Anti-Spam Law, July 2018
- What Can The Law Do About 'Deepfake'? March 2018
- Practicing Safe Text: Drafting Tips from the Stormy Daniels NDA, March 2018
- Seller Beware: The Dangers of Sales Language, January 2018
- Internet Law Essentials: Canada's Anti-Spam Law (CASL), 2017 Edition, *Specialty Technical Publishers*, July 2017
- Taking CASL by Storm: Compliance Tips for Investment Fund Managers, June 2017
- CASL Private Right of Action Delayed; Enforcement by CRTC Continues, June 2017
- Enforcement Advisory: Keeping Records of Consent under CASL, August 2016
- Will Virtual Meetings Become a Reality in Canada? June 2016
- Privacy Alert: Proliferation of Access Requests as New Tools Automate Request Generation and Distribution, June 2016
- Video Games as Canadian Culture: Navigating the Investment Canada Act in Interactive Entertainment Acquisitions, May 2016
- CRTC Imposes \$1.1 Million Penalty for Alleged CASL Violation, March 2015
- Internet Intermediaries and Copyright Owners Take Notice: Canada's Notice-and-Notice Regime Comes into Force, January 2015
- Green Eggs And Spam: The Surprising Side Dish to Canada's Anti-Spam Law that May Catch Software Businesses Off Guard, December 2014
- The Internet Never Forgets: Google Inc.'s "right to be forgotten" EU ruling and its implications in Canada, August 2014
- Internet Law Essentials: Canada's Anti-Spam Law (CASL), *Specialty Technical Publishers*, May 2014
- Canada's Anti-Spam Law: Are You Ready? May 2014

## Events

- Guest Lecturer, The Business of the Practice of Law, Peter A Allard School of Law, Dr. Carol Liao "Business Organizations", November 2019
- Co-Organizer, 1-day Video Game Law 101: Freemium Edition Conference, DigiBC (Vancouver), October 2019
- Moderator, Ask Game Lawyers Anything: This Normally Costs Money, PAX DEV and PAX West (Seattle), August 2019
- Co-Panelist, So, About That Loot Box Bill... PAX DEV (Seattle), August 2019
- Panelist, E-sports Bar Association Conference (LA) International Law Panel, June 2019
- Panelist, Video Game Bar Association Conference (LA) International Digital Media Business Incentives and Foreign Investment, May 2019
- Panelist, 5th Games Law Summit (Vilnius) Canada Video Game Legal Topics, April 2019
- #Techlaw2019 Legal Topics For Business Lawyers, Chair of 5-part TV series for Continuing Legal Education Society of BC

(Vancouver), February 2019

- Panelist, Legal Innovation Forum (Vancouver) Talent, Education and Purpose, November 2018
- Organizer, 2-day Video Game Bar Association Summit North (Vancouver), October 2018
- Speaker, Intellectual Property Institute of Canada (Vancouver) AI, IP and Ethics, October 2018
- Expert Witness for Standing Committee on Access to Information, Privacy and Ethics (Ottawa), Deepfakes and Election Interference, October 2018
- Moderator, Ask Game Lawyers Anything: This Normally Costs Money, PAX DEV (Seattle), August 2018
- Co-Panelist , "I Agree", the Internet's Biggest Lie: T&C/Privacy post-GDPR, PAX WEST (Seattle), August 2018
- Co-Panelist, PAX WEST (Seattle) Loot Crates & Tokens; aka "Games, Stop Acting like Casinos", August 2018
- Getting It Right the First Time: Ensuring Enforceable Contracts from the Start, Presenter, Employment Law Seminar 2016, Vancouver, BC, November 17, 2016
- Speaker, Lessons Every Startup needs to Know: Tales from the Trenches, Moderator, Vancouver Startup Week, Vancouver, BC, September 28, 2016
- Speaker, Make the Most of your Advisors (and Save Money Doing It!), Vancouver Startup Week, Vancouver, BC, September 28, 2016
- Co-Presenter, Under Attack – Online Threats to Reputation, Prosperity and Peace of Mind, Canadian Bar Association BC Branch Freedom of Information & Privacy Law Section annual conference, Vancouver, BC, June 2, 2016
- Panelist, Cyber Security Readiness: Detecting, Responding and Avoiding Threats, Portfolio Management Association of Canada's Vancouver Compliance Forum, Vancouver, BC, May 18, 2016
- Co-Panelist, Gaming, Gambling or Addiction? F2P Scientific and Legal Perspectives, Game Developers' Conference, San Francisco, CA, March 14, 2016
- Co-Panelist, The Science of Video Game Addiction, PAX West, Seattle, WA, August 29, 2015
- Co-Panelist, Protect Yourself! FAQ about DMCA and Other Takedown Systems, PAX Dev, Seattle, WA, August 27, 2015
- Presenter, CASL Update, Canadian Bar Association BC Branch Freedom of Information & Privacy Law Section annual conference, Vancouver, BC, May 8, 2015
- Co-Panelist, "Cyberbullying" - A Catch Phrase or a Real Problem, PAX Prime, Seattle, WA, September 1, 2014
- Co-Panelist, The Indie Legal Roundtable, PAX Dev, Seattle, WA, August 28, 2014
- Canada's New Anti-Spam Law - what it really means, how it affects you, and why every business in Canada should care, Vancouver, BC, June 10, 2014
- Moderator, Shooters and Shooters: Exploring the Connection between Video Games and Mass Shootings, PAX Prime, Seattle, WA, September 2, 2013
- Lead Panelist, Gaming or Gambling: Scientific and Legal Perspectives, PAX Prime, Seattle, WA, August 31, 2013
- Co-Panelist, The Indie Developer's Legal FAQ, PAX Dev, Seattle, WA, August 29, 2013
- Co-Panelist, Gaming or Gambling: Scientific and Legal Perspectives, PAX Dev, Seattle, WA, August 27, 2013

## NEWS

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### **DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory***

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the Canadian Legal Lexpert Directory.

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### **DLA Piper Canada significantly expands Startups, Emerging Companies and Technology practice**

16 MAR 2020

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With the addition of six new lawyers to our Vancouver office since the beginning of 2020, DLA Piper Canada has significantly expanded upon its capabilities in the Startups, Emerging Companies and Technology practice.

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## DLA Piper (Canada) LLP welcomes Partner Ryan J. Black

1 JAN 2020

DLA Piper (Canada) LLP is pleased to announce that Ryan Black has joined the firm as Partner in the Vancouver office. Ryan practises technology-related corporate law, with a particular focus on internet technologies, ecommerce, video games and esports.

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## MEDIA MENTIONS

- "Prada's VR experience brings Milan to your couch, but there are risks to be managed," *World Trademark Review*, June 11, 2020
- "Epic suing a former Keywords employee for leaking Fortnite Chapter 2 secrets", *GameDaily.biz*, November 13, 2019
- "Small businesses caught in legal missing middle", *Business in Vancouver*, November 7, 2019
- "Microsoft confirms that human contractors have listened to Xbox players' audio", *GameDaily.biz*, August 22, 2019
- "E3 data breach that exposed 2,000 journalists' private data puts ESA in legal crosshairs", *GameDaily.biz*, August 3, 2019
- "Deepfakes: preparing for the trademark infringement of the future", *World Trademark Review*, July 23, 2019
- "Taking Care of Business? Experts Call New BC Law a Gift to Corporations", *The Tyee*, June 4, 2019
- "ESA: loot box proposal 'flawed and riddled with inaccuracies,' bill gains bipartisan support", *GameDaily.biz*, May 28, 2019
- "North Van entrepreneur's struggle with Kardashian empire a cautionary tale", *CTV Vancouver*, May 7, 2019
- "Deepfakes and Brand Sabotage" by David Pring-Mill, *Data, Strategy, Technology*, December 3, 2018
- "Psychologist calls for F2P game designers to be more aware of addiction dangers" by Colin Campbell, *Polygon*, March 14, 2016
- "Why Canada's anti-spam laws may be keeping Canadians off Jeopardy!" by Robin Levison King, *The Star*, February 19, 2016
- "Canadian anti-spam legislation off to slow start, but seeing results" by Steve Merti, *Yahoo! News Canada - Daily Brew*, March 31, 2015
- "What do you think about Canada's new anti-spam legislation" *Cross Country Checkup on CBC Radio*, July 6, 2013
- "What does the law apply to?" *CTV News*, June 30, 2014
- "Stringent anti-spam legislation comes to Canada on July 1st" *The Simi Sara Show, CKNW Radio*, June 26, 2014
- "New anti-spam laws affect virtually every business in Canada" by Nelson Bennett, *The Vancouver Courier*, June 23, 2014
- "The Ifs, Ands and Buts of New Anti-Spam Legislation" by Nelson Bennett, *Business in Vancouver*, June 17, 2014
- "Anti-spam rules to weigh on all commercial email", *AGCanada.com*, June 16, 2014
- "How New Anti-Spam Laws will Affect your Business" by Nelson Bennett, *Real Estate Weekly*, June 13, 2014
- "Spam law to affect virtually every business in Canada" by Nelson Bennett, *Business in Vancouver*, June 10, 2014
- *AM 650's The Law Show with Stirling Faux*, Radio broadcast regarding "Being a Lawyer", June 8, 2014
- "Specialty Technical Publishers Announces Publication of Canadian Anti-Spam Law (CASL) Guide", *PR Web*, May 20, 2014
- *AM 650's The Law Show with Stirling Faux*, Radio broadcast regarding "Canada's Anti-Spam Law", May 11, 2014
- *AM 650's The Law Show with Stirling Faux*, Radio broadcast regarding "Intellectual Property Law", October 27, 2013