



### Tyson Gratton

**Associate**

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Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. From one person indie shops to AAA studios, Tyson's practice also includes assisting emerging and growth stage companies in a variety of industry sectors.

Tyson leverages his expertise to assist clients with drafting effective licensing and master service agreements; negotiating publishing and distribution deals; and advising on consumer protection and privacy matters. He also advises clients on drafting employment agreements, negotiating contractor relationships, and advising on related royalty matters.

In his practice, Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it's like to be on the other side of the lawyer-client relationship and actively works to not simply flag issues but to provide effective solutions as well.

Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia and is based in Vancouver, Canada. Tyson currently acts as Clinic Adjunct for the Centre for Business Law at the Peter A. Allard School of Law at the University of British Columbia. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

- Corporate
- Intellectual Property and Technology
- Emerging Growth and Venture Capital
- Video Games and Interactive Entertainment Law
- Technology Transactions and Strategic Sourcing

- Technology

English

## LANGUAGES SPOKEN

- English

## Admissions

- British Columbia, 2014

## Education

- Certificate in Entertainment Law, Osgoode Hall Law School, 2016
- J.D., University of British Columbia, 2013
- B.A., (Hons.), University of British Columbia, 2010

## Memberships

- Video Game Bar Association
- Canadian Bar Association
- Vancouver Bar Association

## INSIGHTS

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### Publications

#### Canada legalises single event sports betting, and Ontario is all in

16 August 2021

Global gaming revenue is expected to reach US\$525 billion by 2023. Online gaming and betting activities represent a significant portion of this revenue at an estimated market size of \$66.72 billion USD in 2020. Canadians have shown an incredible appetite for iGaming, despite the fact that regulatory roadblocks to private businesses looking to enter the iGaming industry in Canada leave Canadians with limited options.

This article discusses Bill C-218, *An Act to amend the Criminal Code (sports betting)*, which will come into force on August 27, 2021. While C-218 signals the legalisation of single sports betting in Canada is a significant step towards the liberalization of Canada's legal framework applicable to gaming, its impact on private businesses may be limited until provinces and the federal government solidify and clarify their approach to iGaming.

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#### Scope, fees, IP, relief: Mastering the elements of good licensing

6 April 2021

Licensing is a very broad concept —much broader than the commonly-held view that licensing only relates to software, art, content, or other registrable intellectual property rights such as patents, trademarks, and copyright. While licensing certainly captures these concepts, any time a business permits another party to use something it owns, it is licensing that something to that other party. And while there are technical, legal differences between leases and licences that are very important when applying to physical or real property, the lines are blurry and leases grant very different rights and interests.

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#### Gems, coins, bells and bottle caps: Canadian AML regime amendments affect some video game and social media virtual currencies

25 February 2021

Providers of video games and online entertainment that offer virtual currency as part of game play may be "money service businesses" under Canada's anti-money laundering rules.

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#### And then it grew teeth: Canada's privacy law gets enforcement-laden overhaul

18 November 2020

On Tuesday November 17th, 2020, Canada's Minister of Innovation, Science and Industry Navdeep Bains introduced Bill C-11, entitled the *Digital Charter Implementation Act, 2020* (the "DCIA") for first reading.

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## 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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## Quaran-streaming: Music licensing and your online business

15 MAY 2020

The COVID-19 pandemic has caused an unprecedented need for businesses to get creative in order to continue generating revenue while their physical premises are temporarily closed. Certain businesses which have traditionally been based entirely on in-person attendance, such as fitness studios, have been among those experiencing the most pressure to pivot their business models. With many businesses that feature music as a key part of their service now offering virtual classes, seminars, or shows, the question arises — how can businesses move their services online and stay outside of copyright law?

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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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## Website cookies in Canada: is consent required?

2 APR 2020

Website cookies are small files sent by websites to users' computers, usually without knowledge or specific consent. Cookies can be used to personalize a website, remember users' preferences, and retain products in electronic shopping carts. A bigger concern for regulators is that cookies can also be used to track online behaviour, activities and interests, and can be accessible by third parties.

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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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- Author, Shocking U.S. "Loot Box" Bill Should Surprise No One: The Video Game Industry Under Attack, May 2019
  - Author, VFX Animators Awarded Overtime Pay: Decision Sets High BC Bar for "High-Tech Professional", April 2019
  - Author, "Intern(al) Affairs": Managing Unpaid Internships in British Columbia, June 2015
  - Author, Gotta Have (Good) Faith: Wrongful Dismissal and Aggravated Damages in George v. Cowichan Tribes, April 2015
  - Author, The Most Important Question is Why: the SCC Revisits Constructive Dismissal, March 2015
  - Author, 28 Years Later: Constitutional Right to Strike Confirmed by Supreme Court, February 2015
  - Author, It's a Two-Way Street: Employees are Required to Give Notice of Resignation, January 2015
  - Author, 2014 Year in Review: Ensure your organization stays on the "Nice List" in 2015, January 2015

## NEWS

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### **DLA Piper Canada acted for Pepper Esports Inc.**

23 December 2020

TGS Esports Inc. ("TGS") (TSXV: TGS) announced the completion of its acquisition of Pepper Esports Inc. ("Pepper") on December 21, 2020. The acquisition included Pepper executives Guy Halford-Thompson, Jackson Warren and Ben Hoffman joining the TGS executive team. DLA Piper Canada is pleased to have acted as legal advisors to Pepper.

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### **DLA Piper (Canada) LLP launches Black and Indigenous Business Law Clinic**

28 AUG 2020

DLA Piper Canada is pleased to announce the launch of a pro bono business law clinic dedicated to providing Black and Indigenous businesses with corporate and commercial legal advice.

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

16 MAR 2020

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 Tyson Gratton**

13 JAN 2020

DLA Piper (Canada) LLP is pleased to welcome Tyson Gratton to the firm's Vancouver office as an associate in the Corporate group. Tyson's practice focuses primarily on assisting emerging and growth stage companies manage corporate governance matters, negotiate contracts and licensing agreements, navigate growth financing, and facilitate routine corporate commercial matters.

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