



David Spratley

Partner
TRADE-MARK AGENT

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David Spratley advises clients on a wide range of intellectual property (IP), information technology (IT), privacy, e-commerce issues and related issues.

David helps with creating, protecting, enforcing and commercializing trademarks, domain names and copyright, drafting and negotiating IT outsourcing and services agreements and cloud computing agreements, implementing e-commerce solutions, drafting web site terms of use, developing, distributing, licensing and supporting software, video games and other technology, and establishing and protecting franchise systems and other distribution systems. As well, he assists clients in complying with federal and provincial privacy legislation (including through privacy audits and drafting privacy consents and policies), Canada's Anti-Spam Legislation (CASL), promotional contest laws and gift card laws. He also advises on IP, IT, privacy and related aspects of commercial transactions.

LANGUAGES SPOKEN

- English

- Intellectual Property and Technology
- Data Protection, Privacy and Security
- Video Games and Interactive Entertainment Law
- Media, Sport and Entertainment

English

- Acted for Tier1 Financial Solutions on its acquisition of Satuit Technologies, Inc.
- Acted for Seequent Limited in its acquisition of Geosoft, a Canadian-based software company.
- Acted for CDW Canada Corp. in its acquisition of Scalar Decisions Inc., a leading technology solutions provider in Canada.
- Acted for the seller of CUL Administration of Canada Ltd in its acquisition by U.S. based Auto Financial Group.
- Advised on the acquisition by Asmodée of Fantasy Flight Games Inc., a worldwide recognized hobby games publisher and Days of Wonder Inc., a top-quality, family-oriented board and online games publisher.
- Assisted Canfor Pulp Inc. with complex IP licensing issues related to the formation of its joint venture, "Licella Pulp Joint Venture", with the Licella Group of Australia for the development of various biofuel plants in Prince George, British Columbia.
- Assisted litigation counsel represent a tobacco accessory supplier in trademark infringement litigation against an infringer, including helping negotiate and draft settlement documents.

- Advised a foreign software services provider about privacy and data protection issues relating to Canadian data routing through foreign jurisdictions and returning to Canada.
- Advised a major sporting goods supplier on implementing a new Canadian e-commerce platform for selling products directly to consumers.
- Assisted a local production company reach a favourable settlement with a large US film production company that had engaged in reverse trademark infringement.
- Drafted and negotiated sponsorship agreements with professional athletes (including NBA and MLB players) for a performance and lifestyle underwear maker.

CREDENTIALS

Admissions

- British Columbia, 2002

Professional Qualifications

- Registered Canadian Trademark Agent

Prior Experience

David has worked in-house for a large public healthcare organization where he advised on legal issues and strategies in a wide range of areas, including information technology, life sciences, business and commercial initiatives, privacy, human resources, communications, procurement and facilities.

Recognitions

- Lawyer of the Year, *Best Lawyers in Canada* (Information Technology Law: Vancouver), 2022
- *Best Lawyers in Canada* (Intellectual Property Law), 2017-2022; (Technology Law), 2018-2022; (Information Technology Law), 2020-2022

Education

- LL.B., Dalhousie University, 2001
- M.L.I.S., Dalhousie University, 2001
- B.A., Political Science, (Honours), University of British Columbia, 1995

Memberships

- Member, Law Society of British Columbia
- Member, Canadian Bar Association
- Chair, Computer Law Section, Canadian Bar Association, 2004-2006
- Vice-chair, Computer Law Section, Canadian Bar Association, 2003-2004
- Secretary, Computer Law Section, Canadian Bar Association, 2002-2003

INSIGHTS

Publications

Modernizing privacy in Ontario - the potential upcoming shift

19 July 2021

2020 brought the winds of change to the Canadian private-sector privacy landscape. The federal government introduced Bill C-11, which overhauls the long-standing federal *Personal Information Protection and Electronic Documents Act*, and Quebec introduced Bill 64, which proposes significant changes to Quebec's own private-sector privacy regime.

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.

Service agreements - unpacking the boilerplate (including force majeure clauses)

15 January 2021

Service providers embarking on a new contractual relationship will find that most service agreements contain a number of general “boilerplate” provisions. These clauses are sometimes copied directly from other similar agreements and are only briefly considered by the parties. This approach is not advisable.

Negotiating service agreements

16 November 2020

Business relationships supported by a mutually beneficial and comprehensive underlying contract are far more likely to be successful in the long-term.

Turning downtime into privacy time: COVID-19 privacy review in Canada

24 APR 2020

As many businesses adapt to the current environment imposed by COVID-19, now may be the time for your organization to consider evaluating the state of your privacy and data protection management.

New guidance on CASL's charitable fundraising exception

6 JUN 2014

A look at issues surrounding the charitable fundraising exception under Canada's Anti-Spam Legislation.

Canada's anti-spam legislation: how will it affect registered charities, non-profits and co-ops?

17 MAR 2014

Canada's anti-spam legislation ("CASL") comes into force on July 1, 2014. CASL is far-reaching, applies broadly to commercial electronic messages and computer programs, has onerous restrictions, has significant penalties for non-compliance, and is not clearly written or easy to follow.

Top Ten Tips in Negotiating Service Agreements

30 Jul 2013

- Co-author, "Tighten up on that service provider agreement", *The Lawyers Weekly*, April 2014

Events

Previous

Reimagining the workplace: How to effectively manage remote work arrangements during COVID-19 and beyond

25 June 2020 | 12:00 - 1:00 ET
Webinar

NEWS

DLA Piper Canada advised Hush Blankets on its acquisition by Sleep Country

22 October 2021
On October 22, 2021, Canada's leading omni-channel specialty sleep retailer, Sleep Country Canada Holdings Inc. (TSX: ZZZ), acquired a majority share of Hush Blankets Inc.

DLA Piper (Canada) LLP recognized in the 2022 *Best Lawyers in Canada* guide

26 August 2021
DLA Piper (Canada) LLP is thrilled to see 84 of our lawyers across 35 practice areas recognized in the 2022 Best Lawyers in Canada guide.

DLA Piper Canada advises Draganfly on its Nasdaq listing and US\$20 million public offering

August 3, 2021
On July 29, 2021, Draganfly Inc., a drone manufacturer and systems developer, announced the completion of its Nasdaq listing and a US \$20 million public offering with common shares.

DLA Piper advised Tier1 Financial Solutions on its acquisition of Satuit Technologies, Inc.

30 April 2021

On April 26, 2021, Tier1 Financial Solutions, a leading provider of client relationship management solutions, anti-money laundering compliance and fraud prevention solutions, announced that it had acquired Satuit Technologies, Inc., a global leader in asset management and wealth management CRM software solutions.

DLA Piper Canada advised Tier1 Financial Solutions on its acquisition of Alessa

19 January 2021

On January 14, 2021, Tier1 Financial Solutions, a leading provider of client relationship management (“CRM”) solutions, announced that it had acquired Alessa, a compliance and financial crime prevention solution software company. DLA Piper (Canada) LLP acted as legal advisor to Tier1 on this transaction.

DLA Piper advises Arlington Capital Partners in majority investment in Everest Clinical Research Corporation

21 December 2020

DLA Piper represented Washington, DC-based private equity firm Arlington Capital Partners in its investment in Everest Clinical Research Corporation, a leading contract research organization providing a comprehensive suite of mission-critical clinical research services to the worldwide pharmaceutical, biotechnology and medical device industries across Phase I-IV trials.

DLA Piper represented Acreage Holdings in implementation of amended arrangement with Canopy Growth

6 October 2020

On September 23, 2020, Canopy Growth Corporation and Acreage Holdings, Inc. announced the implementation of Acreage's previously-announced amended arrangement under section 288 of the *Business Corporations Act*.

DLA Piper Canada increases rankings in 2021 edition of *Best Lawyers in Canada*

28 AUG 2020

DLA Piper (Canada) LLP is pleased to see 79 of our lawyers across 35 practice areas recognized in the 2021 *Best Lawyers in Canada* guide, resulting in our best showing with the guide since its inception.

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.

DLA Piper (Canada) LLP featured in Lexpert's "Top 10 Deals of 2019"

26 FEB 2020

DLA Piper (Canada) LLP is pleased to have acted on two of the transactions included in Lexpert magazine's "Top 10 Deals of 2019."

DLA Piper advises Seequent Limited on its acquisition of GEOSLOPE

4 NOV 2019

DLA Piper has advised Accel-KKR and its portfolio company, Seequent Limited, in connection with its acquisition of GEOSLOPE International Ltd., a Canadian-based company that creates integrated, geotechnical analysis software.
