

Information Technology

SUMMARY

The information technology industry plays an essential role in Canada's economy. Virtually, all facets of business today are driven by some form of computer network. Instant access to information is more than a business reality — it is a business requirement. Information management and data exchange have always been essential to business success but now takes place at a remarkable speed. The need of business to understand and work with the laws underpinning this new economy have never been greater. We provide our clients with the information and advice they need to understand the legal and regulatory framework of this new economy.

Our Information Technology (IT) Group has proven expertise in providing technology law and intellectual property services to all industry sectors, including the information technology sector. The IT Group employs a multi-disciplinary approach to provide IT clients with innovative, precise and practical solutions.

Whether our client's core business is in the field of information technology or is affected only incidentally by new technological developments, we are well-positioned to provide up-to-date and timely advice. Members of our Group work closely with lawyers in other specialized areas, including tax, mergers and acquisitions, banking, capital markets, competition, insurance, employment, intellectual property and litigation to provide a full range of legal services. Accordingly, we can readily assemble appropriate teams to handle complex commercial transactions such as the establishment of a strategic alliance, outsourcing agreements, or an initial public offering in the technology sector. We can also provide dispute resolution assistance with respect to information technology-related issues and contracts.

PUBLICATIONS

- "[Privacy In The lot Age](#)," January 2019.
- "[Top Innovative Industries Shaping the Canadian Economy](#)," January 2019.
- "[In the Internet of Things, Opportunities Abound for Class Action Litigation](#)," July 2018.
- "[Settlement of Alleged CASL Violations – Messages Sent without Compliant Unsubscribe Mechanism](#)," May 2018.
- "[Settlement of Alleged CASL Violation – Text Messages Sent Without Consent or Prescribed Information](#)," May 2018.
- "[Canadian Internet Law Update – 2017](#)," March 2018.
- "[CASL Enforcement Decision — Interpretive Guidance for Compliance and Penalties](#)," November 2017.
- "[CFTA and CETA: Ten "Tips" for Ontario Broader Public Sector Entities](#)," July 2017.
- "[British Columbia Social Media Update](#)," July 2017.
- "[Supreme Court of Canada Confirms in Douez v. Facebook that a Business Cannot Contract Out of Local Privacy Law](#)," June 2017.
- "[The CFTA and Innovation Procurement — A Primer for Broader Public Sector Entities in the Healthcare Sector](#)," June 2017.
- "[CASL – Government Suspends Private Right of Action](#)," June 2017.

- "[Canada's Anti-Spam Legislation – Preparing for the End of Special Transition Rule for Implied Consent to Receive CEMs](#)," May 2017.
- "[Preparing for CASL's Private Right of Action](#)," May 2017.
- "[Canadian Internet Law Update – 2016](#)," March 2017.
- "[CASL Enforcement Decision – Sending Messages without Consent or Prescribed Formalities](#)," March 2017.
- "[CASL – Year in Review](#)," January 2017.
- "[CASL Enforcement Decision – Sending Messages Without Consent](#)," October 2016.
- "[CASL Compliance Programs – Preparing for Litigation](#)," October 2016.
- "[CRTC Settles Alleged CASL Violation – Messages Sent Without Consent](#)," September 2016.
- "[Do insurers have a duty to defend as a result of a failure to comply with PCI – DSS](#)," May 2016.
- "[Government Guidance for Preventing and Responding to Ransomware Attacks](#)," April 2016.
- "[Facebook defamation case awards significant damages](#)," April 2016.
- "[Canadian Internet Law Update - 2015](#)," March 2016.

REPRESENTATIVE WORK

Borden Ladner Gervais LLP provides legal and intellectual property services to a wide range of companies in the information technology sector from start-ups to publicly traded corporations. We also serve the needs of their suppliers and customers, including the following:

- **Information Technology Industry** - We act for suppliers, distributors and retailers of computer systems, software and information products (such as databases and processing services), providing advice with respect to all aspects of their business. In particular, we assist such companies with sales, licenses and services agreements, contract administration and product distribution (including marketing and competition law).
- **Litigation and Dispute Resolution** - Our IT Group works with our clients to resolve any IT or IP disputes which they may encounter and to obtain damages where they have been wronged or injunctive relief where it is required.
- **Users of Information Systems** - We act for many users of information systems, including manufacturers, retailers, hospitals, school boards, universities, colleges, government agencies, banks and insurance companies, providing advice on all matters relating to the procurement and use of technology.
- **Publishers and Suppliers of Multimedia Products** - We prepare and negotiate various publishing agreements, including agreements for the distribution of computerized databases by the Internet and CD-ROM.
- **Financial Institutions and Capital Market Participants** - We act on behalf of various financial institutions in connection with the implementation of electronic commerce projects. We also assist financial institutions and their suppliers in connection with the acquisition or supply of a wide range of information technology products, such as financial data and trading floor systems. We also assist capital market participants in the

securities and mutual fund industry in website development, electronic trading and document delivery.

- **New Venture Assistance** - We provide all types of business formation assistance to new start-ups, including incorporations, shareholder and partnership agreements.

RANKINGS & RECOGNITIONS

The Information Technology Group or its members have been recognized:

- The 2019 edition of *Chambers Canada — Canada's Leading Lawyers for Business*.
- The 2019 and previous editions of the *Best Lawyers in Canada*[®].
- The 2019 (and since 2017) edition of *The Legal 500 Canada*.
- The 2019 edition of *Chambers Global — The World's Leading Lawyers for Business*.
- The 2018 edition of *Canadian Legal Lexpert*[®] *Directory*.