

Mike (Michael) G. Beirsto

Partner



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Overview

Mike is a partner in the Business Law Department of Dentons Canada LLP, practising corporate commercial law and specializing in technology and e-commerce/internet matters. Mike heads the Technology Law Group practice in our Toronto office and is a member of Dentons' Technology Group.

Mike has extensive experience in technology and corporate transactions, including software licensing and development, technology acquisition, service agreements and outsourcing arrangements. He also advises on intellectual property licensing matters and protection of intellectual property and information. Mike regularly advises clients with respect to e-commerce matters and internet-based channels of business, including privacy-related issues and internet law matters. Mike also represents clients on technology acquisitions, financing and corporate mergers and acquisitions in the technology field.

Experience

- **Take-Two Interactive Software, Inc.:** Advising Take-Two Interactive Software, Inc., a leading developer, publisher and marketer of interactive entertainment for consumers around the globe, in connection with its acquisition of Nova Scotia-based video game developer HB Studios Multimedia Limited.
- **Confidential client:** Representing an American industrial conglomerate on the Canadian components of a multi-jurisdictional composite asset and share acquisition.
- **Teledyne Technologies Incorporated:** Advising on its acquisition of the CARIS business, a leading developer of marine mapping software, in Canada and its international affiliates.
- **A large multi site health services organization:** Acting as counsel to this Southern Ontario health care services provider in the procurement and contracting for Oracle cloud services and the implementation of a human resources management cloud solution with a solutions implementer.
- **Confidential Client:** Advising a US special purpose vehicle in its acquisition of a Canadian tech firm.
- **One of the largest lawn and garden and outdoor power equipment distributors in the US:** Advising in connection with its strategic cross-border acquisition of a private US based entity and a private Canada

based entity.

- **One of Canada's most innovative medical supply companies:** Advising on its US\$5 million sale of its intellectual property division, the granting of an asset sale option, and the entry into of a product supply agreement, all with one of the world's largest medical supply companies.
- **Nokia Solutions and Networks:** Advising in relation to the acquisition of the business and assets of Nakina Systems Inc. and Nakina Systems USA, Inc.
- **Premier Aviation Overhaul Centre Inc.:** Advising on the sale of aircraft maintenance, repair and overhaul facilities in Ontario and Quebec.
- **Canadian-based digital media company:** Advising in connection with its acquisition by Google.
- **College of Applied Arts and Technology in Ontario:** Advising in connection with its licensing, development and implementation of an Oracle ERP system through an implementation partner and with Oracle Canada.
- **Agency of the Province of Ontario:** Advising in connection with the multi-stage procurement of various medical equipment for various hospitals and health care service providers, including the equipment purchase and implementation agreements for such equipment.
- **Three health care systems:** Advising in connection with intellectual property ownership and rights, due diligence analysis and report, and content and best practices guidelines databases, developed through a variety of health care institutions and contributors.
- **United Way of Greater Toronto:** Acting as Counsel in respect of its Master Services Software and Development Agreement for a licensing and development transaction with Blackbaud Inc. signed on April 1, 2011 for the next generation fundraising and constituent relationship management solution for UWT.
- **Confidential client:** Negotiating and preparing a letter of intent and a definitive agreement for the resolution of a software ownership dispute arising from a multi-year software development project for a custom designed application in the mortgage brokerage industry.
- **Technology supplier:** Negotiating and drafting an Application Services Provider Agreement for a SaaS model for a corporate financial and tax application. Representing the technology supplier in this long-term services agreement with a large multinational mining company.
- **Group of chemical companies:** Preparing and finalizing an international intellectual property reorganization transaction in the fabric treatment industry, headquartered in Canada.
- **Teledyne Technologies Incorporated:** Advising on the CA\$337 million acquisition of DALSA Corporate by plan of arrangement. The arrangement was completed following the approval of the Ontario Superior Court of Justice (Commercial List) and satisfaction of the various conditions precedent to the arrangement.
- **Teledyne Technologies Incorporated:** Acting as counsel to on its acquisition of a minority interest in the parent company of Optech Incorporated, headquartered in Vaughan, Ontario. Optech is an international leader in advanced laser-based survey and digital imaging instrumentation with 285 employees worldwide.
- **Irdeto Holdings:** Acting as Canadian counsel to on its CA\$72.5 million acquisition of Cloakware Inc., a Virginia-based software company.
- **One of the largest manufacturers of consumer electronics in the world, and their Canadian subsidiary:** Advising in connection with all types of licensing as well marketing and advertising IP matters.
- **Agency of the Government of Ontario:** Advising in connection with sponsoring medical disease related research in their agreements with doctors and research professors.
- **One of Canada's largest Schedule 1 chartered banks:** Advising in connection with a trademark infringement matter involving the intensely competitive and very short retirement savings season, in order to stop the offending use of our client's trademark.
- **Confidential client:** Advising the acquirer of a portfolio of patented prescription pharmaceutical drugs for

rights to the Canadian market.

- **Confidential client:** Acting for the buyout of strategic investors for worldwide IT consulting and training business by founders and subsequent follow-on investment.
- **LexisNexis:** Advising in connection with the acquisition of Quicklaw (Canadian-based legal and case law information database service) from founders and employees.
- **Confidential client:** Acting as counsel to one of the parties in a Canadian joint venture involved in the media industry.
- **Confidential client:** Acting for the acquirer's interest in a Canadian agro-chemical business.
- **LexisNexis:** Advising in connection with its acquisition of PCLaw (law firm software) and Alumni Computer Group from founders.

Recognition

First recognized in 2006, Mike has been commended for his extensive knowledge and experience in a variety of respected publications, including:

- *Chambers Global:* Information Technology Law - Canada
- *Chambers Canada:* Information Technology Law
- *The Legal 500 Canada:* Technology
- *The Best Lawyers in Canada:* Information Technology Law; Technology Law, Venture Capital Law
- *The Canadian Legal Lexpert Directory:* Computer and IT Law; Technology Transactions
- *Lexpert Special Edition – Canada's Leading Lawyers:* Technology
- *Acritas:* Acritas Star
- *Expert Guides:* Information Technology
- *IAM Licensing 250:* The World's Leading Patent and Technology Licensing Lawyers
- *Guide to the World's Leading Technology, Media & Telecommunications Lawyers:* Information Technology
- *PLC Which Lawyer? PLC Outsourcing multijurisdictional guide*

Honors and Awards

- Named "Lawyer of the Year" by *Best Lawyers* for Venture Capital Law, Toronto (2021)
- *Client Choice Awards:* IT & Internet (2017)

Insights

- *Technology Startups: A Practical Legal Guide for Founders, Executives and Investors*
- Editor of an online legal information service, focusing on technology and e-commerce current development, Lawsof.com (www.lawsof.com)
- Member of the Expert Panel (editorial review panel) for *Marketing (2nd Canadian Edition)*, to be published by Houghton Mifflin in 2009
- Advanced Technology Sector Key to Canadian Prosperity *The Metropolitan Corporate Counsel* published by

- Unwinding the Technology Deal: Effective Exit Strategies, Information Technology and Electronic Commerce Section of the Ontario Bar Association, March 2002
- Member of the Expert Round Table (editorial review panel) for the Introduction to *Integrated Marketing Communications*, a university-level marketing text, published by Prentice Hall/Pearson Education (2001)

Activities and Affiliations

- Member, Canadian IT Law Association
- Dentons' Representative on the Intellectual Property & Licensing Practice Group of the Pacific Rim Advisory Council
- Member, Information Technology and E-Commerce Section, Entertainment, Media and Communications Section and Business Law Section of the Ontario Bar Association
- Member, Law Society of Upper Canada
- Member, Program Committee and Past Chairman of the Toronto Computer Lawyers' Group

Community Involvement and Pro Bono

- Certificate of Commendation for Service to Scouting - Scouts Canada, March 2010
- Recipient of the Commemorative Centennial Medal from Scouts Canada
- Venturer Advisor, Scouts Canada
- Heart & Stroke Foundation, Juvenile Diabetes Research Foundation - Fundraiser

Presentations

- Presentation on "Software and Data Licensing" at the Negotiating and Drafting IT Agreements conference sponsored by Osgoode Professional Development's Continuing Legal Education Program in Toronto, June 10-11, 2014
- Presentation on "Leaky Websites, Encryption Keys and Mobile Trackers" (a presentation on privacy issues related to technology) for the Waterloo Region Law Association C-POWR event on Wednesday June 12th, 2013
- Presentation on "Liability and Insurance Issues, in IT Agreements" at The Information Technology Law Spring Forum, sponsored by the Canadian IT Law Association and The Law Society of Upper Canada, June 6-7, 2011, Session 3: Key Contracting Issues for IT Agreements.
- Presentation on "Structuring Technology Acquisition Agreements," The 9th Annual IT Law Spring Training Program, sponsored by the Canadian IT Law Association and The Law Society of Upper Canada, April 30-May 1, 2009
- Presentation on "Canadian Intellectual Property Law," Doing Business in Canada, Lorman Business Seminars, Buffalo N.Y., June 12, 2008
- Presentation on "E-Commerce Current Developments" at Ontario Bar Association, Information Technology & E-Commerce Section - Technology in Bloom Conference, April 18, 2005
- Course Instructor, Advising Businesses on Technology Law Issues, Osgoode Hall Law School Professional Development Program, November 2004
- Presented paper entitled "Unwinding the Technology Deal" at the Canadian IT Law Association's I.T. Law

Spring Training II session in May, 2003

- Presentation on "Undoing Tech & E-Business Deals: The Thrill is Gone" joint presentation with Mario Lavoie, General Counsel and Director, Contracts and Negotiations, IBM Global Services - Canada for OBA - Information Technology & E-Commerce Section, March 20, 2002
- Speaker at the Innovative Practices in Information Risk Management Conference, sponsored by The Canadian Institute of Chartered Accountants, The Institute of Internal Auditors and the Information Systems Audit and Control Association: Presentation on Protecting Digital Assets - March 2001
- Spoken and written materials for various conferences on information technology and electronic commerce matters

Areas of focus

Practices

- Business Agreements and Commercial Contracts
- Commercial Agreements
- Intellectual Property and Technology
- Mergers and Acquisitions
- Strategic Sourcing and Outsourcing
- Technology Procurement, Development and Licensing
- Venture Technology and Emerging Growth Companies

Industry sectors

- Advertising Agencies
- Cloud and Hosting Services
- E-Commerce, Internet and E-Payments
- Information Technology (IT)
- Life Sciences and Health Care
- Outsourcing
- Software
- Technology
- Autonomous Vehicles
- HealthTech

Education

- University of New Brunswick, 1987, LLB
- University of New Brunswick, 1985, BBA

Admissions and qualifications

- Ontario, 1989

Languages

- English