

Video Game Law

*OBA Entertainment, Media & Communications Law, and
Information Technology & Intellectual Property Law*



In-Person



Webcast

Date: Friday June 9, 2017 | 9:00 am to 1:00 pm
Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto
Chairs: **Sebastien Budd**, Justice Canada
Lisa Danay, Deeth Williams Wall LLP



Professionalism Hours: This program is eligible for up to 0h 30m
Substantive Hours: This program is eligible for up to 3h 30m

*The OBA has been approved as an Accredited Provider of
Professionalism Content by The Law Society of Upper Canada.*

According to the Entertainment Software Association of Canada, there are 472 active video game studios in Canada, and the industry contributes \$3 billion to Canada's GDP annually. Ensure you are up to speed on the key legal issues for clients in this growing industry, as you "power-up" on your video game law knowledge at this unique program.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Keynote Panel: The State of the Video Game Industry**
Carly Beath, Senior Manager of Operations, Interactive
Ontario
Jon Festinger, Festinger Law & Strategy (Vancouver)

Join our expert panel as they explore the current state of the video game industry, and key legal challenges facing developers. Hear about the nuances and increased risks associated with developing areas such as virtual and augmented reality, and what they mean for your clients.

10:00 am **Managing Brands in Game Content**
Misha Benjamin, (Montreal)

- What you can/cannot include in your game – does fair dealing apply?
- If you need permission, what type of rights are you dealing with?
- In-game advertising as a revenue source

10:25 am **Essential Intellectual Property Protection Considerations**
Catherine Lovrics, Bereskin & Parr LLP

- What IP and quasi-IP rights may be at issue?
- When do you need to refer your client to IP counsel?
- Helpful advice for IP clearance, protection and enforcement

10:50 am Networking Break

11:05 am **Crafting Effective Terms of Use**
Jon Festinger, Festinger Law & Strategy (Vancouver)

- Pitfalls to avoid in your terms of use
- Dealing with user privacy and data collection
- What cross-jurisdictional issues arise?

11:30 am **Getting the Game to Market: Financing, Licensing and Distribution**
Mark Edwards, Edwards PC, Creative Law (Ottawa)
Tracey Jennings, PwC Canada

- Financing and revenue models to consider
- What grants are available to Canadian game developers?
- Critical licensing and distribution advice

11:55 am **Digital Locks and Video Games: *Nintendo v. King***
Mark Biernacki, Smart & Biggar

On March 1, 2017, the Federal Court released its decision in *Nintendo of America Inc. v. King et al.*, the first under the *Copyright Act's* recent amendments prohibiting circumvention of technological protection measures. Hear directly from counsel for Nintendo, Mark Biernacki, as he gets you up to speed on the implications of this important decision.

12:20 pm **Working with Start-Ups**

Many game developers are start-up companies with little budget to spend on legal fees, but great potential. How can you make representing start-ups work for you? What business or fee models should you consider?

12:50 pm Questions and Concluding Remarks

1:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd
Questions? pd@oba.org