



Richard Stobbe, Lawyer, Trademark Agent, CLP

in

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Overview

Richard Stobbe is an intellectual property lawyer, Trademark Agent and Certified Licensing Professional (CLP), helping corporations and individuals throughout Alberta with a practical and solutions-oriented approach. Many of his clients are mid-sized software vendors, company founders and owner-operators who value Richard's responsive, cut-to-the-chase approach to problem solving. He is also called in to flag and resolve issues for corporate transactions involving intellectual property (IP) assets.

Richard works with tech companies involved with oil and gas services, fintech, remote data collection, IoT, artificial intelligence (AI) engines, agriculture, insurance and university-based tech transfer. He has years of experience handling sophisticated business issues involving the full spectrum of IP concerns, including:

- IP licensing
- Franchise law
- Software licensing and escrow
- IP due diligence
- Technology transfer and patent licensing
- Cloud-computing and Software-as-a-Service (SaaS)
- Blockchain and distributed ledger technology (DLT), smart contracts, consortium agreements for private or permission-based ledgers, consortium governance policies, and participant agreements
- Trademark prosecution and dispute resolution
- Domain name law
- Internet law
- Internet-of-things (IoT), data security, and cyber-liability risk assessments
- E-commerce law
- Online Terms & Conditions, and "click-through" agreements
- Privacy law
- Privacy issues related to drone and unmanned aerial vehicles (UAV)
- Data ownership legal issues

Richard has been a course instructor in intellectual property law for the Masters of Biotechnology class at the University of Calgary and for the Bissett School of Business at Mount Royal University and has been a guest lecturer at the University of British Columbia Faculty of Law in Vancouver. Richard has taught business law at the Southern Alberta Institute of Technology and "Internet Law

Industries

Technology
 Energy + Environment
 Cannabis
 Craft Brewing + Distilleries

Services

Intellectual Property + Technology
 Cyber Liability
 Business
 Compliance + Corporate
 Governance
 Franchise
 Privacy + Data Management
 Emerging Technology
 Internet Law
 Education

Education

University of British Columbia, 1998, Bachelor of Laws
 University of Waterloo, 1994, Bachelor of Arts With Honours
 Certified Licensing Professionals, Inc., 2014, Certified Licensing Professional
 Canada, 2001, Registered Trade-Mark Agent

Admissions

British Columbia, 1999
 Alberta, 2005

and New Media" at the University of British Columbia and has also instructed the course "Internet Law - The Law and New Media" at the British Columbia Institute of Technology.

Value to Clients

"My role is to help my clients make better decisions at critical points in their business life. Information is cheap but clear analysis and customized advice is invaluable."

Outside the Office

"In the winter, I'm with my family on the ski-hill as often as possible. In the summer, we hike, canoe and spend time in the backcountry of Alberta."

Professional

Canadian Technology Law Association

Director

2019-Present

Canadian Technology Law Association

Member

2016-Present

Intellectual Property Institute of Canada (IPIC)

Member

2012-Present

Law Society of Alberta

Member

2005-Present

Licensing Executives Society, Calgary Chapter

Member

2005-Present

Law Society of British Columbia

Member

1999-Present

Canadian Bar Association, Intellectual Property Section

Executive

2012-2017

Licensing Executives Society, Calgary Chapter

Chair

2006-2014

Canadian Bar Association, Intellectual Property Section

Member

Community

Legal Support, Law Society of British Columbia, 2001-2002

Legal Support, Canadian Bar Association British Columbia, 2001-2002

Research Assistant, University of British Columbia, Faculty of Law, 1997-1998

Guest Lecturer, University of Calgary, Master of Biotechnology

Pro Bono Legal Support, Law Society of British Columbia, 2001-2002

Pro Bono Legal Support, Canadian Bar Association British Columbia, 2001-2002

Recognition

Listed Privacy and Data Security Law, The Best Lawyers™ in Canada: 2021

Readers' Choice Top Author, Trademarks, JD Supra: 2017, 2019

Media

Publisher of ipblog.ca, the first Calgary-based law-blog to focus on intellectual property law, trade-marks and internet law in Canada, October 2006 - present.

Interviewed by Maclean's magazine on the topic of online defamation. (May, 2009)

Interviewed by Montreal Gazette (January, 2008) on the topic of copyright and digital rights management.

Interviewed by Oilweek Magazine (January 2007) on the subject of IP licensing.

National Post interview on the plan to fast-track cleantech patent applications.

Client Stories

Helping clients move their negotiations forward

- An Alberta-based software vendor had developed a proprietary product that it was ready to take to market with their first big customer. The software vendor turned to Richard when they faced negotiations involving complex contractual issues with which they didn't have first-hand experience. *"They felt as though their reputation was at stake and they were losing control of the negotiation process,"* as Richard described it. *"Issues such as software escrow, IP indemnities and limitations of liability - these issues took on additional importance for this client in light of the size of the deal. The stakes were higher. So, we unpacked the issues one at a time, got them through the process under some intense time and budget pressures, signed the deal and helped them move onto implementation."*

Negotiating complex deals for clients

- Richard was brought in to handle IP due diligence when the founders of an Alberta-based software client were negotiating the sale of the company's assets to a much bigger U.S. company. A smaller firm was initially engaged to assist with the main contract negotiations. However, when it became clear that the deal was becoming much more complex, the smaller firm turned to Richard to take on the whole transaction. *"We took over as lead counsel as the deal evolved. I assisted the client through a long and complicated asset purchase agreement, one with a few cross-border twists. The deal involved terms of payment after closing, residual risks and complex representations and warranties about what the vendors were able to promise about the assets they were selling. Of course, there was a tight closing deadline. It was a big plus for me to have deep, expert help within Field Law. When you're negotiating across from U.S. counsel, it's nice to stand shoulder-to-shoulder with your colleagues who have securities, corporate and employment law expertise. It's this bench-strength that clients are looking for when they are negotiating the biggest deal of their lives."*

Notable Work

- Trademark counsel for Alberta craft brewery, craft cidery and craft distillery clients
- Acting as IP counsel for the vendor in the purchase and sale of shares of a software company for proceeds of \$25 million
- Acting as counsel for Alberta-based drone services and analytics company
- Acting as counsel for vendors in the purchase and sale of shares of an Alberta-based cloud-computing (software-as-a-service) company
- Acted as counsel for the vendor in the purchase and sale of shares of a cloud-computing (software-as-a-service) company
- Acted as counsel for health services company in its acquisition by a public company for aggregate consideration of up to \$215 million, including the sale of intellectual property to the purchaser for an aggregate purchase price of \$55 million in cash
- Acted as counsel for the borrower in connection with \$90 million credit facility including preparation and drafting of closing documents, credit agreement and subsidiary guarantees and security
- Acted for multinational oil company in preparation and drafting of closing documents in connection with \$45 million amended credit agreement and subsidiary guarantees

- Preparation and drafting of documents for \$15 million investment in manufacturing company by way of issuance of series of secured debentures
- Conducted due diligence review, acting for syndicate of venture capitalists and other private investors in \$14.5 million equity financing of biotechnology company, drafting and negotiating shareholder and share subscription agreements
- Acted in acquisition and financing of \$5.6 million fibre-optic network, and drafting related agreements, including indefeasible rights of use agreements
- Licensing and protection of intellectual property (IP) rights, including software licensing, trade-mark licensing, licensing of mobile applications, patent licensing and assignments of IP rights
- Advised multinational company on IT outsourcing, including software licensing, customization, technical support agreement and IT services agreement
- Acted in negotiation and settlement of disputes regarding ownership of IP rights
- Negotiated the settlement of domain name disputes including drafting domain name transfer agreements, and arbitration claims pursuant to dispute resolution procedures
- Acted for university tech-transfer office in connection with out-bound licensing of intellectual property rights
- Acted for internet-based software service providers in licensing of technology
- Assisted client with preparation of national franchise agreements and disclosure documents
- Trade-mark protection strategies, licensing, assignments and transfers, trade-mark prosecution and re-branding projects for companies with worldwide operations
- Advising on website development agreements, online contracting and e-commerce agreements
- Establishing security in connection with various transactions, including inventory financing, purchase and sale of real estate, inter-company loans
- Preparing and advising on OEM, manufacturing and distribution agreements
- Drafting and advising on multi-party joint venture agreements
- Acting for companies and shareholders in the negotiation and drafting of shareholders agreements and share subscription agreements
- Acting for purchasers / vendors in purchase and sale of business assets and shares, including drafting and negotiation of purchase agreements, conducting due diligence, reviewing and preparing financing documents, obtaining security

News + Views + Events

February 2021 - 1 min read

[Beer Brand Battle at the 100th Meridian](#)

December 3, 2020

[Cocktails + Counsel: Setting Your Business Up for Success in Uncertain Times](#)

November 3, 2020

[2020 CAN-TECH LAW Annual Conference](#)

October 2020 - 6 min read

[Major Win for York on Copyright: York University v. Access Copyright Case Review](#)

May 2020 - 5 min read

[Returning to Campus During a Pandemic: Privacy Issues](#)