



## Karl E. Gustafson, QC\*

Counsel  
Vancouver

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\*Law Corporation

### education and year of call

- Called to the British Columbia bar - 1976
- University of British Columbia, LLB - 1975
- University of British Columbia, BA - 1972

### practice areas

outsourcing  
business law  
mergers and acquisitions  
negotiated transactions  
intellectual property  
environmental regulation  
administrative law  
government and public policy  
cybersecurity  
trademarks

### industries

energy  
food, beverage and agribusiness  
mining  
forest products  
private equity - buyouts & venture  
capital investment  
manufacturing, distribution and retail

### profile

- Called to the Bar of British Columbia in 1976
- Registered Trademark Agent in Canada and the United States

Karl Gustafson is a partner in the firm's Vancouver office. He served as the Managing Partner of Lang Michener's Vancouver office immediately before its merger with McMillan LLP and as the Vancouver Office Management Partner following the merger. Karl served as the National Chair of the firm's, Technology Intellectual Property & Privacy Group. Karl is a member of the firm's national Business Law Group.

Karl's practice focuses on both domestic and international corporate and commercial transactions. He also has substantial experience in corporate mergers and acquisitions, particularly in the technology sector. Karl regularly advises clients on intellectual property law, information systems integration and outsourcing, licensing agreements, technology procurement, development, security and transfer. He has acted as lead counsel in a variety of large public and private projects, advising on all facets from preparing and responding to RFP's, procurement, joint ventures and partnerships, contracting, service and supply agreements and financing. Recently, he acted for Chinese companies in transactions for the acquisition of renewable energy generation projects in Canada and Europe and for the acquisition of a large equity interest in a Canadian commercial air service and for Canadian companies in relation to partnership agreements, service and construction agreements and financing agreements related to infrastructure and hospital public private partnership projects.

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Historically, Karl has acted as counsel for clients in the natural resource sector (mining, forestry, oil and gas), advising on corporate governance, procurement, environmental issues, energy purchase and supply, and a range of commercial agreements. He has acted as counsel for the proponents of a billion dollar joint venture project for the construction of a Greenfield pulp mill and as environmental counsel for lenders and for developers in large industrial and commercial property development projects. Karl also has extensive experience in dealing with government authorities in various areas including the regulation of public utilities and insurance companies. He has considerable administrative law experience appearing as counsel before various federal and provincial regulatory tribunals.

## directorships and professional associations

- Director, The McElhanney Group Ltd., (company engaged in engineering, surveying and mapping with operations in British Columbia, Alberta and Indonesia)
- American Bar Association, Business Law Section
- Canadian Bar Association, BC Branch - Environment, Energy & Resource Law Sections
- Vancouver Bar Association
- Canadian IT Law Association
- Intellectual Property Institute of Canada
- Independent Power Association of British Columbia
- Fellow and Governor of the British Columbia Chamber of Commerce

## representative matters

- Acted for Green Force Energy Corporation in the formation of a joint venture for the purchase of renewable "green" energy generation projects.
- Acted for Ledcor Environmental Group Ltd. in its purchase of Carbon Credit Corporation.
- Acted for Cengea Solutions Inc. in its acquisition by Trimble Navigation Inc.
- Acted for Ledcor Developments Ltd. as a joint venture participant in the South Fraser perimeter road P3 project.
- Acted for mining company in its acquisition of gold and silver mine in Mexico.
- Acted for CML HealthCare Inc. in its acquisition of Associated Diagnostic Radiologists (with three medical imaging clinics in the Greater Vancouver Area), and its

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acquisition of the business and assets of five medical imaging clinics in the Greater Vancouver Area from General Medical Imaging Services Inc.

- Acted for Angus Consulting Management Limited as hard facilities management service provider in a P3 hospital projects in Victoria and Fort St. John, British Columbia. Including acting for Angus Consulting Management Limited and its wholly owned subsidiary in the Fort St. John Hospital project financial close agreement in July 2009. The facilities are scheduled to open in spring 2012, and are expected to cost \$297.9 million.
- Acted for service providers in bid responses and contract negotiation related to procurement processes for governments and government agencies.
- Acted for Sierra Systems Group Inc. in its acquisition by Golden Gate Capital.
- Represented Sierra Systems Group Inc. in its acquisition of Alberta-based Turn Key Management Consulting Partnership.
- Advised municipal governments in relation to information systems management procurement processes.
- Acted in several of the largest information systems management outsourcing transactions in Canada.
- Acted on behalf of IBM Canada Ltd. in its acquisition of PureEdge Solutions Inc.
- Counsel for vendor in sale of majority share interest in Con-Force Structures Ltd. to TriWest Capital Management Corp.
- Counsel for individual shareholders in sale of Con-Force Structure Ltd. to Armtec Infrastructure Income Fund.

## awards and rankings

- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Energy Regulatory Law
- Recognized in the 2020 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the areas of Aviation (Regulatory & Liability) and Computer & IT Law
- Listed in *The Best Lawyers in Canada*, 2009 - 2020 editions, in the field of Energy Regulatory Law
- Recognized by Corporate LiveWire Global Awards 2016 in the category of outsourcing
- Recognized by the 2016 *International Law Office Client Choice Awards* as the exclusive winner in the General Corporate category for British Columbia
- Received a "BV" Peer Review Rating from *Martindale-*

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## *Hubbell*

- Queen's Counsel, December 2002
- Fellow and lifetime Governor of the BC Chamber of Commerce 2004

## community involvement

Actively involved for many years in the British Columbia Chamber of Commerce in various capacities including Director, Legal Counsel, Policy Committee, Chair of Forestry Committee and Chair of Offshore Oil and Gas Task Force. Karl's contributions to the Chamber were recognized in 2004 when he was appointed as a Fellow of the Chamber and a lifetime Governor.

## media mentions

- "A World of IP Challenges", *India Business Law Journal*, April 2013, Vol 6, Issue 9

## publications

### **June 2018**

"Facts Matter" – Despite Amendments to the Foreign Ownership Restrictions for Canadian Air Carriers, 'Control in Fact' is still the Rule  
Transportation Bulletin

### **March 2018**

Practicing Safe Text: Drafting Tips from the Stormy Daniels NDA  
Business Law and Litigation Bulletin

### **January 2018**

Seller Beware: The Dangers of Sales Language  
Litigation and Intellectual Property

### **May 2017**

'Trick or Tweak' – Proposed Relaxation of Foreign Ownership Restrictions  
Transportation Bulletin

### **November 2016**

McMillan Cybersecurity Article Series  
McMillan LLP

### **November 2016**

Government Announces Changes in Foreign Ownership Rules for Canadian Airlines – 'Change in Fact'?  
Transportation Bulletin



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**March 2016**

Final Report: *Canada Transportation Act* Review  
Transportation Bulletin

**July 2015**

McMillan Privacy Basics Bulletin Series  
McMillan LLP