Derivatives

The derivatives marketplace is global and requires an integrated team with global knowledge.

Experience

- Developing leading-edge derivative-based products for investment funds, including alternative funds.
- Advising derivatives participants on compliance with new global derivatives rules and regulations and developing compliance policies.
- Obtaining extensive regulatory relief to permit a complex derivatives-based investment product to be offered to retail investors in Canada.
- Worked with the Ontario Securities Commission to effectively change the law regarding the rehypothecation of collateral posted by investment funds for their derivatives positions.
- Obtaining relief to permit Canadian mutual funds to enter into swaps mandated for central clearing by the U.S. Commodity Futures Trading Commission and by the European Securities and Markets Authority.
- Assisting issuers of contract for differences with respect to retail offerings in Canada, including prospectus requirements and exemptions.
- Acting for a U.K. CFD provider to obtain the first non-resident CFD dealer approval in Canada.
- Acting for dealers in obtaining novel restricted dealer registration for block trades in futures and options on an exchange that is a designated contract market overseen by the CFTC.
- Developed, advised and negotiated all derivative agreements on behalf of the largest Canadian residential mortgage securitization conduit.
- Acting for global commodity producers to establish hedging programs.
- Assisting clients with establishing online derivatives trading platforms using distributed ledger technology.
- Developing risk management programs for market participants, including preparing best practices and policies for their boards and management.
- Addressing complex collateral issues with Canadian and global derivatives participants.
- Facilitating ongoing dialogues with Canadian securities regulators on policy concerns involving novel derivative instruments.

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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