

BUSINESS STRATEGY

1. Do you have plans for business growth? >>> You may require strategic advice and legal implementation on business growth strategies including franchising, distribution, licensing, forming strategic alliances and partnerships, entering into new markets, strategic business acquisitions, capital raising and systems development.

CLIENTS & PROSPECTIVE CLIENTS

2. Do you sell services and/or products to clients? >>> You should have a Client Agreement that provides a description of the services and products and covers the scope of work, fees, intellectual property, termination and liability.
3. Do you develop or licence software or technology to your clients? >>> You may need a Development Agreement or Licence Agreement that provides a description of the software or technology and covers service level standards, support services, termination, liability and force majeure events. You may also need an Escrow Agreement.
4. Do you provide prospective clients with ideas or proposals? >>> You should have a Confidentiality Agreement to protect any ideas or information you provide before being retained.

BRANDING & CONCEPTS

5. Do you have an existing brand or product name, logo, tag line or slogan that you wish to protect? >>> You should obtain Trade Mark Registration of your name, logo, tag line or slogan. You may also rely on laws regarding misleading and deceptive conduct and passing off. You should take steps to build and protect your reputation and actively enforce your legal rights.
6. Do you create new brands, product names, logos, tag lines or slogans? >>> You should conduct Trade Mark and other searches to determine registrability and potential claims for misleading and deceptive conduct, passing off or trade mark infringement. You may also need Trade Mark Registration, Copyright Assignments and Licence Agreements.
7. Do you develop ideas and concepts that you wish to protect? >>> You should use a Confidentiality Agreement. You may also need advice on commercialisation of ideas and concepts.

PROMOTIONAL MATERIALS & CONTENT

8. Do you design, write or otherwise create promotional or creative materials? >>> You may need Copyright Assignments and Licence Agreements. You also need to ensure your materials are not misleading or deceptive.
9. Do you use other people's copy, designs, logos, images, photographs, music, lyrics, artworks or source code to create promotional or creative materials? >>> You should have Copyright Assignments or Licence Agreements that cover ownership, usage rights, warranties regarding intellectual property and merchantability and indemnities against third party claims.
10. Do you write content for distribution or publication purposes? >>> You may need Copyright Assignments, Licence Agreements, Copyright Notices and Disclaimers. You also need to ensure your content is not defamatory or misleading or deceptive and does not infringe third party intellectual property rights.
11. Do you produce audio, video, film, scripts or music? >>> You may need Copyright Assignments and Licence Agreements that cover ownership and usage rights for the finished work and underlying materials. You may also need Production Agreements, Talent Releases, Disclaimers, Copyright Notices and Talent Agreements. You may also need to consider defamation, performance rights and royalties.
12. Do you publish, distribute, broadcast or share content? >>> You may need Copyright Assignments, Licence Agreements, Copyright Notices and Disclaimers. You may also need Publishing Agreements, Distribution Agreements and Broadcasting Agreements that cover exclusivity, rights, liability, indemnities and warranties regarding intellectual property rights. You may also need to consider defamation and the requirements and restrictions of any online publishing or social media sites, industry codes and privacy laws.

ADVERTISING, PROMOTION & PUBLICITY

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| 13. Do you conduct trade promotions? | >>> You may need to consider the appropriate State Lotteries legislation and the requirements and restrictions of any social media sites you are using for the promotion. You should also have Terms and Conditions of Entry. |
| 14. Do you prepare advertising materials? | >>> You may require a legal review of advertising materials to ensure they are not misleading or deceptive, especially where there are any comparisons with competitors. You may also need Disclaimers. |
| 15. Do you use social media for promotional purposes? | >>> You need to consider any requirements or restrictions of social media sites used. You also need to ensure that your content is not defamatory or misleading or deceptive. |
| 16. Do you offer any special deals, discounts or limited offers? | >>> You will need to consider the Competition and Consumer Act 2010 to ensure such offers are not misleading or deceptive. You will also need to consider Contract law to ensure it is a legitimate offer. |
| 17. Do you use celebrities for promotional purposes or endorsement? | >>> You may need Talent Agreements that cover the services, obligations to maintain reputation, liability and termination. |
| 18. Do you conduct events, seminars or conferences? | >>> You may need Event Management Agreements, Venue Agreements, Catering Agreements and other Supplier Agreements that cover obligations, fees, third party claims, insurance requirements, liability, cancelling, rescheduling and force majeure events. You may also need Disclaimers. |
| 19. Do you enter into sponsorship or strategic alliance arrangements? | >>> You may need Sponsorship Agreements or Strategic Alliance Agreements that cover obligations, fees and commissions, termination, and collection, use and ownership of personal information for direct marketing purposes. |
| 20. Do you raise your profile through speaking engagements, media interviews and publicity opportunities? | >>> You may need an Agreement that covers services, fees and licences to use, distribute or reproduce such materials for promotional purposes. |

ONLINE & TECHNOLOGY

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| 21. Do you build, design or launch new websites? | >>> You may need Domain Name Registration, Website Terms of Use, Privacy Policies, Privacy Disclosures, Privacy Consents and Webhosting Agreements. You may also need a website review to ensure that it is not misleading or deceptive and has legally binding Online Contracts. You may need Copyright Assignments or Licence Agreements that cover ownership of code, images, copy, photographs and design. |
| 22. Do you use software or technology in the delivery or promotion of products and services? | >>> You may need Licence Agreements or Service Agreements with suppliers that cover the rights granted or services provided, warranties regarding intellectual property and merchantability, service level standards, liability and force majeure events. |

DATA

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| 23. Do you conduct any direct marketing (including email marketing, mobile marketing and telemarketing)? | >>> You may also require Privacy Policies, Privacy Disclosures and Privacy Consents. |
| 24. Do you use any web based or other software program to collect, store, analyse or manipulate personal information? | >>> You will need to consider the Privacy Act 1988 and transfer, storage and security of personal information. You also need to consider any restrictions or limitations in Software Licence Agreements. |

PEOPLE

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| 25. Do you have employees, contractors or freelancers? | >>> You should have Employment Agreements and Contractor Agreements that cover restraints of trade, intellectual property and confidential information. |
| 26. Do you need to motivate and retain your staff or contractors? | >>> You may consider Performance Incentive Schemes, Commission and Bonus Schemes and Equity and Profit Share options. |

This checklist is an overview and should not be relied on as a substitute for legal advice.
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