
Technology

EXPERTISE & EXPERIENCE



a better perspective...

TECHNOLOGY

The Technology practice of Conybeare Solicitors provides a dedicated legal support and advisory service for clients operating in the Information Technology sector. These clients appreciate and rely upon the firm's legal expertise and business acumen to help them secure, exploit, manage and protect their valuable intellectual property rights in whatever medium they may be published.

OVERVIEW

We work with companies, businesses and individuals to advise them on issues relating to successful exploitation of their technology as well as the acquisition of commercial applications to be used in their business. We have a particular expertise in dealing with software and issues relating to its development, protection and subsequent commercial exploitation.

Intellectual property rights which are created or used need to be properly secured and protected so that economic benefits accrue to the rightful owner. We appreciate the cost-benefit of registration of trademarks and patents and we work with specialist patent attorneys and trademark agents to ensure that clients receive expert and cost-effective advice and assistance, both within the EU and internationally.

We have worked on a variety of commercial assignments for our technology clients, not only within Europe, but also South Africa and the USA.

We have a particular expertise in dealing with software and issues relating to its development, protection and subsequent commercial exploitation.

Our expertise includes:

- ◆ Buying and selling technologies
- ◆ Venture capital investments
- ◆ Structuring joint ventures
- ◆ Software development & licensing
- ◆ Setting up sales & distribution channels

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- ◆ IT consultancy
- ◆ E-commerce
- ◆ Intellectual Property Rights

INFORMATION TECHNOLOGY

Our Information Technology expertise is used to provide a broad spectrum of legal advisory services for companies and individuals operating in this sector. We work with a range of clients including software developers, website designers and IT consultants, as well as companies employing these service providers.

We appreciate the commercial balance to be struck between the two sides, so we work hard to understand the underlying business objectives, with a view to ensuring that these are achieved. Our pragmatic approach combined with our experience means that we can normally achieve a successful outcome, but in a fair and balanced manner.

Our expertise includes:

- ◆ IT Consultancy Contracts
- ◆ Software Development Agreements
- ◆ Software as Service Agreements
- ◆ Software License Agreements
- ◆ Click Wrap Software License Agreements

- ◆ Shrink Wrap Software License Agreements
- ◆ Maintenance & Technical Support Agreements
- ◆ Reseller Agreements
- ◆ Maintenance & Technical Support Agreements
- ◆ Agency & Distribution Agreements
- ◆ Standard terms & conditions of supply of services

INTERNET & E-COMMERCE

Nearly all businesses, however large or small, have a website. This is no longer a trend, but a pre-requisite for doing business in the 21st century. A significant number of these businesses develop their internet presence and start to sell their goods and services via the internet, sometimes with little appreciation of the potential reach and ramifications of their website.

Nearly all businesses, however large or small, have a website.

It is these clients whom we help by advising them from the outset of contracting with web designers and programmers, securing and protecting a domain name and through the myriad of regulations applicable to operating an e-commerce site, which by its nature has an interna-

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tional dimension.

Our expertise includes:

- ◆ Web Design Agreements
- ◆ Web Hosting Agreements
- ◆ Domain Name registration and protection
- ◆ Trademarks & Copyright
- ◆ Privacy & Data Protection
- ◆ Terms of Website Use
- ◆ Distance Selling Regulations
- ◆ Consumer Protection for Sale of Goods & Services
- ◆ Terms & Conditions of Business

IPR

Intellectual property will be as valuable tomorrow as it is today so long as it is properly registered and protected. In today's environment, and in particular with the continuing advances of the internet, intellectual property has an increasing importance in virtually all areas of business activity. This includes establishing and protecting a brand identity through to development and exploitation of novel technologies.

Although intellectual property is widely recognised, it does not always receive the same recognition and respect as physical property. Our expertise allows us to redress the bal-

ance by ensuring that all aspects of intellectual property rights are properly recognised and protected.

Intellectual property has an increasing importance in virtually all areas of business activity.

We advise on all aspects of intellectual property, whether it is for creators, developers, licensors or licensees, to ensure that their particular requirements are properly addressed and documented whether it relates to protection, exploitation or enforcement or how to buy and sell such rights.

Our expertise includes:

- ◆ Commercial exploitation of IPR
- ◆ Buying and selling of IPR
- ◆ Trademark Searches & Registration
- ◆ Trademark Licensing & Assignment
- ◆ Copyright Searches & Registration
- ◆ Copyright Licensing & Assignment
- ◆ Database Rights Protection
- ◆ Inventions & Secrecy
- ◆ Confidentiality & Non-disclosure Agreements

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◆ **TECHNOLOGY** – Software Licensing / UK / Switzerland / Mauritius

We assisted our UK company client to negotiate and execute a series of software licensing agreements relating to bank production platform testing software together with a range of sub-contracting and sub-licensing arrangements with service providers and licensors.

◆ **TECHNOLOGY** – Telecoms / Czech Republic / Uganda / Congo

We acted for the Czech subsidiary of a leading Russian cellular telecoms provider in connection with the review of a number of high value contracts for the installation, operation and maintenance of cellular telecommunications equipment and software in Uganda and Congo and the subsequent detailed advice relating to a dispute with counterparties and other sub-contractors.

◆ **TECHNOLOGY** – Software Consultancy / UK / South Africa

We assisted our UK client in extensive negotiations lasting over 12 months for the execution of a detailed high value master services agreement with a leading South African banking group for the provision of various software consulting services including trouble-shooting, software development and licensing of proprietary software, and subsequent transaction-specific agreements with the banking client, as well as a range of sub-contractor agreements, confidentiality and non-disclosure agreements and the assignment of intellectual property rights.

◆ **TECHNOLOGY** – Proprietary Software / UK

We acted for a software company in the negotiation and conclusion of an incorporated joint venture relating to the licensing by way of sale and subsequent distribution by way of sub-licenses to global banking clients for proprietary software for use in the back office administration, storage and retrieval, including the drafting of a shareholders' agreement, a reseller agreement and a sales agency agreement.

◆ **TECHNOLOGY** – Software Development / UK

We acted for one of Britain's largest garment decoration specialists to help them to negotiate and execute an incorporated joint venture with a software development company for the design, development and subsequent commercial exploitation of bespoke cloud-based commercial production software for use in the textile and printed garment industry by customers worldwide, including the drafting of a shareholders' agreement, loan agreements, software development agreement, reseller agreements and end-user license agreements.

◆ **TECHNOLOGY** – Carbon Reduction / UK

We assisted our UK company client operating in the carbon reduction business on a number of contractual issues arising from its receipt of sub-standard hardware to be supplied to clients and consequential issues arising relating to compensation and damage suffered by clients.

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◆ **TECHNOLOGY** – Reseller Agreement / UK

We assisted our software company client negotiate, prepare and execute a reseller agreement under which another company was appointed as the exclusive reseller of proprietary software within the UK under which it was granted a license to grant sub-licenses to customer (end-users) and to provide maintenance and support services.

◆ **TECHNOLOGY** – Assignment of IPR / UK

We acted for our software development company client in the review and assessment of ownership of intellectual property rights (IPR) in code written by sub-contractors and the need to effectively transfer the legal ownership to the company client.

◆ **TECHNOLOGY** – Internet/eCommerce / UK

We acted for our online publishing company client in their establishment of a new online publishing ecommerce website selling template documents, contracts and agreements, including the drafting of all necessary terms of usage, terms and conditions of sale, privacy policies, copyright notices, disclaimers, click-wrap software licenses and end-user license agreements, in compliance with applicable ecommerce legislation.



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