

Get Appy

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The Legal Structure Surrounding Making Apps Available

- Contracts and IP rights
- Local and sector specific regulatory landscapes

The Developer / Client Relationship

- Contractual
- Via an end user licence agreement
- Developer has control over content, to an extent
- Minimum terms (particularly US platforms)

The Developer / Platform Relationship

- Platform provided
- Non-negotiable
- Technical requirements important
- Getting paid
- Complaints / takedown mechanisms

The International Nature of the Marketplace and the User Base

- International royalty streams
- Withholding tax
- Foreign regulatory compliance
- Entitlements of end users to use in their locality, and limitations
- Language

The Need for IP Protection

- Revenue protection
- Brand and reputation protection

IP Rights and Apps

- Patents
- Copyright
- Database right
- Designs
- Trade Marks

Patents and Software

- Understanding what is and isn't patentable
- The UK/EP position
- The US position

Rights in Data

- Understanding the flow of rights from the developer to the client
- Obtaining and passing on rights

Data Gathering, Flow and Storage – Key Legal Issues

- Danger of style EULAs
- Clarity in EULA
- Data processor or data controller?
- Technical and organisational security measures
- EEA / non EEA?
- Position as regards subcontractors
- Disclosure of personal data
- Informed consent
- Need for a privacy policy / terms

General Customer Engagement Points – T&Cs

- UCTA, and standard form limitations
- B2B / B2C
- Plain English requirements
- In app purchases
- Behaviour of end user vis à vis the app, purposes, content contributed, IP generally
- Editorial control over content, risk and liability
- Uptime, downtime, maintenance and support
- Rights in event of breach

Conclusions

- Know (and protect) your IP
- Understand the platform relationship
- Know the regulatory landscape
- Understand how you interact with customers
- Have a fit for purpose EULA

Questions?



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Thank You!



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