



Safeguarding your business legal checklist

Your Business

Do you produce creative materials such as artwork, designs, films, books and IT?	You may need Design Registrations, Domain names, Copyright Assignments, Confidentiality Agreements or Licence/Royalty Agreements.
Do you use a logo, slogan or word in connection with your goods and services?	You may need Trade Mark registrations to protect the intellectual property and reputation of your business and its brands.
Do you invent products and methods of conducting business or construction?	You may need Patent registration to protect your inventions.
Do you manufacture or create products or patterns which are of unique design or appearance?	You may need Design registration.

Clients, Suppliers and other Businesses

Do you provide goods or services to clients?	You need Terms and Conditions/client agreements, purchase orders and tax invoices that describe what you are doing and each party's obligations, fees, confidentiality and termination.
Do you provide prospective clients with ideas and strategies	You need Confidentiality Agreements/Undertakings, and appropriate ownership warnings on documents before you provide any materials.

Employees and Contractors

Do you have employees or contractors?	You need an Employment or Contractors Agreement which covers intellectual property, Confidential Information and restraints of trade.
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Graphic & Web Designers and other businesses

Do any of your suppliers provide you with artwork or other written or creative materials?	You need to ensure that ownership of the intellectual property rights has been properly assigned or licenced to you. Payment of fees does not always equal ownership of rights.
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Distributors, Manufacturers and other businesses

Do you engage distributors or manufacturers?	You need written Distribution, manufacture and consultant agreements which protect you both here and overseas.
Are you collaborating with other business to develop a product or service?	You may need a Research & Development agreement, marketing agreement, Alliance or Joint Venture agreements.
Are you allowing another business to use your trade mark?	You may need either a trade mark licence agreement or franchise documentation.
Are you allowing another business to use your patents or designs?	You need a patent or design licence agreement.

Advertising, Marketing & Promotions

Do you advertise or have promotional materials?	You need to ensure they comply with the Trade Practices Act which prohibits misleading and deceptive conduct.
Do you conduct any trade promotions or competition?	You need to ensure they comply with the relevant State Lotteries, gaming or licensing authority. You will need written Terms and Conditions
Do you provide information on your website?	You will need Terms of Access which clearly define the scope of liability associated with the material your website contains.
Do you collect customer/client information as part of your day to day business?	You need to ensure you comply with the obligations imposed on you as a collector of such information under the Privacy Act
Do you send marketing materials/newsletters by email?	You need to ensure you comply with obligations imposed on you under the Spam Act.
Do you offer any special deals, discounts or limited offers?	You need to ensure they comply with the Trade Practices Act which prohibits misleading and deceptive conduct.

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