

Legal Requirements for Websites

Is Your Website Compliant?

27 September 2011, London

6 Hours CPD

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9.00 **Registration and Coffee**

9.30 **Chairman's Welcome and Introduction**

Andy Lucas, Field Fisher Waterhouse

9.45 **Website Contracts**

- What contracts do I need, and what do they all do?
- Website development agreements
- Website hosting agreements
- Overview of the legal regime for websites
- Building compliance in at the design stage

Jeremy Newton, Technology Law Alliance

10.40 **PCI DSS - A Beginner's Guide to the Key Legal Issues**

Whilst starting off as "just" an information security standard, the Payment Card Industry Data Security Standard ("PCI" or "PCI Standard") now presents a number of legal challenges and risk for retailers and service providers. This session discusses the:

- Legal framework and implications PCI - including the "PCI Contract Chain"
- Problems with the PCI Standard in the legal context; and
- Actions that merchants should explore to reduce legal risk arising out of PCI.

Dr Sam de Silva, Taylor Walton

11.30 **Coffee**

11.45 **Securing Essential IP Rights**

- Websites as bundles of IP
- Copyright - subsistence and ownership
- Licensing content
- Choosing domains & names that stand out
- The international dimension

Shireen Smith, Azrights

12.30 **Questions**

12.45 **Lunch**

1.45 **Avoiding Infringements of Others IP Rights**

- What to look for:
 - Searching registers
 - Vetting employees
 - Telltale similarities and metadata
- What acts will/will not infringe existing rights
- Fair use
- Acknowledgements and disclaimers

Nick Aries, Bird & Bird

2.35 **Legal Aspects of Usability**

- The new Equality Act 2010, replaces the DDA - what you need to know
- Review of the leading case of *Maguire v Sydney Organising Committee for the Olympic Games*
- How far do you need to go to comply with the Equality Act 2010 - what are "reasonable adjustments"?
- Companies Act 2006 - the small print your site must have
- How to make your Ts & Cs a facilitator, not a barrier, to usability

Andy Lucas, Field Fisher Waterhouse

3.25 **Tea**

3.40 **Data Protection and Websites**

- Data collection over the Web
- Data collection from other websites
- The Personal Information Online Code: Non-obvious data, behavioural advertising
- Data processors and data sharing
- The new Data Sharing Code

Richard Morgan, IT Consultant

4.30 **Questions**

4.45 **Conclusion and Chairman's Closing Remarks**

5.00 **Conference Close**

Legal Requirements for Websites

This highly practical conference focuses on the legal issues that arise out of websites, from dealing with such practical difficulties as data collection, website development agreements to privacy and copyright infringement. All the speakers are experts in their respective fields and will deal with the following important topics:

- Website contracts ■ Legal aspects of usability ■ Distance selling ■ Linking agreements ■ Avoiding infringements of others IP rights ■ Legal compliance ■ Data protection and websites.

Chairman:

Andy Lucas is a partner in the technology law group at Field Fisher Waterhouse. He specialises in all aspects of noncontentious computer law. Prior to joining the legal profession he developed databases for companies in Australia, Hong Kong and the UK. He currently advises a number of government departments on large scale outsourcings as well as private customers and suppliers of IT services. He is a regular speaker at IT seminars and other events.

Speakers:

Nick Aries is an associate in Bird & Bird's IP Department. He has a broad practice which includes advising on many aspects of intellectual property law, though he has a particular interest in matters concerning trade marks, passing off, copyright and designs. Nick has been involved in a variety of matters within the sectors of sport, media, internet/e-commerce, and communications/IT. He also advises on advertising law and regulation, having gained additional experience in that area through in-house client secondments. His recent High Court litigation experience includes *Daimler AG v Sany Group Co Ltd* and *Codemasters Software Company Ltd v Automobile Club de l'Ouest*.

Richard Morgan is an independent IT Consultant and a Fellow of the British Computer Society. For many years he was Computer Officer at the two Houses of Parliament. He is a founder member and a past Chairman of the Society for Computers and Law. He is the author of *Legal Protection of Software: A Handbook* (XPL formerly EMIS) 2002, and, with Kit Burden, of *Morgan & Burden on Computer Contracts* 8th edition Sweet & Maxwell 2009, and with Ruth Boardman of *Data Protection Strategy*, Sweet & Maxwell 2003.

Jeremy Newton is a director of Technology Law Alliance, a specialist practice focusing on IT contracts, outsourcing and e-commerce. He has over 20 years experience of advising on technology law and contracts, including inhouse positions with Sun Microsystems and HM Treasury. He is a contributor to *Computer Law* (OUP) and is co-editor of *A Manager's Guide to IT Law* (BCS). He is an active member of the Computer Law Association, and is actively involved with the British Computer Society, as secretary of the BCS Financial Services Specialist Group.

Dr Sam De Silva is one of the lead partners in Taylor Walton's Technology and Outsourcing Group. His main areas of practice are technology and business process outsourcing and technology projects, such as software licensing and support, system development and systems integration. He has been published widely, speaks regularly on outsourcing and technology law topics and is on the Law Society's Technology and Law Committee. In addition to his LLB and Masters in Business Law, Sam has post-graduate degrees in information technology and business administration so is well aware of the commercial, business and technical issues facing both users and suppliers of technology. Sam is also one of very few solicitors who is a Member of the Chartered Institute of Purchasing and Supply (MCIPS), Fellow of the British Computer Society (FBCS) and a Chartered IT Professional (CITP). Sam also has in-house industry legal experience having been seconded to AccentureUK as a senior legal counsel.

Shireen Smith is the founder of Azrights, a niche Intellectual Property law firm, specialising in online brand management. She has a masters degree in IP from QMW, and has extensive experience both in private practice and in industry, having held positions at Coopers & Lybrand, Reuters and Eversheds. Shireen focuses on online branding, websites, internet marketing and social media. She has written numerous articles on this area recently, including in the magazine of the Society for Computers and Law, and in Delia Venables Internet Newsletter. She has also contributed a chapter in Bloomsbury's *Q Finance, The Ultimate Resource* on 'Dealing with Cyber-squatters'.

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