

Law, Technology and the Internet

Steven A. Amjad

&

Scott E. Perkins

Meyer Capel, P.C.



MEYER CAPEL

A Professional Corporation

Steven A. Amjad, samjad@meyercapel.com

Scott E. Perkins, sperkins@meyercapel.com

217-352-1800

Technology and the Law

- Intellectual Property
- What is it?
 - Patents
 - Trademarks
 - Service Marks

Steven A. Amjad,
samjad@meyercapel.com

Scott E. Perkins,
sperkins@meyercapel.com

Intellectual Property

- How do you “Own” Intellectual Property
- Is it Registered?
- Is it Licensed?
- Do I have exclusive ownership of it?
 - What if others are using my technology?

Steven A. Amjad,
samjad@meyercafel.com

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sperkins@meyercafel.com

Intellectual Property

- Is someone infringing on my IP rights?
- Am I infringing on someone else's rights?
 - Trademark infringement
 - Trade secret theft
 - Copyright abuse
 - Patent infringement

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Intellectual Property

- How do you determine value?
 - Does it create Licensing Revenue?
 - Does it “Add Value” to the company?
 - For what period of time do I have rights to the technology?

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Intellectual Property

Taking Ownership

- Transfer / Registration
- Renewals

- Where to get started
 - US Patent and Trademark Office
 - Patent / Trademark Attorney

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Technology Licenses

- Computer Software
 - Do I own the software or license to use the software?
 - What rights may I transfer / what rights may be transferred to me?
 - When will the software become obsolete?
 - Is a service / upgrade package included?

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Employment Issues

- Protecting Trade Secrets
- Confidentiality Requirements
- Proprietary Inventions

- The most basic employment issue that affects almost all businesses
 - Employee Internet Use Policy

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Law and the Internet

Selling Products Online

- Website
 - Is my industry regulated?
 - E.G. – Real Estate Advertising Online
 - How will I take / receive payments?
 - Is information I send / receive online secure?
 - Should include Statement of Terms/Conditions
 - Privacy Statement is a MUST
 - The big issue TAXES

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Tax Issues

- Do I collect Sales tax?
 - If I collect, how much for each state?
 - How do I separate / submit payment to each state?

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Taxes and the Internet

- Determining Tax Liability State-by-State: Must determine if you have a “NEXUS” with the state
 - What is a NEXUS?????
 - A connection between a vendor and a state such that subjecting the vendor to the state’s sales taxes rules is neither unfair to the vendor nor harmful to Interstate Commerce.
 - How often do I make sales in a state?
 - Do I attend tradeshow / employ sales staff in a state?
 - How do I ship my products / services?
 - Common Carrier
 - Employer-owned trucks

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Tax Issues

- Income Tax Issues
- Do I pay income tax in all states where I sell products?
- Allocation of Income
 - Can be difficult to determine / separate
 - Takes much time / large related expenses

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Registering to do Business

- Must I be registered to transact business in every state that I sell my products/services?
- What is the effect of registering in multiple states?
 - Franchise Taxes
 - Creation of Additional Paperwork / Filings

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Do you need a lawyer?

- Depends on:
 - Your comfort level
 - Your business
 - Intricacy of the relationships
 - Size of the business
 - Level of risk

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Thank you for your Time

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