

## Internet/E-Commerce

The Internet has created an entirely new legal dynamic as well as a new social and business one. From advertising to intellectual property to privacy and e-commerce, the online environment has generated novel legal issues and challenges. Andrews Kurth lawyers have been in the forefront of Internet and e-commerce law since it began to emerge in the early 1990s.

### Taking a Leadership Perspective

We have years of real-world experience representing leading Internet infrastructure, content and service companies and other businesses and organizations that constitute the network universe:

- Internet service providers (ISPs)
- Application service providers (ASPs)
- Content companies
- Search engines and portals
- Internet security firms
- TCP/IP-based hardware and software developers
- Companies selling goods and services over the Web
- Audio and video Web streaming companies
- Internet public interest groups and industry associations

Whether they need advice on everyday business issues or on cutting-edge policy questions that help shape the future of law online, we know how to help them. Our Internet lawyers have real-world experience, including roles as senior executives at the technology companies paving new paths. Our lawyers are regarded as leaders in the discipline, and are frequently asked to speak or write about the evolving nature of Internet law.

Our team includes the authors of *Cyberspace and the Law: Your Rights and Duties in the On-Line World*, which, when published by MIT Press in 1994, was one of the first books to identify and tackle novel and emerging Internet legal issues. In short, we grasp legal theory, and the bottom-line technology and business issues our clients confront every day.

### Conducting the Business of e-Business

What sets Andrews Kurth's Internet lawyers apart is our almost unparalleled experience at structuring and negotiating e-business agreements of all types. We give the right advice—fast—on all the contractual basics regarding:

- Business and partnering agreements
- Click-through and Web-wrap agreements
- User agreements and terms of service
- Web site development agreements
- Software licenses
- Privacy policies and related disclosures
- Advertising placement and insertion orders
- Co-marketing and distribution arrangements
- Web hosting agreements
- Content licenses
- Application service provider agreements.

Often these contracts involve the formation of strategic alliances or joint venture arrangements—and we are skilled at creating these as well as a variety of partner programs and development deals.

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### Ensuring Web Advertising Compliance

Innovative Internet advertising and promotion methods are increasingly scrutinized by regulators and the public. Andrews Kurth is well versed in all aspects of Internet advertising compliance. From banner ad placements to the appropriateness and legality of direct e-mail campaigns, we help our clients comply with all applicable federal and state laws. We know about Federal Trade Commission (FTC) requirements and review Web advertising for false claims and misleading comparisons to competitors, and for compliance with regulations governing sweepstakes and contests. We also ensure compliance with rules governing advertising aimed at children.

### Understanding Online Privacy Regulation

A growing number of federal statutes aim to protect the privacy of Internet users. We review the Internet privacy policies of our clients to make sure they comply with all provisions of the Electronic Communications Privacy Act, the Children's Online Privacy Protection Act (COPPA) and other relevant laws and regulations. We also advise Internet companies of their rights and restrictions regarding user profiling, the use of cookies and similar user identification technologies, service provider search warrants and subpoenas, and encryption applications and technologies.

### Recognizing the Risks of Internet Business

The power of the Internet as a communication medium makes it ripe for abuse. We understand the risks, and advise our service provider clients on their potential liability regarding unanticipated misuses of network resources, adult-oriented materials, online defamation and similar issues—particularly when they involve conflicting state or international regulations. In addition, network security is a major integrity issue for the Web, and we help our clients prevent and, when necessary, respond to computer crime and hacking episodes, including computer trespass, denial of service and similar attacks.

### Advising on New Media and Multimedia Issues

The fields of technology law and entertainment law are fast converging in much the same way that television and computers are converging. Andrews Kurth counsels on all aspects of traditional entertainment law, and its intersection with how content is distributed and exploited on the Internet. We advise entertainment clients on recording, songwriting, publishing, syndication, merchandising and endorsement contracts to ensure that their copyrighted works are protected against piracy, yet still accessible to the new markets that the Internet makes possible.

### Focusing on Cutting-edge Online Intellectual Property Issues

Developing and protecting intellectual property assets is crucial to success in the online world. Andrews Kurth Internet lawyers focus on the intellectual property of our clients, whether they need help with developing and licensing software on the Internet, branding (or co-branding) their products and services, and otherwise structuring and enhancing the value of their IP portfolio. We emphasize these key areas of intellectual asset management for our Internet clients:

- **Trademarks.** We help our clients with all aspects of trademarks and branding, including searches and selection, prosecution of federal and international applications, trademark portfolio management and protection in the U.S. and foreign jurisdictions. We also work to protect against trademark dilution, draft and negotiate private label and co-branding agreements, assist with trademark licensing and transfers, and conduct trademark-related due diligence in mergers and acquisitions. We help clients efficiently leverage Internet domain names in their business and deal with domain transfers, registrar dispute resolution proceedings, and prosecution of cyber-squatters.

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- **Copyrights.** Almost every Internet-related activity involves copyrighted material. We show our clients how to secure and register their copyrights to software as well as graphic images, music, text, video or photography displayed on the Web, and help them enforce those rights against infringement. We have extensive experience handling Digital Millennium Copyright Act (DMCA) anti-circumvention rules, agent notices and registrations. We also help negotiate transactions that help clients exploit and profit from copyrighted works, such as software licenses, Web linking agreements, music and video distribution or streaming deals, and copyright assignments.
- **Patents.** We advise companies in the computer and electronics industries on what's patentable, and have extensive experience with domestic and foreign patent and trademark prosecution, litigation and arbitration. Our patent lawyers represent a range of foreign and domestic companies applying for patents and other protection, as well as start-up companies using technology licensed from universities, medical schools and other research centers.
- **Trade secrets and proprietary information.** Protecting trade secrets often makes the difference between being first to market and losing competitive advantage. We advise clients on all trade secret issues, including employee intellectual property and confidentiality agreements, covenants-not-to-compete, employee training programs, document classification and retention policies, and trade secret misappropriation.

### Moving at Internet Speed

Internet law, like the medium itself, is rapidly changing. There was a lot to learn from the technology and dot.com meltdown. The companies that remain strong, are making a comeback or are new to market and are building value with tried and true formulas—these are Andrews Kurth's clients.

Andrews Kurth has proven that we can move at Internet speed and give our clients straight talk on their options and opportunities.