

E-Business Law

The advent of the internet has revolutionized the conduct of business and given birth to a host of unprecedented complexities. Companies that move to take advantage of the internet's open, instantaneous and global nature encounter entirely new legal and regulatory challenges – challenges that are geographically limitless and legally multidisciplinary.

Dean & Fulkerson's E-Business Law Practice Group possesses the experience and training to enhance and protect its clients' computer, e-commerce, and Internet-related business interests. Our many years of experience in business, computer, communications, and telecommunications law give the specialized knowledge needed to solve problems and identify opportunities for clients in the following areas:

- Antitrust
- Banking
- Computer Consulting
- Computer Purchases
- Conducting Business Online
- Copyright and Trademark Rights
- Corporate Law and Planning
- E-Commerce
- Employment Law and Technology
- Export Control and Regulatory Compliance
- Immigration
- Intellectual Property Rights
- Internet Law and Web Site Development
- Software Development
- Taking Traditional Businesses Online
- Vendor Liability

Dean & Fulkerson represents the computer and technology companies, software developers, inventors and designers, website developers, automobile suppliers, insurance providers, banks, credit unions, manufacturers, local governments and a variety of others in these areas. The Firm represents both U.S. and foreign clients.

Developing an Online Presence. In today's fast-paced world, technology is an integral part of almost every business. The trend will continue to make it virtually impossible to conduct business without computers, the internet, and a strong, effective and distinctive online presence. Much of today's business, including banking, airline ticket purchases, auctions, stock trading and credit card transactions, are handled electronically. These revolutionary applications do, however, create many areas of concern.

Our E-Business Law Practice Group advises its clients on these and other cutting-edge issues to protect their interests and to tap into resources that the online world offers. Potential pitfalls exist for the unwary in the online

world. We assist our clients in avoiding those pitfalls, including: (1) contracting for “virtual” rather than tangible property; (2) online contracting procedures to comply with domestic and foreign laws; (3) protecting intellectual property, (4) procuring highly-coveted domain names; and (5) creating dynamic online presences for traditional and nontraditional sellers and manufacturers.

Computer and Software Procurement. Because technology is changing so rapidly, it is imperative that a business employs experts when designing and purchasing its computer network to ensure legal protection and recourse. Each business purchases hardware and software to serve its unique circumstances. Decisions concerning dedicated servers, methods for data warehousing, integrated frameworks, and management and support solutions must be anticipated prior to contracting. Performance standards, warranties, and state-of-the-art provisions should be drafted and negotiated to reflect a company’s particular needs and interests.

Intellectual Property. The development and protection of intellectual property including copyrights, trademarks, trade names, trade secrets, domain names and custom software, are critical to the success of both high-tech and low-tech companies. Licensing agreements and carefully crafted purchase and sales agreements are integral components to maximizing profits from the development of intellectual property. We combine the technological know-how of our computer and e-commerce lawyers with the aggressiveness of our intellectual property litigators to properly evaluate our clients’ intellectual property to maximize and protect their value. We have engaged in trade secret protection, civil enforcement of trademark and service rights, enforcement of customized software agreements, domain name and cybersquatting disputes and other intellectual property issues specifically related to technology and the internet.

Corporate and Employment Law. Technology has changed the way in which people conduct business and the relationship between employer and employee. We advise businesses on issues related to technology affecting the employer/employee relationships, company security, company rights to an employee or independent contractor’s work product, and company e-mail and access.

We have assisted numerous employers in the development of employee policies and procedures and personnel manuals to address computer, technology and access issues affecting the employment relationship. Such policies should be regularly reviewed and updated as technology changes and employers upgrade their computer systems’ capabilities. We have also advised companies on confidentiality of employee records stored on computers and an employer’s ability to monitor an employee’s use of internet and e-mail.

Internet Law and Website Development. Many aspects of internet law involve other practice areas like contracts, discrimination, and intellectual property rights. However, the unique nature of conducting business and communicating through the internet challenges many well-established legal principles and potentially the standards used by the courts in the evaluation of a dispute on the internet. We advise clients concerning commercial transactions negotiated or consummated through the internet, internet advertising, domain name registration, licensing agreements for websites, defamation and cyber-slander, invasion of privacy, and the misuse of the internet.

Computer Consulting, Vendor Liability, and Software Development. We counsel computer consultants, vendors, software developers, business owners and attorneys regarding sales agreements, copyright and trademark law, and limitation of liability (both domestic and international). We have assisted vendors with the creation of their own customer contracts and have assisted consumers in the analysis of custom software development proposals to address issues regarding appropriate design specifications, performance standards, benchmark testing, and licensing and distribution.