

# Checking Website Design and Content

## From accessibility to Web 2.0: How to evaluate and minimise the legal risks

16 June 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 PCI DSS – A 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
- Actions that merchants should explore to reduce legal risk arising out of PCI

*Sam de Silva, Taylor Walton*

### 10.30 Legal Aspects of Usability

- The Equality Discrimination Act and Websites - 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 legislation - 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*

### 11.15 Coffee

### 11.30 Key IPR Considerations

- Copyright and websites
- Trade mark and ecommerce sites
- Choosing a domain name – descriptive or distinctive?
- Design Rights copyright and trade marks
- Infringement of IPRs online

*Shireen Smith, Azrights*

### 12.15 Copyright – Contractual and Other Issues

- Creating content & retaining ownership of content created by others
- Using existing works
- What needs clearance?
- Who do you get it from?

- Sub-contractors & existing content
- Remedies – closing down "look-a-like" sites

*Julia Clark, Hogarth Chambers*

### 1.00 Lunch

### 2.00 Website Development - Technical Considerations

- Specification?
- Content management systems - open source or proprietary?
- Agreeing the functionality and performance standards
- Compliance with regulations
- Acceptance process
- Timetable
- Payment profile
- Maintenance and support
- Hosting arrangements
- Is it "future proof"?

*Frances Anderson, Cobbetts*

### 2.50 Data Protection Practicalities

- Privacy Notices
- Data collection
- New powers
- New codes: *Personal Information online and Data Sharing*

*Richard Morgan, IT Consultant*

### 3.40 Tea

### 3.55 The Enemy Within - How to deal with IT and Marketing

A practical guide to how lawyers can get the answers they need to ensure web development success

- Commercial project survival checklist - an objective way to engage
- Understanding a Software Development Plan - critical path and key points
- Who's in charge? - vital roles that must be filled and the contractual consequences if they aren't
- Assumptions, dependencies, risks and issues - what you must ask and incorporate
- Jargon buster - ensuring you don't get blinded by techie speak

*Andy Lucas, Field Fisher Waterhouse*

### 4.45 Chairman's Concluding Remarks and Questions

### 5.00 Conference Close

# Checking Website Design and Content

From an assessment of how far you need to go to comply with the DDA - and what are "reasonable adjustments" through to an assessment of the assumptions, dependencies, risks and issues involved this conference comprehensively covers the biggest issues you need to know about to ensure that the very real risks of maintaining an online presence are kept at a minimum. Topics to be covered comprise:

- Website payment issues: PCI DSS compliance ■ Legal aspects of usability ■ Key IPR considerations ■ Copyright – contractual and other issues ■ Key IT Issues ■ Data protection practicalities.

## Chairman:

**Andy Lucas** is a partner in the technology law group at Field Fisher Waterhouse. He specialises in all aspects of non-contentious 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 outsourcing as well as private customers and suppliers of IT services. He is a regular speaker at IT seminars and other events.

## Speakers:

**Frances Anderson** is a partner at Cobbetts LLP with a lengthy background of advising on non-contentious IT and IP matters. She has advised on a wide range of IT contracts including outsourcing, software development and new media applications in the public and private sectors - first at Wragge and subsequently from her own boutique IT and media practice. She joined Cobbetts in 2000.

**Julia Clark** is a barrister in Hogarth Chambers. She has a wide-ranging practice including copyright, trade marks and passing off, breach of confidence and related commercial disputes in the media and entertainment field. She also has a strong commercial chancery practice, and is particularly well-equipped to advise in cases involving interrelated IP and commercial or chancery issues, for example, conflicts of laws or insolvency. She has been listed as a leading junior in intellectual property in successive editions of *The Legal 500*, and in *UK Legal Experts*. Julia taught on the Postgraduate Certificate in IP Litigation course (Nottingham School of Law) from 2004 to 2009, and on the ITMA Advanced Trade Mark Law and Practice Course (Queen Mary College, University of London). She was a contributor to *Copinger and Skone James on Copyright* (14th edn), and *Jackson & Powell, Professional Liability Precedents* (Patent Agents and Trade Mark Attorneys chapter). In March 2008 Julia was appointed a Deputy Chancery Master of the High Court.

**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 Accenture UK as a senior legal counsel.

**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* 7th edition Sweet & Maxwell 2005, and with Ruth Boardman of *Data Protection Strategy*, Sweet & Maxwell 2003.

**Shireen Smith** is the founder 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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