



## TECHNOLOGY, BUSINESS AND THE LAW

As technology continues to advance and change the way we do business, so do the legal challenges. Many WA tech companies are possibly hoping to one day be the next Apple, Amazon, Uber, Atlassian or Canva, disrupting traditional business models and brands. It is important to learn from the lessons not only in Australia, but internationally. Globally we have seen a growth in litigation highlighting the importance of solid legal and business frameworks that support each stage of growth and reduce risk along the way.

Technology brings a raft of challenges for all businesses. Cyber security issues experienced recently in Australia raises major concerns about privacy and data security. News of Facebook users claiming data breaches associated with the Brexit campaign is currently making headlines. The infamous \$1 billion smartphone patent dispute between Apple and Samsung highlights the fragility of tech IP. Uber has shifted the focus of its Advanced Technologies Group, which handles research on autonomous vehicles, to concentrate entirely on cars following the fatality in Arizona. Every case brings with it a lesson to learn.

Where there is technology, critical business and legal challenges are lurking. Drawing on what we know so far, here are some key factors to consider when navigating the growing interplay between technology, your business and the law.

### **1. Technology is gaining new ground**

Any forward-thinking business leader is embracing disruptive innovation and leveraging technology as part of their business strategy and growth plan. Never before has it been more important to ensure risks are managed and the business is protected, both in the short term and the future.

### **2. Tech legal challenges are complex**

Legal matters and disputes involving technology are complex and incorporate new thinking to enable understanding of emerging platforms and innovations. Often the differentiation of a new solution may come down to a basic feature or abstract concept embodied in the form of IP and trade secrets. Underlying technology is often evolving, even during the course of a dispute. Mediation and litigation arguments involving IP, patents, valuation, competition and



taxation matters will benefit from quick resolutions as no business benefits from long, drawn out court proceedings.

### **3. Legal precedent based on traditional models**

When it comes to technology and disputes, legal precedent is generally more relevant for traditional businesses. With tech-based business models or inventions a new approach often needs to be applied to existing laws to work. The examples we see in the share economy facing Uber for example, are generally based on historical laws designed for taxis.

### **4. Build a legal framework as part of your Business Strategy**

While none of us have a crystal ball and you can never fully predict the issues of the future, building a legal framework as a part of your broader business strategy is vital to give you the best chance of success. Identifying a variety of scenarios that you, your products, your competition and your customers could face is a good place to start when building your legal framework. Consider impacts on core business as well as the broader ecosystem in which you operate.

Build a business plan and legal foundation that recognizes risks and potential conflicts, allowing your team to make fully informed decisions, be prepared and minimise the possibility of any impact of future setbacks.

### **5. Draw on the experience of commercial and technology-focused lawyers**

With the benefit of external advice and a legal team supporting you, a more robust risk analysis can be developed and factored into your strategy.

The team at Murfett Legal understand and value technology. We take the time to investigate the complex work of innovation and consider the variety of impacts and issues likely to arise in any situation.

It pays to invest in a solid legal framework that is reviewed at the various stages of your business life cycle, tapping into the experience of professionals with astute problem solving and legal skills to help you navigate the challenges of your business.

We work with our clients to ensure policies, procedures, negotiations and contracts are in place to protect your company and minimise your risk. What are you waiting for?

Contact me for your business, technology and commercial needs.

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