



## Software & Electronic Commerce

Our IP attorneys guide clients through the novel, and often uncertain, legal challenges posed by any corporate software and electronic commerce strategy.

Our services include:

- Counseling and assistance in the negotiation and implementation of enterprise software systems for various industry sectors.
- Reviewing intellectual property ownership matters and integration of third-party materials.
- Structuring and negotiating service level agreements.
- Assisting in compliance with privacy and areas of regulated conduct.
- Completing licensing audits and consult on other areas of intellectual property portfolio management.
- Counseling clients concerning domain name rights, priorities and related issues, including interaction with global trademark law.
- Negotiating and prepare web development, hosting and support agreements.
- Structuring and documenting web commerce relationships, including co-branding, advertising, sub-site, content-sharing agreements and traffic-based fees and promotion contracts.
- Reviewing web content and formats to assess intellectual property rights, including possible infringements and other conflicts and required clearances.
- Evaluating and plan for tax consequences associated with online sales.
- Assessing and resolving other business conflicts in the online environment, such as distribution channel conflicts.
- Counseling clients regarding compliance with international laws and regulations, including export controls and licensing restrictions.

## Experience

### **Niche Market Technology Solutions and Services Provider**

Defended client against claims of breach of contract and fraud related to customer municipality's claims that the software system did not work as promised.

### **SaaS Provider of Telecommunications Cost Containment Solution**

Following the settlement of a large business tort/copyright infringement/ trade secrets case in the "Rocket Docket" of the Eastern District of Virginia, Williams Mullen was engaged to represent a software company in interpreting and complying with the terms of the settlement agreement arising out of a previous lawsuit. Williams Mullen advised the company of the steps that it would need to take to comply with and on interpretation of the settlement agreement and also worked with the company during the audit period, when the company's software source code and databases were checked for compliance per the settlement agreement. Williams Mullen also defended the company in enforcing the settlement during a second mediation session.

### **Florida Specialty Physician Practice**

Litigated UCC and contract claims in contested AAA arbitration against national vendor of electronic medical records (EMR) systems arising from failed EMR implementation. Handled claims from initial investigation and demand through discovery and contested arbitration hearing, through arbitration award.

### **Physicians Group**

Represented large multi-specialty physician practice in lawsuit against software vendor arising from payment processing software implementation failure.

## **Related News**

- [eXXXamining Your Brand: Sunrise Period for Trademark Owners to Prevent From Becoming .XXX Domains Starts September 7, 2011](#)
- [ICANN Makes Hundreds of New gTLDs Available as of 2012](#)
- [Hijacked: ArrivalStar's Patent Suits Regarding Vehicle Tracking and Notification Tools](#)
- [Walker Digital Enters the Game: Recent Trend of Patent Infringement Suits Against Activision, Blizzard, Microsoft, Electronic Arts and other Video Game Companies](#)
- [PODCAST: Computer Software and the Federal Government: Ish Kabibble?](#)
- [Williams Mullen Adds Patent Attorney Clint Brannon to Intellectual Property Practice](#)
- [30 Williams Mullen Attorneys, 12 Practice Areas Recognized in Chambers USA 2019](#)
- [Williams Mullen Expands Intellectual Property Section with Ed White and Janet Cho](#)

## **Related Events**

- [2011 East Coast Game Conference](#)

## **Related Attorneys**

- Thomas F. Bergert ? 434.951.5710 ? [tbergert@williamsmullen.com](mailto:tbergert@williamsmullen.com)
- Clinton H. Brannon ? 703.760.5226 ? [cbrannon@williamsmullen.com](mailto:cbrannon@williamsmullen.com)
- Janet W. Cho ? 804.420.6339 ? [jcho@williamsmullen.com](mailto:jcho@williamsmullen.com)
- Philip H. Goodpasture ? 804.420.6904 ? [pgoodpasture@williamsmullen.com](mailto:pgoodpasture@williamsmullen.com)

- Craig L. Mytelka ? 757.473.5336 ? cmytelka@williamsmullen.com
- Robert Van Arnam ? 919.981.4055 ? rvanarnam@williamsmullen.com