



ONYX
ONLINE LAW

Marketing is More Than Big Promises and Copywriting Razzmatazz

*@CLICK!DigitalExpo #CLICK2016
#IncredibleCLICK #OnyxOnlineLaw #legal
#business #marketing*

This is for you if -

- You'd like some tips to protect your business
- You want to look more professional
- You want to increase the value of your business by reducing your risk
- You'd like to do your marketing without having to worry about getting sued

Who Am I & Why *LISTEN To Me?*

ONYX
ONLINE LAW

- I have worked with over 1000 clients to protect their businesses
- Insider understanding on business needs after over 8 years in house
- Over 18 years experience, working with online business since 2010
- Practical, solution focused, easy to talk to
- Widely published, and author of “Cover Your Arse Online”
- LLB, LLM, GradDip LP, GAICD



Disclaimer

This is general legal information only.

If you have very specific questions, consider getting legal advice appropriate to your circumstances.

Don't advise others, refer them for legal advice.

What we're covering

1. Copyright
2. Consumer guarantees
3. Anti-spam basics

A person is seen from behind, holding a smartphone to take a picture of a sunset over the ocean. The person is wearing a dark, sleeveless top. The background is a bright, hazy sky with a low sun over the water. A yellow banner is overlaid on the left side of the image.

Copyright

Copyright Problems



- You have copied something and get a cease and desist notice or letter of demand

OR

- Someone else has copied your stuff and you want to stop them

Copyright

What is copyright?

- a bundle
- economic and moral rights
- for the protection of interests
- in creative works like writing, images, film, sculpture, architecture and music



Copyright

Copyright means others need your permission to:

- copy your work
- put it on the internet
- distribute copies of it, whether free or for sale
- rent or lend copies of your work
- perform, show or play your work in public
- make an adaptation or translation of your

Copyright

- automatic upon creation
- no need to register
- © symbol is optional
- different from plagiarism (moral rights)
- different from trade marks

Copyright

Protecting yourself -

- Create it yourself
- Get employees to create it
- Outsource with a contract that says you own copyright
- Purchase stock images/video



Copyright

Protecting your content –

- *writing* - copyscape, turnitin
- *image* - tineye, Google reverse image search
- letter of demand & clear process
- copyright conditions on your website

Copyright

Registration

- www.copyright.gov/eco/
- www.ppsr.gov.au/

Royalties

- written work, artists, music, video

Consumers

The image is a conceptual photograph. In the foreground and middle ground, there are several stacks of coins of various denominations, including silver and copper ones. The stacks are arranged in a way that suggests a progression or growth. In the lower center, a tiny, realistic-looking figure of a man in a dark suit and white shirt stands on a white surface. Behind him is a line graph with a black line and several rectangular markers, suggesting a financial or economic chart. The background is a soft-focus yellow wall with some dark rectangular shapes, possibly electrical outlets. A yellow banner with the word 'Consumers' in bold black text is overlaid on the left side of the image.

Australian Consumer Law

- Misleading and deceptive conduct
- Unconscionable conduct
- Unfair contract terms
- Consumer guarantees
- Product safety
- Sales practices

Australian Consumer Law

- **Misleading and deceptive conduct**
- Unconscionable conduct
- **Unfair contract terms**
- **Consumer guarantees**
- Product safety
- Sales practices

Misleading or Deceptive



- Likely to make a false impression or simply wrong
- Comparative advertising if accurate, but not impersonation of another business
- Fake testimonials and reviews

Misleading or Deceptive

- Bait advertising or confusing product pricing
- Hidden disclaimers
- Premium, credence & country of origin claims

"Unlimited" = \$3.6m

Keywords & metatags

- Background keywords are not misleading
- Public facing keywords may be misleading
- Use in metatags is not misleading

Misleading or Deceptive

What to do –

- check your facts
- supervise your copywriter/ marketing team



What not to do –

- make promises you can't keep
- make statements you can't back up



Unfair contract terms

B2C and B2B

- a significant imbalance in the parties' rights and obligations
- not reasonably necessary to protect legitimate interests of one of the parties
- would cause detriment if applied or relied on

Consumer Guarantees

- clear title
- acceptable quality
- fit for purpose
- match description
- match sample
- timely delivery
- repairs and spare

PRODUCTS



Consumer Guarantees

SERVICES



- due care & skill
- fit for purpose
- timely delivery



Spam

What is Spam?

An electronic commercial message

- email, text, message in social media
- 1 message is enough to fall within the Act
- offers, advertises, promotes
- goods, services, investment opportunity
- aid to dishonest conduct

Easy anti-Spam

Keys to compliance

- get consent (can be inferred)
- identify the business clearly in the message
- have a functioning unsubscribe facility

Privacy

- implement appropriate security of personal information

What we've covered

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2. Consumer guarantees
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Questions

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Need help?

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www.LawForWebsites.info

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