

WEBSITE AGREEMENTS, CLOUD COMPUTING & SOCIAL MEDIA

For some industries, a strong online presence is no longer a luxury—it has become a necessity. Navigating legal issues online can be challenging, whether you want to enter the online market or already have existing online operations, due to regulations and best practices constantly changing to keep up with the explosive growth of technology.

Social media revolutionized how we share information with friends and family, advertise to customers, and differentiate ourselves from our competitors. Along with the rewards and ease of social media come impending risk. As the law catches up with technology, businesses face increasing social media regulation both domestically and internationally. Our attorneys are fully knowledgeable about social media issues and can assist with identifying critical issues before they become critical problems. Our attorneys also have the technical knowledge to handle legal matters that have underlying sophisticated technical issues as is often the case for cutting-edge technology.

Our attorneys regularly assist clients with:

- Complying with Federal Trade Commission (FTC) regulations when advertising on social media
- Developing policies for regulating employee use of social media
- Complying with GDPR, CASL and other rapidly evolving anti-spam laws
- Complying with ADA laws/Website Content Accessibility Guidelines (WCAG)
- Investigating social media incidents
- Enforcing intellectual property rights on social media platforms
- Addressing Securities and Exchange Commission (SEC) compliance issues related to statements made by the company or its officers on social media
- Implementing promotions or sweepstakes on social media
- Crafting terms of service and privacy policies for mobile applications relating to social media
- Reducing risk from user generated content on social media
- Establishing Digital Millennium Copyright Act and Communications Decency Act safe harbor protection for social media activities

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When it comes to cloud computing, we are intimately familiar with the nuances of private, public, and hybrid clouds. Many Hodgson Russ attorneys have technical backgrounds, allowing them to quickly grasp underlying technologies and develop innovative solutions to clients' cloud computing issues. Working together as a multidisciplinary team, we support clients in various cloud initiatives.

We also help clients draft the agreements necessary to produce and sell their mobile apps, such as development agreements for use with contractors and end-user license agreements. Our firm also has the breadth to provide counseling in other areas important to many mobile apps, such as Food and Drug Administration (FDA) advice for health-related mobile apps and counseling on tax, privacy, and corporate structure issues.

Our attorneys regularly assist clients with:

- Navigating cloud computing issues related to Infrastructure as a Service (IaaS), Platform as a Service (PaaS), and Software as a Service (SaaS) models
- Maintaining data security, business continuity, and regulatory compliance
- Developing comprehensive terms of service and privacy policies for websites, applications, and mobile software
- Establishing Digital Millennium Copyright Act safe harbor protection
- Developing and negotiating vendor contracts for cloud computing services

In the News

Gary Schober Gives Insight to Wegmans' Discontinuation of SCAN App
WGRZ, September 15, 2022

Ownership and control of websites vary
Buffalo Law Journal, March 7, 2016