Webinar: Open Source Software – Risk Management & IP Value Protection

Webinar, July 31, 10 a.m. CDT

Security vulnerabilities or licensing loopholes stemming from open source software can result in product recalls, the loss of valuable IP and terrible damage to your reputation and bottom line.

Former Energy XXI CEO Agrees to Settle SEC Charges

News

The SEC alleged John D. Schiller Jr. maintained an extravagant lifestyle using a leveraged margin account secured by his shares in the oil and gas producer.

Software as a Service (SaaS) Agreements: Who Owns What?

Insight

The Tech & Sourcing blog of Morgan Lewis takes a look at Software as a Service (SaaS) agreements – starting with the perspective of a solution that uses a dedicated service.

Oral Revocation of Consent Insufficient Where Contract Required Writing

Insight

A post on the website of Manatt, Phelps & Phillips discusses a case in which an Ohio federal court found that, where a contract required written revocation of consent to be contacted, a consumer's attempt to orally revoke consent failed.

Court Affirms Take-Nothing Verdict for Company Harmed by Texas Ponzi Scheme

News

A federal district court judge has affirmed a take-nothing defense verdict for the owner of an Oklahoma City-based company that unknowingly provided services in connection with a mineral royalties Ponzi scheme.

Does Your Employee Agreement Address These Three Often-Overlooked IP Provisions?

Insight

Intellectual property can be one of the most valuable assets of a company and should not be glossed over, warns John E. Munro of Harness, Dickey & Pierce.

Sometimes You Get Away with Unwritten Contracts

Insight

One area where the distinction between written versus unwritten agreements makes a difference is in the calculation of the statute of limitations, points out Christopher G. Hill in his Construction Law Musings blog.

Has the Government 'Waived' Goodbye to Strict Compliance with Your Contract

Specifications?

Insight

A recent Armed Services Board of Contract Appeals decision confirmed that waiver defenses can defeat government demands for strict compliance with contract requirements, reports Cohen Seglias Pallas Greenhall & Furman.

Negotiating Commercial Contracts – Insurance Words of Wisdom

Insight

Many commercial contracts contain risk-transfer provisions, including indemnification and insurance requirements, according to SandRun Risk.

Barnes & Noble Fires Its CEO Without Severance Pay

News

USA Today reports that the move came on the advice of Barnes & Noble's law firm, Paul, Weiss, Rifkind, Wharton & Garrison.

Contracts: Are You Accepting an Offer or Not?

News

A lack of precision in responding to an offer can lead to confusion as to whether or not a contract has been formed, warns an article published by Burns & Levinson.

Fixed-Price Contracts Are Simple – Or Are They?

Podcast

There is very little case law guiding the practical approach to fixed-price contracts, but a Pepper Hamilton podcast offers some guidance.

Drafting the Arbitration Provision in Commercial Contracts: Back to Basic

Insight

A good practice is for the arbitration clause to be detailed

and to specify a variety of terms, advise John P. DiBlasi and Jacqueline I. Silvey in an article for National Arbitration and Mediation.

Eliminating the Surprise Factor from Construction Contracts: Tips for Owners and Developers

Insight

On construction projects, owners and developers often are familiar with standard contract language and provisions, but the industry is continually evolving, according to a paper published by Zetlin & De Chiara LLP.

IP Indemnification in Contracts

Insight

An IP indemnity clause typically includes the obligation to defend against third party IP claims, according to a Morgan Lewis post.

Progress Payments: What to Do When the Money Stops Trickling In

Insight

Faegre Baker Daniels says the contractor should look to its contract with the owner to find answers to two questions: Does the contract require the contractor to take a certain action? And, is payment”clearly due and owning?”

Contracts with Foreign Companies May Require a Rewrite

News

The California Court of Appeal held that parties may not contract around the formal service requirements of the Convention on the Service Abroad of Judicial and Extrajudicial Documents, commonly referred to as the Hague Service Convention.

PA Court Rejects Fracking Company's Appeal In 'Rule Of Capture' Decision

News

A Pennsylvania appeals court rejected a request by a natural gas production company to rehear a case whose outcome could affect drillers across the country, reports WSKG.

'Gross Up' Provisions in Office Leases

Insight

Contrary to a tenant's natural reaction, the "gross up" of operating expenses in a multi-tenant office building is neither nefarious nor inappropriate, according to William Hof of Husch Blackwell.

An Arbitrator's Power May Be Greater Than That of a Judge

Insight

Although an arbitration agreement can be written (double-spaced) on one side of a cocktail napkin, in some cases it may grant greater authority to an arbitrator than a judge has,

writes Narges Kakalia of Mintz Levin.