Manufacturers Revisit Mandatory Arbitration Agreements

News

Two recent court decisions dealing with mandatory arbitration agreements highlight why some manufacturers may gain by requiring pre-dispute employment arbitration agreements.

Drafting Sublicense Provisions in Intellectual Property Licenses

Insight

A sublicense in the context of an IP license is any agreement where the licensee grants a third party rights to any of the licensed IP.

Are Your Noncompete Agreements Dying of Old Age?

Insight

Periodic review and maintenance of noncompetition and other restrictive covenants agreements is crucial, advises Akin Gump

Strauss Hauer & Feld.

Eighth Circuit Says a Delegation Clause Isn’t Valid (and Calls Wrap Contract Formation Into Doubt)

Insight

The ruling tosses all manner of “wrap” agreements into doubt, writes Henry Allen Blair.

Contractual Insurance Requirements: Traps for the Unwary

Insight

Lyndon Bittle of Carrington Coleman discusses “traps for the unwary” lurking in construction contract insurance requirements, focusing on the ubiquitous commercial general liability policy.

In Form Contracts, Don’t Silence Consumers with Gag Clauses: FTC’s Consumer Review Fairness Act

Insight

The FTC’s Consumer Review Fairness Act states that such gas clauses are illegal and void in form contracts.

Lawyers Can Be Sued for Allegedly Violating Confidentiality Deal in Monster Energy Suit

News

The court found there is no question the language of the confidentiality provisions purported to encompass both the parties and their lawyers.

More Idiosyncrasies of the

Common Law of Contract You Need to Know

Insight

Simply reading the agreement and concluding that indefinite is the same as forever, or that there is not a built-in implied end date not otherwise stated, is not enoughm warns Glenn D. West of Weil, Gotshal & Manges.

Understanding Contractual Limitations on Liability

Insight

A post on the website of Best Best & Krieger discusses what contractual limitations on liability can mean for a business.

Web Scraping Decisions Consider Contract Cause of Action

Insight

Two recent web scraping disputes highlight some important issues regarding whether a website owner may successfully allege a breach of contract action against a commercial party that has scraped website content, according to a Proskauer

post.

Court Holds Delta’s Privacy Policy Isn’t a Contract

Insight

The key to Delta’s victory may have been a novel theory that its privacy policy should not be treated as a contract with a consumer, according to Manatt, Phelps & Phillips.

‘Express Written Consent’ Means Express Written Consent—No More, No Less

Insight

When drafting contracts, you should say what you mean and mean what you say, and reliance on oral representations directly contrary to the terms of a written agreement between sophisticated parties is not justifiable.

Contract Drafting Privacy Policies for a Company Website

Insight

Failing to be aware of laws and regulations pertinent to your particular industry and business and ultimately implementing inaccurate or misleading privacy policies could expose your company to liability, warns Morgan Lewis.

Five Must-Haves for Avoiding Risky Disasters – Insurance Procurement Clauses

Insight

A Brouse McDowell Insurance Blog post discusses the drafting of insurance requirements in a contract to ensure that, in the event of a loss arising out of the work performed, parties will have assets available for that loss.

Five Strategies to Increase

Buyer Leverage in Sign-and-Go-Hard Transactions

Insight

A post on the website of Allen Matkins offers five strategies for real estate buyers to increase their leverage when dealing with a seller who requires a sign-and-go-hard transaction.

N.J. Appellate Court Confirms that AIA Construction Contract Bars Insurer's Subrogation Claim

News

A New Jersey has confirmed that the waiver of subrogation provision in a commonly used form construction contract precluded an insurer's claims against a subcontractor.

Don't Grant Feedback Licenses (Do This Instead)

Insight

No one can actually own an idea or suggestion. There's no such thing as a patent or copyright on an idea, explains a post by

Tech Contracts Academy.

Supply Chain Agreements: Structuring Key Provisions

Insight

Complex supply chains and the current political climate create an environment of uncertainty for some companies, explains a Foley & Lardner post.

Texas Adds New Statutory Requirements on Land Leases for Wind Farms

Insight

Future land leases in Texas for wind power facilities should include provisions to comply with the new statute's requirements, advises Holland & Knight.

Does An Attorney’s Fee Clause Survive Contract Rescission?

Insight

If a contract is extinguished by rescission, it would seem that all of its provisions, including a prevailing party attorney’s fee clause, would be extinguished, but that may not be the case, according to Allen Matkins.