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.

Limits to Enforcement of Non-Compete Agreements

Insight

The court found that by preventing the individual from performing any work or services, whether as an employee, consultant or independent contractor, for any competitor, the agreement went beyond the limits of reasonableness, according to Pullman & Comley's Working Together blog.

'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.

Seventh Circuit Hands Win to Merchants in Data Breach Case

Insight

Data breaches inflict additional costs on financial institutions, leading those institutions to turn to litigation to recoup their losses from merchants, writes Ehren M. Fournier in a post on the website of Schoenberg Finkel Newman & Rosenberg LLC.

Benefits and Challenges of Robotized Arbitration

Insight

Big data and e-discovery can assist counsel in document management and reduce the risk of human error during

discovery, write Winston Maxwell and Gauthier Vannieuwenhuyse of Hogan Lovells.

Contractual Allocation of Intellectual Property Ownership

Insight

Before entering into a business deal where intellectual property rights are implicated, it is usually better for the parties to spell out ownership rather than leave intellectual property ownership to be allocated by default laws, advises Morgan, Lewis & Bockius.

Are Your Employees' Electronically-Signed Agreements Enforceable?

Insight

In several recent cases, employees have disputed that they electronically acknowledged an agreement with their employer," writes Drew York for Gray Reed & McGraw.

Texas Court Holds Drop in Oil Prices is Not Force Majeure

News

Oil and gas operators should be careful to expressly identify any market-based risks that they want to encompass within force majeure provisions, advises Liskow & Lewis.

Webcast: Compliance and Contract Management

Webinar, June 27, 2018, 2 p.m. EDT

Compliance Week will present a webcast titled “Compliance and Contract Management – The Right People, Process & Technology” to highlight effective strategies and considerations to maintain compliance with contractual agreements in the U.S. and abroad.

Walmart Sues Its Former Head of Tax for Jumping to Amazon

News

Walmart is trying to block Lisa Wadlin, Walmart’s senior VP

and top tax executive, from taking the Amazon position until May 2020 and bar her from handing over “sensitive business information obtained at Walmart,” reports Bloomberg.

Encountering Common Technology Contracts

Insight

Corporate counsel often hire external technology lawyers to review, draft, or negotiate technology contracts such as software licensing agreements because of their ability to identify software licensing issues, resolve complex licensing models, and compare the subject deal to the many other unique technology contract structures to solve problems, according to a blog post by Kirkpatrick Law.

Restrictive Covenants in Non-Compete Agreements: Broader is Not Better

Insight

The opinion demonstrates why it is so important to limit the activities prohibited by a restrictive covenant, as well as the geographic scope and duration, to what is reasonably needed to protect the employer, according to Roetzel & Andress.

The Not-So-Powerful Non-Disclosure Agreement

Insight

There are some methods other than using NDAs to protect one's business or personal information, advises Marwa Elzankaly of McManis Faulkner.

Fifth Circuit Allows Non-Signatories to Enforce Arbitration Agreement

News

The Fifth Circuit has affirmed an order compelling arbitration, despite the fact that the parties seeking to compel arbitration were not signatories to the relevant arbitration agreement, according to Carlton Fields.

Sheppard Mullin Conflict

Waiver Case Puts Big Fee at Stake

News

The question for this case of first impression is whether a law firm needs to tell a sophisticated client about a specific conflict when it arises, or whether the firm can instead rely a boilerplate advance conflict waiver in the client's engagement agreement, reports Bloomberg Law.

U.S. Intellectual Property Ownership – Default Laws

Insight

In order for a tech company to determine how to protect its intellectual property, the company should understand how the key intellectual property rights work, according to Morgan Lewis.

Avoid Prejudgment Interest By Expressly Saying So in the Contract

Insight

Striking an interest provision from a draft subcontract wasn't

enough to keep a party to the agreement from being required to pay interest, according to a review of a Missouri case by in Pepper Hamilton’s Constructlaw blog.