

## E-COMMERCE

### OVERVIEW

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Business relationships dramatically shifted during the past decade. Before, commercial ventures pursued their profits by establishing a physical presence. Corporate headquarters and remote outposts were laboriously built with brick and mortar. Conversations (across a desk or over phone lines) formed the sum and substance of every business day.

Now those relationships are enhanced – and at times dominated – by interactive technologies. The connectivity of the internet affords even a small business a potential world-wide presence, and e-mail and other media have changed the pace and processes of nearly every business day. Foulston Siefkin's e-Business attorneys stand ready to help all businesses make the successful transition and to aid emerging e-Business companies to flourish in this fast-paced and challenging business environment.

The diverse challenges in this area are met by lawyers experienced in software and technology law, intellectual property, corporate law, telecommunications, taxation, employment law, antitrust and complex litigation. Two examples illustrate part of what we do:

First, software and the data managed by it have become a critical asset of countless companies. Many would simply cease to function if software fails. Software decisions, especially those involving the development of custom software and hardware systems, should be made with careful thought and advice. Foulston Siefkin's e-business lawyers have reviewed hundreds of software development, license, installation and customization agreements. They are experienced in identifying the risks and improving rights in software agreement negotiations. This experience also comes, in part, from drafting software licensing agreements, including master licensing, shrink-wrap licensing and click-wrap licensing methods.

Second, Foulston Siefkin has direct experience in e-Business. In addition to the use of cutting-edge litigation software and electronic document generation for use in business transactions, Foulston Siefkin's in-house staff has developed and used a secured intra- and extranet in a nationwide class action that allows clients and supporting counsel across the country to view information and documents and contribute their information and documents in an on-line database. This gives us insight into the problems

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and pitfalls faced by businesses as they exploit these interesting technologies.

## AREAS OF REPRESENTATION

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- Software License Agreements
- Copyright, Patent, Trademark, and Trade Secret Protection
- Corporate and Entity Formation
- Domain Name Dispute Resolution and Litigation
- Electronic Signatures
- Securities Regulation and Capital Formation and Financing
- Employment Law
- Licensing
- Mergers and Acquisitions
- Strategic Business Alliances
- Taxation
- Web-Based Contracts

## RELATED LINKS

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- U.S. Patent and Trademark Office
- U.S. Copyright Office
- ABA Section of Intellectual Property Law
- Internet Corporation for Assigned Names and Numbers (ICANN)
- World Intellectual Property Organization
- Federal Trade Commission Privacy Initiatives

## ATTORNEYS/OTHER PROFESSIONALS

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### PRIMARY CONTACTS



WILLIAM P. MATTHEWS

**Partner**

T: 316.291.9556  
bmatthews@foulston.com



GORDON G. KIRSTEN II

**Special Counsel**

T: 316.291.9538  
gkirsten@foulston.com

### ADDITIONAL SUPPORTING MEMBERS



ROBERT SMITH

**Partner**

# FOULSTON

ATTORNEYS AT LAW

T: 316.291.9779

rsmith@foulston.com