

## **eCommerce ON**

New service developed by the Polish office of Eversheds Sutherland to support companies operating online



## Supporting e-commerce

The pandemic has significantly hindered conducting stationary sale of goods and services. Many companies decide to change their business models and transfer their activities to the Internet, establishing new e-shops or developing the current ones.

It is crucial to make all actions taken on the Internet be legal and do not pose a risk of intervention by supervisory authorities.

We are here to help.



# Comprehensive legal advice for e-commerce sector

## How can we help?

In this extraordinary times, we offer legal advice concerning verification of all e-actions and in other remote business.

- We will review terms and conditions of e-stores and other platforms of remote sale of products and services, in light of the applicable laws, including consumer protection regulations and laws on electronically supplied services.
- We will review privacy policies for their compliance with rules governing collection and processing personal data.
- We will analyse product and service information provided in electronic communication.
- We will help in drafting promotion of terms & conditions and we will review them for their compliance with applicable laws.

## We will help you switch to e-business

- We will advise on legal queries related to creation and maintenance of e-stores.
- We will help you in drafting basic documentation required in relations with customers, i.e. e-store terms, electronically supplied services terms, privacy policy, return policy.
- We will help on legal queries related to registration of domain and website positioning.
- We will answer any other questions related to legal aspects of conducting e-business or other remote business.

Additionally:

- We will help you to protect and promote your brand on the Internet.
- We will advise on commercial contracts (drafting and negotiating contracts with IT solution providers and/or advertising agencies).
- We will help on tax related queries.



## Contact us

If you are interested in our advisory, please fill in a simple form. This will allow us identifying your needs.

**Go to the form >>**

We will respond within 24 hours with explanatory questions (if needed). Then we will present a binding offer of our services.



## Preferential rates. Get first hour free.

Guided by business need for support in these difficult times and by a corporate social responsibility of a legal advisory sector, we ensure that we will adopt preferential rates when providing our service. Moreover, for our very new clients, we will provide first hour of our services free of charge.



## **Brand protection in online environment**

Due to the necessity of limiting or even temporary ceasing of sales activity via traditional distribution channels, in recent weeks we have been observing an unprecedented growth of intensity of commercial activities of entrepreneurs from almost all industries on the online market. Consequently, on the one hand entrepreneurs face the challenge of reaching the widest possible range of the online customers and standing out from the competition with their online offers. On the other hand, the scale of third parties' unfair online activities aimed at exploiting entrepreneurs' brands and market reputation is also increasing proportionally.

Eversheds Sutherland Poland provides comprehensive support in all legal aspects related to promotion and protection of a brand on the online market, as well as requirements for e-commerce industry being controlled by competition and consumer protection authorities – always taking into account the individual needs and scale of business activity of each client.

# Helping protect and promote your brand online

## Our support includes:

1) Opinions on promotional activities of clients and their competitors - from a wording of a single offer, through its layout, to comprehensive advertising campaigns. Our lawyers will answer the question how to advertise your own business and products in a way not conflicting with the consumers rights and interests of market competitors. For example, how to avoid allegations related to misleading advertising, unfair comparative advertising or free riding on third party's brand and reputation. If such violations are found in the competitors' promotional activities, we will advise you on how to counteract them most effectively.

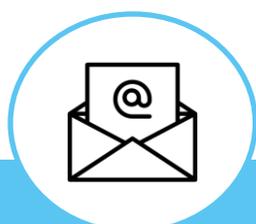
2) Combating infringements of intellectual property rights and the right to the company's names in competitors' online offers, including support in:

- taking down online offers or auctions of counterfeit goods using trademarks, designations, packaging appearance or names of original goods - posted both on popular auction platforms (e.g. Allegro, a Polish online e-commerce platform) or on the websites created for this purpose
- combating activities of competitors consisting in the promotion of their own goods or services with the use of clients' trademarks and other protected indications, by indicating in online offers that a given product is a cheaper/better equivalent of the original product
- combating activities of competitors consisting in suggesting in online offers affiliation or business cooperation with entities that are producers/official distributors of original products

3) Combating trademark and companies names rights infringements consisting in domain names registrations which through their similarity to official websites, companies names and trademarks held by clients, mislead the public and may lead to redirection of Internet traffic to websites created on domains held by third parties.

4) Advising in all other aspects of promotional activities and brand protection in online environment, e.g. AdWords online advertising with the use of trademarks as keywords.

5) Assessment of sale activities in the scope of Competition law provisions – including prices of products, restriction on the amount of products to be sold online, ban on online sales, geo-blocking. We will also help in evaluation of market research and performing safe contacts with competitors.



## Contact us

If you are interested in our advisory, please contact us at:

**[eCommerceDesk@eversheds-sutherland.pl](mailto:eCommerceDesk@eversheds-sutherland.pl)**

The message should briefly describe the areas you would like to take care of. We will respond within 24 hours to clarify the scope of our consultancy. Then we will present a binding offer of our services, addressing your individual needs.



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## Commercial agreements support

The COVID-19 pandemic significantly hinders business operations, including performance of contractual obligations. As an example: problems with delivering products due to closed borders, obtaining components when factories are closed, or payment of rents in shopping malls.

Non-performance of contracts or delays in this regard can have negative consequences for many companies. That is why it is important to run your business in accordance with the possibilities offered by legal regulations and specific contract provisions.

At this special time, we offer legal support in verifying contracts and their provisions to help companies to find themselves in a new economic reality.

# Supporting in all aspects of commercial agreements

## Our support includes:

- Assessment if a contract contains clauses to safeguard your business during the COVID-19 pandemic (for example relevant *force majeure* clauses).
- Assessment whether such clauses are effective enough to help you avoiding possible claims for damages.
- Assessment whether your situation may provoke liability for damages towards the other party to the contract or whether the other party has violated the law or the contract.
- Assessment whether you are in danger of contractual penalties and whether there is a way to avoid such penalties.
- Assessment whether there are other provisions in the contract that require necessary changes.
- Help in preparation of relevant amendments to the contract.

In this scope, we will prepare a concise legal analysis providing specific business solutions.



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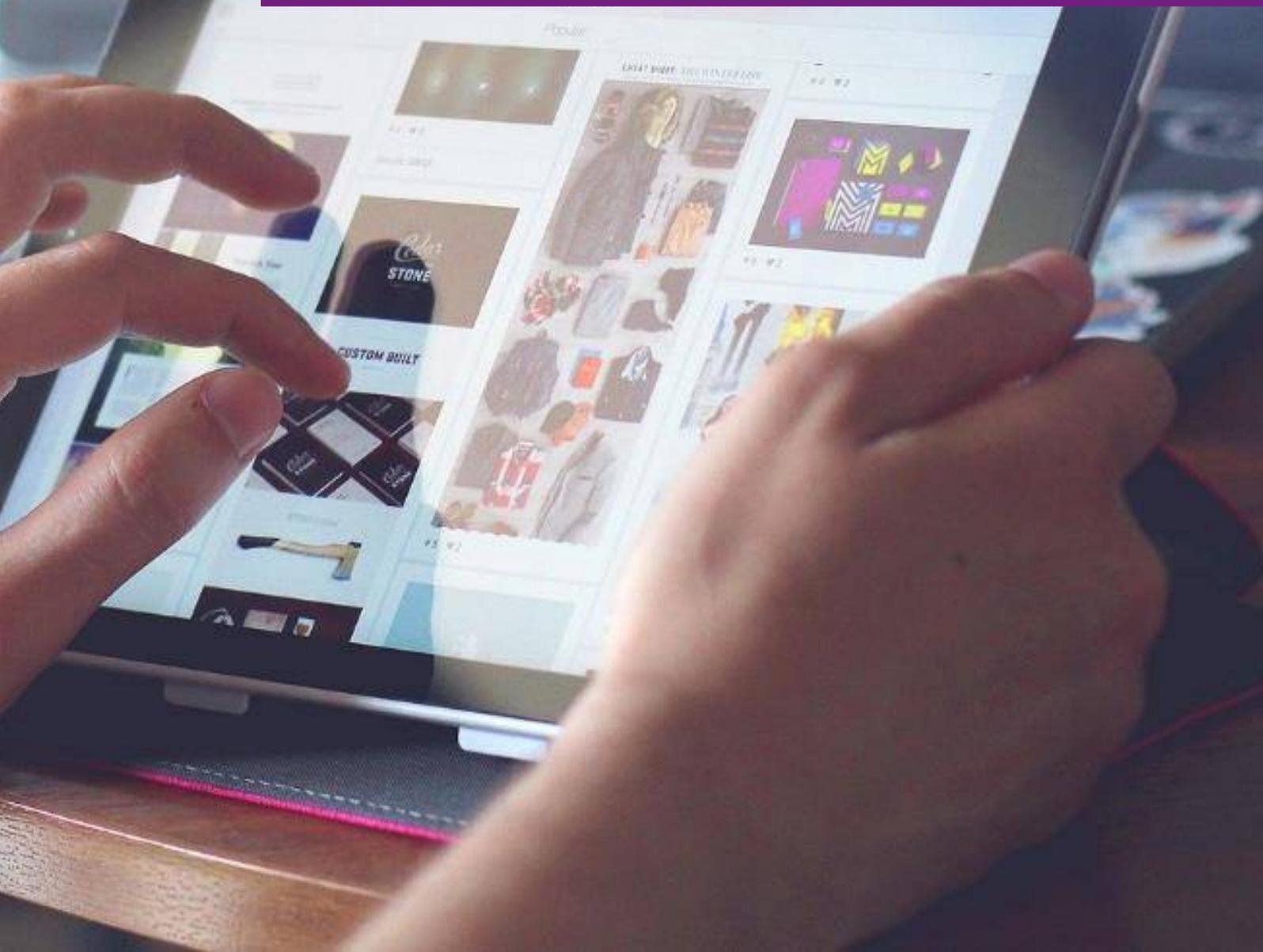
## Why us?

We stand out for our extensive experience implementing projects across the digital transformation and the digital world. We support enterprises in the fundamental changes across all areas of their operations affected by the digital transformation and technological development. We provide a full range of advisory services connected with the search for revolutionary new business models, implementation of innovations, minimization of potential risks, and building corporate identity in a digital culture. We assist our clients in identifying practical applications and real benefits of the digital transformation, approaching their needs holistically and from a broader legal perspective.

We offer legal and regulatory advice for producers and sellers of products from various sectors, including sensitive products.

We advise on commercial contracts and support entrepreneurs in all issues encountered throughout the product life cycle, from its legal qualification to related requirements, with product launch, distribution, advertising, sales, consumer claims, statutory warranty claims, warranty claims, and dealing with dangerous products.

We have been working for over two decades for key market players from the TMT, e-commerce, retail and FMCG sectors.



# Our Team



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# About Eversheds Sutherland Poland

Eversheds Sutherland Poland provides comprehensive legal services for business. We are a member of Eversheds Sutherland, one of the world's largest legal brands, with 73 offices in 34 countries, enabling us to support clients in carrying out complex projects on a global scale.

We support companies in all areas of business operations. We advise on corporate matters, M&A, data protection, new technology law, intellectual property, litigation and arbitration, public procurement, tax, employment, competition, consumer law, advertising, banking, capital markets, compliance and environmental law.

We advise clients who are global leaders in industries such as TMT, energy, real estate, construction, manufacturing, FMCG, finance, insurance, PE/VC, food, pharmaceuticals and healthcare. We have great experience working for clients from regulated sectors.

## **We back innovations and support innovators**

We work for leading entities from the IT, New Tech, FinTech and e-commerce sectors. We also provide legal support for start-ups. We advise on legal aspects of Industry 4.0 and application of the latest technological solutions such as blockchain, bitcoin, AI, the Internet of things and big data.

More on [eversheds-sutherland.pl](https://eversheds-sutherland.pl)



