

Commercial Agreements

As well as IP and IT agreements, your business will inevitably need to enter into other commercial agreements at different points in the development of its business and innovation. The most common form of commercial agreements that your business may encounter include the following:

1. **Non-disclosure Agreements** – to protect your confidential and proprietary information during business discussions;
2. **Terms of Business** – your business' front line defence in dealing with customer disputes;
3. **Supply Agreements** – to lock in the supply of important materials and products for your business; and
4. **Distribution Agreements** – to govern the sale of products through a sales network; and

NON-DISCLOSURE AGREEMENT

If your business or innovation is based on a concept that will become public and easily copied once launched, and you need the help of others to commercialise your concept, then you will need a non-disclosure agreement. This prevents others from disclosing your concept to others and from using and copying your innovation themselves.

For ease of use we have packaged up our standard non-disclosure agreements as a paid download at a price which includes one hour of professional time. See www.marshallip.com/paid-downloads/NDA.

TERMS OF BUSINESS

These are the standard, pro-forma terms and conditions that all businesses should have. They set out the way in which your business offers its products or services to its customers and seek to deal with the usual issues that cause problems. They are a key tool in your business's risk minimisation strategy, whether excluding liability you should not or do not wish to bear, or giving you a strong basis on which to collect payment.

They are your business's first line of attack and defence when anything goes wrong with any of your customer/client relationships.

We have a range of terms of business that may suit your business or which we can modify to suit your business's needs.

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SUPPLY AGREEMENTS

Whatever business you are in you will depend on the supply of certain goods or services from others. When your business's dependence on a particular supplier becomes crucial to its sustainability and success, it's time to seriously consider a negotiated supply arrangement.

A supply agreement can ensure consistency and preference of supply, lock in a preferential price and even give you access to certain IP should the supplier cease to operate or cease to be able to supply, thus allowing your business to source what it needs from somewhere else using the supplier's IP.

DISTRIBUTION AGREEMENT

Unless you are a national or multi-national corporation with offices or outlets in each important market, getting products and services to where your customers are can be a serious limitation to your business's growth. Using a distributor can save your business the expense of developing a sales network. Alternatively, you may have an extensive sales network and be looking for new products to push out to your markets and customers.

Either way, a clear and comprehensive distribution agreement is required to deal with the day to day matters such as pricing, forecasts, order quantities, delivery times, lead times and returns, as well as the unexpected issues such as IP infringement claims, solicitation of key employees and sale of competing products.

Contact us today for assistance with YOUR COMMERCIAL AGREEMENTS

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