

IT Agreements

The main type of IT agreements that most businesses may encounter are:

- software licences
- software development agreements
- website development agreements

They are needed to set out the rights that the parties have in relation to the software or website.

Development agreements may be for a simple “app” build where the requirements of the buyer are relatively easy to understand and deliver, or they may be very complex requiring the software developer to understand its customer’s business requirements and develop a system of integrated third party owned software to meet those requirements.

SOFTWARE LICENCES AND SOFTWARE DEVELOPMENT AGREEMENTS

For most businesses, software licences are generally provided on a “take-it-or-leave-it” basis. That is, if you do not agree to the terms of the licence, your business will not be provided with the software. This is usually for standard applications such as Microsoft Office, Adobe and “commercial-off-the-shelf” software packages.

However, industry specific software vendors may be more flexible and may allow some room for negotiation on the terms of the licence, service and support levels (to maintain the software once purchased).

Whether you’re a software development business distributing software for the masses or a bespoke developer of software, we can assist you to develop a sensible pro-forma software licence for the safe exploitation of your software. Similarly, if you are considering spending a large amount on a software system or solution, we can help your business avoid common pitfalls in IT procurement.

The recent advent of “cloud” based services, where your business does not load the software onto its computer system, but instead allows your business to access the software from the “cloud” has dramatically changed the nature of software procurement and use. Despite this, many software agreements continue to be done on the basis of an IP Licence Agreement rather than Access or

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Subscription Agreement - with little regard to the changes that “cloud” computing has had on the legal underpinnings of the arrangement.

WEBSITE DEVELOPMENT AGREEMENTS

Website development agreements are also a very common IT agreement. However, agreements setting out the expectations, rights and obligations of the developer and their customer are rarely entered into, for the simple reason that the legal cost of the website development agreement is disproportionate to the cost of the website. When a dispute arises (as it often does) all that exists is a couple of emails and two unhappy businesses.

Contact us today for assistance with YOUR IT AGREEMENTS

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