

MANCHES RETAIL - IT AND COMMERCIAL HEALTH CHECK

ONLINE

- Are your online terms of sale (and in particular any returns policy) compliant with legislation and recent OFT guidance governing distance selling?
- Are your website's terms of use up to date and compliant with legislation governing trading disclosures?
- Is your website's privacy policy compliant with data protection legislation and in particular with legislation regarding the use of cookies which came into force in May?

Is your online advertising compliant with recent legislation governing online advertising?



OFFLINE

- Are your standard terms and conditions of sale compliant with consumer protection legislation (including the Consumer Protection from Unfair Trading Regulations 2008) and properly incorporated into your contracts?
- Are the agreements governing your distribution, agency or franchising networks up to date and compliant with competition law?
- Do your standard contracts contain anti-bribery provisions in line with the Bribery Act which came into force this year?
- Are you getting the best contract possible from your warehousing and distribution suppliers?

DATA PROTECTION

- Have you registered as a data controller with the Information Commissioner's Office?
- Have you addressed data protection adequately in your terms and conditions of sale, contracts of employment and contracts with third parties, both offline and online?

If you're unsure of the answer to any of the questions above, it may be time to contact our team of commercial and IT lawyers. Commercially, you should ensure that your standard contracts put you in the best starting position possible, and non-compliance with the various regulatory issues raised above can not only lead to fines but also to business disruption and adverse PR - especially when dealing with consumers.

How can we help?

Some recent issues we have dealt with include:

- Assisting **TOWIE Limited** to launch its online retail site, including by drafting a suite of website terms and conditions and terms and conditions of sale along with reviewing its warehousing and distribution arrangements
- Advising **Cave Sports Limited** on its international distribution arrangements, identifying issues raised by European competition law and preparing compliant distribution agreements
- Working with **Dunhill** on advertising programmes in the run-up to and during the 2012 Olympics
- Advising **Oakley** on the use of cookies on its website and preparing suitable disclaimers

To arrange your review, please contact Max Windich, our Head of Retail Rachael Parman or your usual Manches contact who can discuss the next steps with you.



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