



## Technology

The information revolution of the late-20th and early-21st centuries has resulted in full-scale changes to the way businesses and societies operate and evolve. It goes without saying that today, to fully maximize their potential, businesses must integrate computers, the internet and other technological tools into all aspects of their operations. But equally important in light of the many opportunities and risks that come with doing so is incorporating these tools wisely. Access to sophisticated advice on how to address the legal aspects of smartly harnessing existing and new technologies is now vital.

### Web Development Activities

Hinshaw provides counsel on a multitude of the legal issues that arise in the process of negotiating, drafting and executing development and hosting agreements, privacy policies, domain name issues and software licensing. In doing so, we represent both web developers and businesses that are expanding their online presence. Our consequent capacity to identify and analyze challenges from multiple perspectives enhances our ability to identify and preempt potential problems.

### Web Development Agreements

Like many other types of business endeavors, website, intranet and extranet developments can be time- and labor-intensive and can hit snags along the road to completion. These activities also have their own unique aspects.

We are skilled at predicting and preparing for problems in web developments and then effectively negotiating and drafting contracts for such projects. Our broad experience includes: drafting and negotiating web development agreements; implementing timeframes for completion of projects; addressing issues relating to ownership of intellectual property in finished products; and evaluating and planning for risks associated with nonperformance by either party or failure of the finished product to function as provided for in the development agreement.

### Domain Name Issues

Often accompanying website development efforts is the selection of a domain name, which implicates many distinct legal issues. In comprehensively advising our clients on this subject, we consider the risks of infringement and violation of the Anticybersquatting Consumer Protection Act or Uniform Domain Name Dispute Resolution Policy. When disputes involving these acts arise, we draw on our track record of resolving them in our client's favor.

### Attorneys

David H. Levitt  
Roger M. Masson  
Jane C. Schlicht  
Mark K. Suri

### Related Services

Copyright  
Intellectual Property  
Patent  
Trade Secrets  
Trademark



## Hosting Agreements

We assist a variety of our clients, which include a major web hosting company, on diverse matters related to hosting agreements. Among other activities, we have assisted in drafting: customer agreements for shared and dedicated hosting; custom agreements for large scale hosting projects; and service level agreements providing for customer credit to compensate for network downtime.

## Privacy Policies

We are highly adept at handling matters involving the many common and complex privacy issues implicated by web-based applications. Our experience includes assisting website operators in drafting and implementing policies that effectively inform visitors to their websites of the manner in which personally identifiable information may be collected. We also help our clients ensure compliance with the Children's Online Privacy Protection Act, which governs the manner of collection and treatment of personally identifiable information of website visitors under the age of 13.

## Communications Decency Act Section 230 Compliance

The immunity provisions of Section 230 of the Communications Decency Act immunize providers of interactive computer services from tort liability for information provided by a third party. We advise clients that do business online to ensure compliance with these provisions.

## Digital Millennium Copyright Act Safe Harbor Issues

We counsel online service providers in developing policies for handling takedown requests submitted by content owners, thereby placing the client in the Digital Millennium Copyright Act's safe harbor provisions. We also draft and serve takedown notices on behalf of clients owning content that is being infringed online.

## Electronic Privacy

We aggressively represent businesses involved in litigation concerning diverse electronic privacy issues. Cases that we have successfully handled have involved allegations of: unlawful interception of electronic communications, under the Electronic Communications Privacy Act; unlawful retrieval of stored electronic communications under the Stored Communications Act, and unauthorized access of computer systems under the Computer Fraud and Abuse Act.

## Software Licensing

Hinshaw represents developers and licensees in all types of software licensing matters. Our experience includes helping identify issues relating to ownership of intellectual property, managing of risk in the event of software failure, and developing timetables for delivery of the finished product. We also help negotiate licensing agreements that are highly advantageous to our clients, even where arrangements initially appear non-negotiable.

## News

[Hinshaw Adds Seasoned Intellectual Property/Insurance Partner in Minneapolis](#)  
December 9, 2020

[Russ Klingaman Explores Legal Landscape of the Aerospace Industry at iCNS 2020](#)  
October 2, 2020



[How U.S. Companies Without E.U. Assets Should Approach Business Contracts in the GDPR Age](#)  
May 28, 2020

[David Levitt Sheds Light on the Intersection of Websites and Copyright Laws](#)  
July 17, 2017

[David Levitt Discusses Response Strategies for Businesses Accused of Using Unauthorized Software](#)  
July 10, 2017

[Russell Klingaman Provides Insights on FAA's New Landmark Commercial Drones Rules](#)  
June 21, 2016

[Russell Klingaman Authors Article on Airports Dealing With Nearby Drone and UAS Operations](#)  
May 31, 2016

[Patrick Patras Discusses Benefits to IP Owners of Patents Found Invalid But Revived by a Settlement](#)  
January 13, 2016

[David H. Levitt Honored as Immediate Past President of Illinois Association of Defense Trial Counsel](#)  
June 27, 2015

[David Levitt Featured in Chicago Daily Law Bulletin Article](#)  
July 2, 2014

[Hinshaw & Culbertson LLP Adds Comprehensive Patent Prosecution and Intellectual Property Practice from Ryndak & Suri LLP](#)  
January 14, 2014

[Patrick Patras Interviewed by Chicago Daily Law Bulletin on Google's Bid for Motorola](#)  
August 26, 2011

## Events

[David Levitt to Present on Ways Businesses Can Protect Against Claims of Possessing Unauthorized Software](#)  
October 17, 2016

[Alan Kaufman, Russell Klingaman, Roger Masson and Jane Schlicht to Present at NBI Advanced Intellectual Property Law Program](#)  
December 1, 2014

[Hinshaw Attorneys to Present on Joint Development Agreements and Protecting Intellectual Property](#)  
May 15, 2014  
National (Webinar)