

Start Me Up!

Buchanan Law's tailored and fixed-fee legal solution for start-ups



BUCHANAN LAW
Intellectual Property and Technology

Start up ventures require the confidence that comes from having practical and commercially minded and experienced legal counsel in their corner. The establishment phase of any business, particularly those operating in IP sensitive industries such as IT, represents a critical time for establishing a strong platform to launch a successful enterprise.

However, the start up phase is also a cost sensitive time for any new enterprise. Buchanan Law provides a fixed fee solution for start up businesses in response to these competing demands. Start Me Up! is tailored to address the specific requirements of your start up enterprise and typically involves a solution based around the offerings set out below.

To receive a tailored fixed fee proposal from Buchanan Law simply complete and return the following table to our attention together with your contact details and any specific instructions relating to your business and we will come back to you with a no obligation proposal and quote. Can't ask for more than that!

Buchanan Law ... protecting and leveraging your know-how.

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Hello and Welcome from the Buchanan Law Team

So, you're thinking about going into business. Many congratulations for taking that first small but vital step. Here at Buchanan Law, we appreciate start-up and we are more than happy to help you to achieve your goal.

Are You a Complete Business Newbie? Start HERE

To start with, though, how far forward are you with your planning and what previous experience do you have? If the answers to these questions are little or none and/or you are still not quite sure what you want from us yet, then the place to start is the Business Gateway, <http://www.business.gov.au>. Here, you can get access to a huge array of information from both the Federal and State/Territory Governments; of these, you will find that the How-to guides on Thinking of Starting a Business are key, especially the Are you ready checklist called New to Business? this even comes in an interactive version that allows you to check things off as you go, provides links to other website and save your session notes.

Do you have some idea of what you want and/or business experience? Start HERE

Fine, let's assume you have now exhausted the Business Gateway resources referred to above and/or you have some idea where you want to go.

As a new business leader, you have to get used to the idea very quickly that each decision you make and each action take will have to thought about from a number of different angles; leaving aside whether your decisions or actions make good business sense or are an acceptable commercial risk, you always have to think about the following four things:

- tax effects;
- legal effects;
- financial effects; and
- insurance effects.

This means, in turn, you will have to line up a good accountant, a good lawyer, a good financier and a good broker as your key support professionals; always get to know these folk properly and seek their advice as and when you are unsure (that's what they are there for). Also bear in mind that your support professionals will do a much better job of advising if they are all in the picture so don't hesitate to put them in touch with one another if you are seeking broad advice or have a complex matter: your support professionals will be happy to cooperate and the advice and other outcomes will be much better if they do. Indeed, here at Buchanan Law, we make a point of working with other professionals on services we routinely provide such as Brand Builder[®] (working in conjunction with design and branding professionals to develop new brands) and this self-same Start Me Up[®] service.

How we can help you: the Start Me Up[™] service and its coverage

So what parts of the jigsaw puzzle we have described above can we help you with?

Quite a fair bit, thanks to our Start Me Up[®] service; under this, basically, you tell us what things you want to know and what you want done in relation to the legal aspects of starting up a business and, in return, we will provide a fixed-fee quote for advising and acting to achieve that: if you decide to use us then what you have is a complete, fixed-cost package of the legal services you have specified for your start up.

We are flexible as to what goes into Start Me Up[®] (ultimately, you decide and, of course, we can work with other support professionals) and so, although we fix a fee for each client, the actual fee will vary as between clients. Where a business covers particular activities (e.g. import/export, franchisor/franchisee) this will require additional work but, in relation to the typical standalone business, we would normally get asked about some or all of the following legal aspects:

1. How should my business be structured?

Typically, a start-up business will have four choices as to the kind of commercial vehicle that it will fit into; these are:

- Sole Trader/Proprietorship
- Partnership
- Trust
- Proprietary Limited Company (Pty. Ltd.)

Working in conjunction with your other advisers as you instruct, we can work out which of these vehicles best suits your particular circumstances and needs.

2. What are the initial registration and compliance issues?

Typically, we see that the following group of issues can be divided into (a) something we can/should do, advise on or provide (*) or (b) something you can/should do, tell us about or provide (#). Awareness refers to a briefing paper providing a general introduction to an area:

- ASIC registration of a corporation plus any ancillary documentation (if Pty. Ltd. is the chosen vehicle)* or partnership deed (if this is the chosen vehicle)* or trust deed (if this is the chosen vehicle)*
- TFN/ABN registration#
- GST registration, subject to threshold and other requirements#

- Business name, domain and trade mark checks*
- Identification of relevant permits/licences*
- Licences or permits applications*
- Trade Practices Act and Fair Trading Act awareness*
- Other applicable codes of conduct awareness*

3. *What are the initial Intellectual Property (IP) issues?*

Typically, we see the following issues cropping up:

- IP awareness (knowledge of what IP rights might already exist in relation to things which will become business assets, knowledge of what IP rights the business might acquire once it gets started and knowledge of their operation)*
- IP strategy (working out how to gather and exploit IP for best advantage)*
- Business name and trade mark applications*
- Domain name registration#
- Assignment/licensing of your existing IP, including software/database licence drafting*

4. *What are the initial Information Technology (IT) issues?*

Typically, we see the following issues cropping up

- Review of IT usage and security practices^
- Legal aspects of IT strategy*
- Record keeping awareness*
- Privacy policy*
- Website T&C*
- Existing third party software/database licence review (including review of existing software/database licensing for transfer purposes)*

5. *What are the initial employee issues?*

Typically, we see the following issues cropping up:

- Review of job advertisements for legal compliance*
- Legal aspects of PAYG, FBT and superannuation (awareness)*
- Legal aspects of equal opportunity and anti-discrimination (awareness)*
- Legal aspects of OH&S and workers compensation (awareness)#
- Employment contract drafting and analysis*

6. *What are the initial contractor and agent issues?*

Typically, we see the following issues cropping up:

- Review of standard T&Cs put up by an independent contractor or agent*
- Drafting of standard T&Cs put up by an independent contractor or agent*
- Legal obligations owed to independent contractors (awareness)*

7. *What are the initial commercial premises issues?*

Leaving aside where premises are home based (but note tax and insurance implications), typically we see the following issues cropping up:

- Review and drafting of commercial leases*

8. What are the initial supplier issues?

Typically, we see the following issues cropping up:

- Review of standard T&Cs put up by a supplier*
- Drafting of standard T&Cs for your business use (wherever possible)*

9. What are the initial customer issues?

- Review of standard T&Cs put up by a customer or client*
- Drafting of standard T&Cs for your business use (wherever possible)*
- Legal obligations owed to customers (awareness)*

To be completed by you:

Contact Details	
Contact Name	
E-mail	
Tel (fixed)	
Tel (mobile)	
Address (street)	
Address (postal, if different)	
Fax	
Website	
Referral details (where or from whom)	

Next, please circle Y or N on the following questions:

- Are you already running your business and wish to change aspects of it (e.g. from sole trade to partnership, trust or company)? Y / N
- Do you import/export or intend to do so? Y / N
- Is your business or proposed franchise-related? Y / N
- Do you have an existing business name (registered or otherwise)? Y / N
- Do you have an existing trade mark or trade marks (registered or otherwise)? Y / N

In relation to the questions above, if you have answered Y to any, please provide additional information on the blank page at the end of this document. In particular, because you are interested in Start Me Upī , we are assuming here that you yourself would be the client and that you do not have a corporation, partnership or other entity that you would want to be the client and/or bill payer: if we are wrong in this assumption, please just tell us and provide the relevant entity details (e.g. ABN/ACN).

Next:

- What sort of business do you have or do you want to go into? Please describe briefly in the box below.

- What services do you provide/intend to provide or goods do you sell/intend to sell? Please describe briefly in the box below/

Finally, the end: okay we've asked you a lot about your business, so use the blank page that follows as a space for you to ask questions of us (e.g. please let us know if there is anything else you would like for us to include in our proposal to you or any other specific issues arising).

[CONTINUATION PAGE]