

LEGAL TIPS: Red Flags for your Business

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1. WHAT TYPE OF COMPANY ARE YOU?

Non-Profit?

- MUTUAL BENEFIT
- PUBLIC BENEFIT

For Profit?

- Sole Proprietorship
- Limited Liability Company (LLC)
- S CORP : pass through taxation
- C CORP : double tax –corporation & shareholders
- Social Purpose Corporation

<http://www.sos.wa.gov/corps/all-services.aspx>

2. IS YOUR WEBSITE READY TO GO?

- Privacy Policy: How information is stored, used, and shared
- Terms of Use: What users agree to when click on your site
- Disclaimers- What you don't do or promise
 - Legal
 - Medical

3. IP: HOW DO YOU PROTECT YOUR ASSETS?

- Have you trademarked your company name? ™ ®
- Registered your domain?
- Copyrighted your materials? ©-works of authorship in any medium
- Patented your invention?
- WHO OWNS THE WORK YOU CREATED?

www.uspto.gov
www.copyright.gov

4. HOW CAN YOU BEST ALLOCATE RISK?

Should you do the deal?

Do you need a written contract?

Example of contract clause to pay attention to: INDEMNIFICATION

- Limited
- Intermediate
- Full/broad

5. EMPLOYMENT LANDMINES

- Independent Contractor v Employee
 - Control and Independence (Manner & Means Work is to be Performed)
- Non-Competes
 - Narrow in scope, time & geography
- Non-Disclosures
 - That means your family, too!
- Discrimination: Age, Race, Color, Disability, Veteran, Sex,
Gender Identity, National Origin

AGE DISCRIMINATION

<http://www.eeoc.gov/types/age.html>



FEDERAL LAW – ADEA: (1967)

APPLIES TO EMPLOYERS OF 20 OR MORE

Protects those 40 & up:

1. NO AGE LIMITS in ads, apprenticeships
2. CAN FAVOR THOSE OVER 40
3. EMPLOYERS CAN ASK AGE
4. MUST provide same benefit COST per worker

6. RED FLAGS IN ADVERTISING

- Advertising applies to social media
- Truth in advertising means more than truth
 - Transparency
 - Honesty
- Disclaimers

<http://karenkleinlaw.com/trending-law>

7. SOCIAL MEDIA MARKETING

- Consumer & Expert Endorsements
 - Disclosures / Disclaimers
 - Adequate Substantiation
- Who is talking about your product or service?
 - Material Connection
 - What are they receiving?
- When “Like” is more than “like”

CONTESTS & SWEEPSTAKES

Know the difference

Follow the rules

- Your Own Rules
- Platform rules:

http://www.facebook.com/page/promotions_guidelines.php

- PRIZE + CHANCE + CONSIDERATION = LOTTERY (no-no)

THANK YOU!

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