



# Solutions Guide

## Launching an App

# Unlock opportunities through applications

Building and launching your own mobile app can be the starting point to a highly successful and profitable business. Mobile Applications ('Apps') are also popular with business owners and their customers. With today's market going mobile, Apps help you keep pace. However the process of launching your App to the Apple App Store and Google Play is not as simple as one might think.

## Secure your success

Though developing a mobile app can lead to exciting opportunities, it is important to have the right legal documents in place to limit your personal liability and protect your application. Follow the steps below to ensure your mobile app is legally compliant and protected under Australian law.



# Create a Confidentiality Agreement

When you are starting out, protecting your business's confidential information can be the difference between a successful app and a stolen idea. A **Confidentiality Agreement** is a document that allows your business to safeguard any confidential information, with the parties agreeing to not disclose any information covered by the agreement.

With any confidentiality disagreement, you must provide a reason as to why the confidential information is being disclosed. This agreement is an absolute 'no-brainer' when speaking with developers, designers and contractors hired to assist with your app.

Using a Confidentiality Agreement ensures that any confidential information you have provided to a designer or developer will not be used by them or shared with other people and competitors.



## Tip

Before any information is shared, the receiver (such as developers or designers) of the confidential information must sign the Confidentiality Agreement.

# Create a Mobile App Privacy Policy

A [Mobile App Privacy Policy](#) informs your users about the information you will collect from your users and how that information will be used. This includes who the information will be passed on to and whether the information will be sent overseas. A Privacy Policy also includes clauses setting out the security and storage of personal information, geo-location, whether your website uses cookies and/ or support from third party sites, as well as the rights of users to optout.

Before your app can get listed on an app store you will need to have a Mobile App Privacy Policy. Both the Apple App Store and Google Play require a Privacy Policy for any applications that require the creation of a user account or accesses a user's existing online account (such as Facebook or Twitter).

If your users are unhappy with your current standard of privacy, a Privacy Policy also sets out how they can lodge a complaint and also the steps you will take to address a complaint. Failure to comply with these laws may potentially make you subject to penalties including enforceable undertakings or fines of up to \$1.7million.

This policy is vital. Many apps get rejected from App stores without this document in place, therefore it is important to have a Mobile App Privacy Policy before launching your app.



## Tip

8 in 10 Australian consumers check the security of a website before providing their personal information. Having a Privacy Policy from the get-go will show your customers that you value their privacy.

# Create a Mobile Terms and Conditions of Use

All mobile applications must have a [Mobile App Terms and Conditions of Use](#). In fact, it is a legal requirement if you are selling goods and services online that you have this document in place. A well drafted Website Terms and Conditions of Use will deal with issues such as:

- Refunds and returns;
- Consumer guarantees;
- Deliveries;
- Disclaimers and ownership.

With a mobile application terms and conditions, as the app creator and/or operator, you are able to control how the app is to be used by your users including users' rights and licence to use the app. It also protects intellectual property (your work and ideas) and limits your liability. Most importantly, it ensures that users do not misuse the app for any prohibited purposes.



## Tip

Do not copy and paste a similar app's mobile terms and conditions of use. While this may seem like a shortcut, it is important that your T&Cs reflect what makes your application unique.

# Next Steps

Creating necessary legal foundations for your website is important to avoid potential legal and commercial disputes. Having these legal policies in place, in addition to relevant compliance reaffirms the suitability of your website, protecting the consumer, your product and the website you've taken time to perfect.

