

# **In the Aftermath of GDPR, California Passes Consumer Privacy Act of 2018**

Software companies are still taking steps to comply with the European Union's General Data Privacy Regulation ("GDPR"), which just recently went into effect, but they now are facing the prospect of having to comply with a law closer to home: California's New Consumer Privacy Act of 2018. The Silicon Valley Software Law Blog discusses this development at the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/in-aftermath-of-gdpr-california-passes-consumer-privacy-act-of-2018/>

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**Silicon Valley Software  
Lawyer Kristie Prinz to  
Present Webinar on  
"Negotiating SaaS Agreements:  
Drafting Key Contract  
Provisions, Protecting  
Customer and Vendor**

# Interests”

Silicon Valley Software Lawyer Kristie Prinz will be co-presenting a webinar on “Negotiating SaaS Agreements: Drafting Key Contract Provisions, Protecting Customer and Vendor Interests” with Kelley Miller of Reed Smith on August 8, 2017 at 10:00 a.m. PST/1:00 p.m. EDT. To register for this webinar, please sign up at: <https://www.straffordpub.com/products/negotiating-saas-agreements-drafting-key-contract-provisions-protecting-customer-and-vendor-interests-2017-08-08>.

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## **Bipartisan Bill Introduced in Senate that Seeks to Prevent Attacks on American Cyber-Networks**

The “PATCH Act of 2017” has just been introduced in the Senate, which would require government agencies to submit security holes in software products they identify for independent review in order to determine any vulnerabilities that need to be addressed. For more information on the bill, please check out the Silicon Valley Software Law Blog posting on the story:

<http://www.siliconvalleysoftwarelaw.com/bipartisan-bill-introduced-in-senate-that-seeks-to-prevent-attacks-of-american-cyber-networks/>.

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# **BiPartisan Bill Introduced in Senate that Seeks to Prevent Attacks on American Cyber-Networks**

The “Protecting Our Ability to Counter Hacking Act of 2017” or “PATCH Act of 2017” has just been introduced in the Senate. For more background on the bill, please check out this Silicon Valley Software Law Blog post:

<http://www.siliconvalleysoftwarelaw.com/bipartisan-bill-introduced-in-senate-that-seeks-to-prevent-attacks-of-american-cyber-networks/>

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# **Investigation Reportedly Launched by Department of Justice into Uber’s Use of “Greyball” Software**

The Department of Justice has launched an investigation into Uber’s use of the Greyball software program. For more information on the investigation, please check out the following Silicon Valley Software Law Blog posting on the story:

<http://www.siliconvalleysoftwarelaw.com/investigation-reported-ly-launched-by-department-of-justice-into-ubers-use-of-greyball-software/>

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## **Service Level Agreements: What is a Service Level Agreement or “SLA” and When Do You Need One?**

If you are in the software industry, you probably have heard of a “service level agreement” or “SLA” but do you really understand what a service level agreement is or why you might need one? The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/service-level-agreements-what-is-a-service-level-agreement-or-sla-and-when-do-you-need-one/>

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## **Recent FTC Enforcement Actions Should Serve as a Warning to Software Industry**

# Regarding Privacy Practices

If your company is like most and you have given little or no thought to your company's privacy policy while also collecting data and looking for ways to monetize it, then you may want to rethink how you are operating in light of recent enforcement actions by the FTC in the user data space. The Silicon Valley Software Law Blog addressed these developments in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/recent-ftc-enforcement-actions-should-serve-as-warning-to-software-industry-about-privacy-practices/>

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## **Silicon Valley SaaS Attorney Kristie Prinz to Speak on “Negotiating Software-as-a- Services Contracts”**

Silicon Valley lawyer Kristie Prinz will be presenting a webinar on “Negotiating Software-as-a-Services Contracts” for Clear Law Institute on Monday, December 19, 2016 at 10 a.m. PST/1 p.m. EST.

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# **Takeaways for Software Industry on the Cost of Data Breach**

If you are a cloud service provider or a software provider who offers maintenance services to enterprise-level companies, then your company has likely had occasion to negotiate indemnification clauses related to data breaches. Moreover, your company has probably had to provide warranties around data security or employee bad acts that would provide some protections to your customers in the event of a data breach. But have you ever considered what the cost of a possible data breach might really be for your company? The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/takeaways-for-software-industry-from-new-study-on-costs-of-data-breach/>

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## **HP Launches New Digital Rights Management Software Controversy with Security**

# Update Downloads

HP has set off a new DRM software controversy over printer cartridges with a recent security update to HP printers, which made third party printer cartridges no longer compatible with their printers. The Silicon Valley Software Law Blog explores the controversy and suggests that new litigation over DRM software could be on the horizon in the following blogpost:

*Digital Rights Management Software and the Printer Hardware Business*

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## **Silicon Valley Lawyer Kristie Prinz to Present Webinar on “Negotiating Software-as-a-Service Contracts”**

Silicon Valley lawyer Kristie Prinz will be presenting a webinar on “Negotiating Software-as-a-Service Contracts” for Clear Law Institute on Monday, December 19, 2016 at 10 a.m. PST/1 p.m. EST.

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# **FTC Announces Order Against San Francisco Software Company**

The FTC has issued an order against a San Francisco software company for deceptive and misleading trade practices with respect to the distribution of the software product and with respect to advertising and promotions related to the software product. The Silicon Valley Software Law Blog has provided a brief summary of the complaint and the order issued by the FTC in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/ftc-announces-approval-of-final-order-in-deceptive-app-case-against-vulcan>

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## **Should Your Software Company Be Concerned about Product ADA Compliance?**

If your software company is like most, it may have considered whether the office space it was leasing was compliant with the Americans with Disabilities Act (“ADA”) prior to signing the lease, but the idea that the products the company was selling might not be ADA compliant has never been contemplated by anyone. However, now may be a good time to give the issue some serious consideration, as the Silicon Valley Software Law Blog explains in the following blogpost:

# **Should Your Software Company Be Concerned about Product ADA Compliance?**

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## **Microsoft Launches New Constitutional Challenge Against Alleged Federal Government Searches of Customer Data in Cloud**

Microsoft has just launched a constitutional challenge against the federal government over its use of indefinite gag orders when the government subpoenas information from customer cloud account. The action was clearly timed to capitalize on public sentiment against the government for its perceived intrusion on privacy rights in the recent action against Apple regarding the encryption of the San Bernardino terrorist smartphone. The Silicon Valley Software Law Blog further explores this development in the blogpost linked below:

**<http://www.siliconvalleysoftwarelaw.com/microsoft-launches-new-constitutional-challenge-against-government-over-secret-data-requests>**

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# **Government Signals Possible Reversal of Course on Apple Litigation**

The Department of Justice signaled today that it may be rethinking moving forward with the Apple litigation over the iPhone encryption issue, canceling a hearing scheduled for tomorrow in order to explore a possible new method that had come to light for unlocking the terrorist iPhone that has sparked the dispute. The Silicon Valley Software Law Blog further explored today's developments in the following blogpost:

[http://www.siliconvalleysoftwarelaw.com/government-backtracks-in-dispute-against-apple-over-unlocking-terrorist-iphone.](http://www.siliconvalleysoftwarelaw.com/government-backtracks-in-dispute-against-apple-over-unlocking-terrorist-iphone)

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# **Silicon Valley SaaS Lawyer Kristie Prinz to Speak at Upcoming Webinar on "Negotiating Software as a Service Contracts"**

Silicon Valley SaaS Lawyer Kristie Prinz will be speaking on "Negotiating Software as a Service Contracts" at a webinar

sponsored by Clear Law Institute at 10 a.m. PST/1 p.m. PST on May 6, 2016. To sign up to attend the program, please register at the Clear Law Institute Website at [www.clearlawinstitute.com](http://www.clearlawinstitute.com).

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## **The Encryption Debate: Will Government or Industry Win?**

When the Justice Department decided to wage a legal battle against Apple over encryption on the iPhone of one of San Bernardino terrorists, the government moved the encryption debate into the public arena and triggered a public debate over the issue. Now, it is reported that the government is considering launching a second case over the encryption issue against yet another company. Who will be the ultimate winner in this debate? The Silicon Valley Software Law Blog explores the issues in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/who-will-ultimately-win-in-the-fbis-standoff-with-the-software-industry>

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## **Software Industry Considers Consequences of Supreme Court**

# Decision on Patent Validity Defense to Claim of Induced Infringement

The U.S. Supreme Court has just issued an opinion in the *Commil vs. Cisco Systems* case, prompting members of the software industry to consider how the ruling will impact member software companies, as we further explored in our recent Silicon Valley Software Law Blog Posting:

<http://www.siliconvalleysoftwarelaw.com/silicon-valley-software-industry-considers-impact-of-supreme-court-decision-on-patent-invalidity-defense-to-claim-of-induced-infringement>

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# Senate Cybersecurity Bill May Increase Government Surveillance Pressures on Cloud Companies

Privacy groups have voiced concerns about the Senate Intelligence Committee's recent introduction of a cybersecurity bill, as was further explored by the firm in the following Silicon Valley Software Law Blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/new-senate-cybersecurity-bill-may-expand-government-surveillance-pressure-on-cloud-companies>

## **Software Companies Consider Impact of FCC Decision on Net Neutrality**

The Federal Communications Commission (“FCC”) recently adopted rules on the issue of net neutrality. The Silicon Valley Software Law Blog looked at the recently decision and contemplated the impact in the link posted below:

<http://www.siliconvalleysoftwarelaw.com/fcc-decision-on-net-neutrality-what-does-this-mean-for-the-software-industry>

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## **Distinguishing Between the Software License and the SaaS Contract**

The Silicon Valley Software Law Blog looked at what the differences are between the software license and the SaaS contract models in a recent blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/software-licensing-vs-software-as-a-service-saas-the-importance-of-the-technology->

## **Report Claims that Most Apps Fail to Protect Users' Privacy**

Do most apps on the market fail in provider users' with basic privacy protections?

As the Silicon Valley Software Law Blog reported in a recent blog posting, a recent study suggests that this is in fact a common problem in the software industry, as further discussed in the link below:

<http://www.siliconvalleysoftwarelaw.com/report-reveals-that-the-majority-of-apps-on-market-ignore-privacy-concerns>

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## **California notifies App-based Ride Service Uber and Competitors that Service is Illegal**

The state of California has notified Uber, Lyft, and Sidecar that their services are illegal under California law, as further discussed by the Silicon Valley Software Law Blog in

the post below:

<http://www.siliconvalleysoftwarelaw.com/california-notifies-app-based-ride-service-uber-and-competitors-that-service-is-illegal>

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## **Google Settles with FTC over In-App Purchases Made by Children**

The Federal Trade Commission has announced that Google has agreed to refund customers' unauthorized in-app purchases made by their children in the Google Play Store, as the Silicon Valley Software Law Blog discussed in its recent blog posting attached below:

<http://www.siliconvalleysoftwarelaw.com/ftc-settlement-with-google-to-require-refund-of-unauthorized-in-app-charges>

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## **\$163 Million Damage Award in Federal Case Against**

# Scareware Software Company and Founders

The U.S. District Court for the District of Maryland has awarded damages in excess of \$163 million in a FTC case against a “scareware” software company, Innovative Marketing, Inc. and its founders, as further discussed by the Silicon Valley Software Law Blog in the blog post link below:

<http://www.siliconvalleysoftwarelaw.com/federal-court-awards-163-million-judgment-against-scareware-software-company-in-ftc-case>

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# FTC Proposing New Rules to Protect Children's Online Privacy

FTC has announced that it is proposing an amendment to the Children's Online Privacy Protection Rule (“COPPA”). The Silicon Valley Software Law Blog discussed the proposed changes as well as the pros and cons of potential implementation in its blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/ftc-proposing-new-rules-to-protect-childrens-online-privacy>

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# President Obama Announces The Consumer Privacy Bill of Rights

President Obama has announced the Consumer Privacy Bill of Rights initiative, as further discussed by the Silicon Valley Software Law Blog in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/president-obama-unveils-new-consumer-privacy-initiative-the-consumer-privacy-bill-of-rights>

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# How to Protect Your Ideas Before the Launch of a Software Start-up

How do you protect your ideas before you launch your novel software start-up? The Silicon Valley Software Law Blog explored this issue in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/tips-to-protecting-your-ideas-before-you-launch-your-software-start-up-company>

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# Most Early-Stage Development Projects Overlook the Need to Procure a Copyright Assignment

If you are like most early stage software companies, you will complete your next development project without ever asking for or procuring a copyright assignment. The Silicon Valley Software Law Blog explored this issue in the blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/copyright-assignments-overlooked-in-most-development-projects>