

COMMERCIAL PRACTICES PURCHASE JOURNEY AUDIT



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WHAT TO EXPECT FROM A COMMERCIAL PRACTICES – PURCHASE JOURNEY AUDIT

In light of the changes to the law around commercial practice and the extension of the Competition and Markets Authority's ('CMA') powers of enforcement, it is important to review your purchase journey and ensure you do not fall foul of unfair commercial practices.

PURCHASE JOURNEY AUDIT

In the first instance, we will conduct an audit of your current purchase journey. The audit will be focused on the Unfair Commercial Practices ('UCP') rules within the Digital Markets, Competition and Consumer Act ('DMCCA'). We will review the compliance position, with a focus on the key areas of Chapter 1 of Part 4 of the DMCCA relating to:

- misleading actions and omissions;
- aggressive practices; and
- omission of material information from an invitation to purchase.

We also have the option to include an 'add on' regarding the following:

- fake reviews (Schedule 20 para.13 of the DMCCA); and
- subscriptions (Chapter 2 of Part 4 of the DMCCA).

As parts of the DMCCA are not yet in force, our advice will be based on the guidance provided by the CMA at the time of instruction and limited to the above listed areas.

COMMERCIAL PRACTICES REPORT

This report is divided into two parts: Part 1 and Part 2.

Part 1 sets out a summary of our findings during the purchase journey audit and our remedial recommendations. The summary of issues will focus on particular concerns identified in the context of the DMCCA requirements and highlight areas where there is a risk of non-compliance. This will be followed by remedial recommendations and action points for your consideration. You will be able to use these recommendations to amend your purchase journey and inform your commercial practices moving forward.

Part 2 of the report will provide an overview of the UCP rules within the DMCCA. This guidance is intended to be a reference for the future as and when you need it. By its nature, such guidance is only a starting point, and you are welcome to get in touch if issues arise in the future.

REVIEW MEETING (30 MINUTES)

Following our provision of the report, we will arrange a 30 minute follow up meeting to review the report with you and discuss recommended remedial work.



PRICING

SCOPE

Protection from Unfair Trading

(Chapter 1 of Part 4 of the DMCCA)

Including misleading actions and omissions, aggressive practices and omission of material information from an invitation to purchase.

Fake reviews

(Schedule 20 Paragraph 13 of the DMCCA)

Subscription contracts

(Chapter 2 of Part 4 of the DMCCA)

PRICE (PLUS VAT)

£850

Additional £100

Additional £250

The price includes the purchase journey audit, commercial practices report and review meeting. The add ons will expand the scope of this process accordingly.

Any further support will be quoted for separately. Similarly, if your purchase journey is complex and we anticipate requiring additional time to conduct the audit, we will provide you with a quote for additional costs or agree a reduced scope.

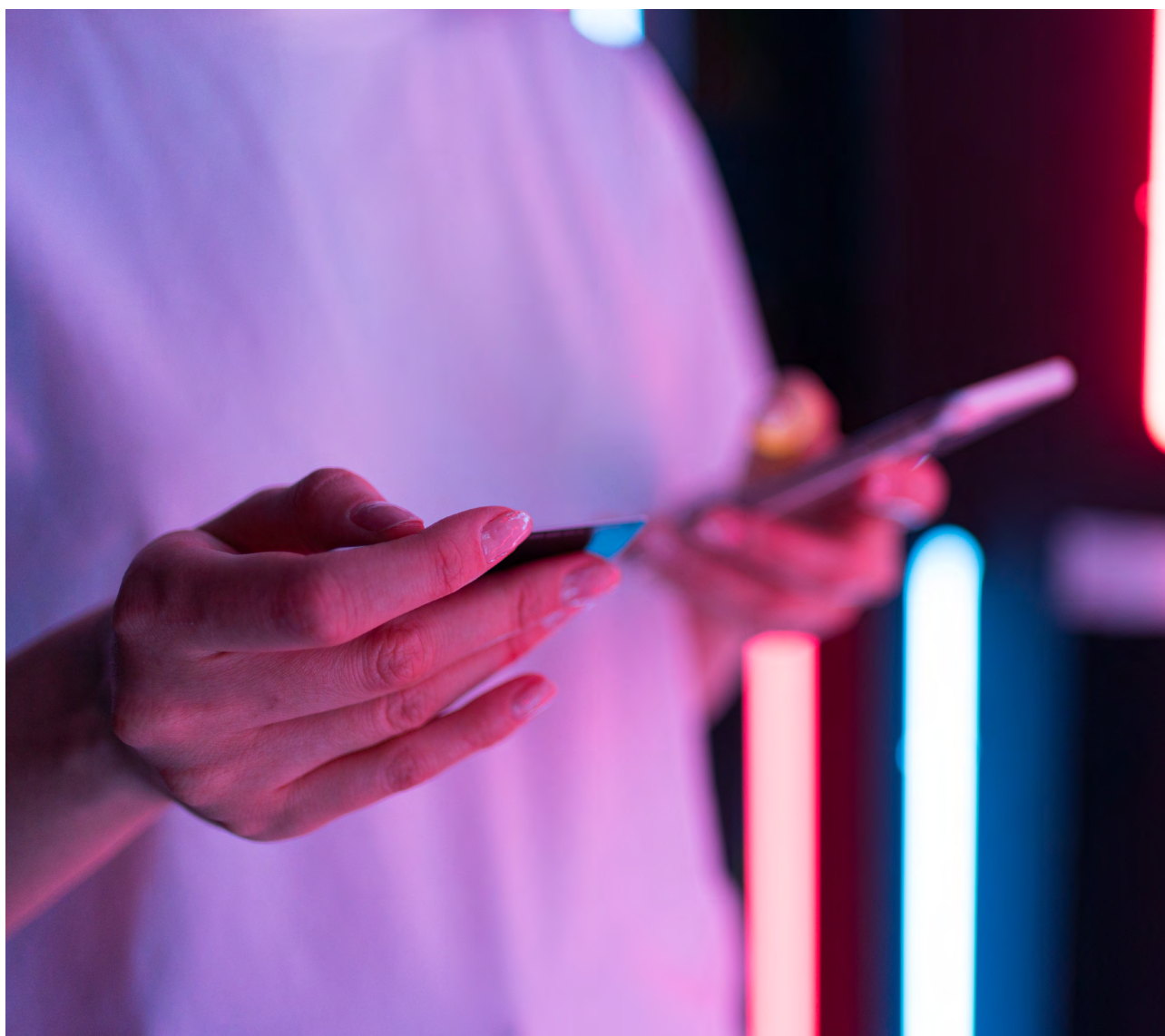


SCOPE

This audit is limited to a review of your website purchase journey in the context of the key areas of Chapter 1 of Part 4 of the DMCCA (plus any additional add ons which expand this scope accordingly). No further provisions within the DMCCA will be considered. If you would like advice on other areas, please let us know and we can provide a quote for including this within the audit.

DISCLAIMER

The law is subject to change, so whilst Stephens Scown LLP seeks to ensure that the information contained within the report is up to date and accurate, the law can change quickly. Importantly, the DMCCA is a new piece of legislation and the guidance in this area is continuing to develop. We regularly update our client with key legal developments via articles and updates on our website, social media and newsletters. You can also review the latest CMA guidance via the [CMA website](#). If you have any questions, please contact us.



MEET THE TEAM

We have one of the largest IP, IT and Data Protection teams in the UK.

We have one of the largest IP, IT and Data Protection teams in the UK, with extensive experience in a variety of industries, including but not limited to health-tech, online wellbeing services, services incorporating artificial intelligence, products and manufacturing, wider software development and licensing and economic and green technology solutions.



EMILY SMITH
Solicitor

e.smith@stephens-scown.co.uk

Hourly rate: £220 + VAT

Emily joined Stephens Scown in September 2021 and qualified as a Solicitor in 2023, specialising in Intellectual Property, Technology and Data Protection.

Emily has experience working alongside Innovate UK Edge in delivering IP Clinics to a range of SMEs, start-ups and entrepreneurs.

Emily's work includes:

- *Reviewing and advising on IP assignment and licence agreements*
- *Commercial terms and conditions*
- *Software as a service agreements and end user licence agreements*
- *Delivering IP Audit reports*
- *Copyright advice*

Emily has previously delivered an introduction to IP rights presentation for university design students and continues to build her connections in the innovation space.



AMY RALSTON

Associate

a.ralston@stephens-scown.co.uk

Hourly rate: £300 + VAT

Amy joined Stephens Scown in 2018 and qualified as a Solicitor in 2020, specialising in IP and technology law.

Amy is passionate about technology as a force for good and is an expert in AI and technology law.

Amy runs the firm's IP discovery offering. In tandem with Innovate UK Edge, delivers regular IP clinics to start-ups, entrepreneurs, and SMEs and is well equipped to clearly explain and identify intellectual property needs and methods of protection, commercialisation and exploitation.

Amy's work includes:

- *Reviewing and advising on countless university spin-out and collaboration agreements.*
- *Advising on the development of software, ownership rights and issues, open-source code and reviewing API and third party licence terms.*
- *The legalities and risks of using AI.*
- *Data licence agreements.*
- *Advising on using university students and contractors in the development of IP.*
- *Providing bespoke training on IP rights.*
- *Advising on IP rights and assisting clients to devise and implement an IP protection strategy.*
- *Software agreements, including software as a service agreements, end user licence agreements and licensing agreements.*

Amy is an enthusiastic and engaging public speaker and provides training for her clients on her areas of practice. Amy has previously delivered a lecture for university researcher students on the commercialisation of research and IP considerations. Amy has spoken at a variety of events, including on the topic of AI and has run an abundance of IP 1 to 1 sessions for businesses.



BECKY PICKFORD

Partner

b.pickford@stephens-scown.co.uk

Hourly rate: £350 + VAT

Becky joined Stephens Scown in 2013 and is a qualified Chartered Legal Executive. Becky works on various intellectual property (IP) matters and heads up the Trade Marks sub-team.

Becky has experience in both contentious and non-contentious matters and advises clients from various sectors on trade mark protection in the UK and overseas.

Becky's work includes:

- *all aspects of trade mark protection and enforcement*
- *looking after the day-to-day management of large trade mark portfolios and enforcement;*
- *design rights*
- *commercial contracts*
- *terms and conditions*
- *e-commerce*
- *assists businesses with their brand commercialisation strategies*



JAMES GILL **Solicitor**

j.gill@stephens-scown.co.uk

Hourly rate: £220 + VAT

James is a Solicitor in the Intellectual Property, Data Protection and Technology team at Stephens Scown.

James' role involves drafting and preparing legal documentation, and producing research, in relation to Intellectual Property and Technology.

James joined the firm in 2022 and is based in the firm's Exeter office, with previous experience in Corporate and Construction matters.

James' previous experience includes:

- *Knowledge Paralegal at Osborne Clarke LLP*
- *Structured Finance & Derivatives Paralegal at Simmons & Simmons LLP*
- *Know-how Officer at the Competition and Markets Authority.*



THOMAS CHARTRES-MOORE **Partner**

t.chartres-moore@stephens-scown.co.uk

Hourly rate: £390 + VAT

Thomas is a Partner and team leader for IP, Data and Technology at Stephens Scown.

Thomas works predominantly with national and international businesses on their intellectual property portfolio and commercial matters that have data or technology at their core.

Thomas' work includes:

- *Commercial advice with a specialism in food and drink.*
- *Data protection issues.*
- *Intellectual Property protection and enforcement.*

Thomas is also a skilled public speaker and provides training for clients on his areas of practice. He has delivered guest lectures at the Universities of Exeter, Falmouth, and Bournemouth.

ABOUT STEPHENS SCOWN

In a rapidly changing world, we give our clients the edge.

GIVING YOU THE KNOWLEDGE TO MAKE BETTER DECISIONS

Our people deliver practical, expert advice to help you make informed decisions and achieve your objectives. This is based on a deep understanding of your needs and a commitment to building long-lasting relationships through the good times and the tough times. It's a refreshing approach to law, built on a culture of knowledge, innovation, and a relentless focus on our clients.

IP AUDIT AND DISCOVERY SESSION EXPERTISE

We have extensive experience in the delivery of IP Audits and Discovery Sessions, particularly in the tech and AI space. We have to date delivered over 125 IP Audits for clients, ranging from start-up businesses to global powerhouse brands. We are a go-to IP expert for a number of innovation and growth business advisors across the country.

We are one of the largest specialist IP and IT teams in the UK, benefitting from a leading dedicated trade mark team, led by Becky Pickford; the team is ranked as "Elite Status" by the World Trademark Review. The trade mark team leads on the delivery of the trade mark review section of our IP Audit reports.

The delivery of our Discovery Packages (including IP Audits and IP Awareness Reports) is led by Amy Ralston, who in tandem with Innovate UK Edge, delivers regular IP clinics to start-ups, entrepreneurs, and SMEs and is well equipped to clearly explain and identify intellectual property needs and methods of protection, commercialisation and exploitation.

The discovery sessions can be led by a number of advisors within the IP team (set out in the table below), and such costs for these sessions vary depending on the advisor leading them. The session consists of a 30-minute meeting between you and the advisor, followed by an IP Awareness Report. The package can however be catered to you, if you let us know specifically what it is you are after, we can alter the package and let you have revised costs for the same.

PUTTING YOUR INTERESTS FIRST

We have evolved from a traditional law practice to become the UK's first large employee-owned law firm. This level of employee engagement makes us different, building upon our strong foundations, allowing us to deliver exceptional added value. Every employee has a vested interest in ensuring the needs and interests of our clients come first, while giving the very best professional legal advice. Our clients are assured of a straightforward, agile, modern and innovative approach to helping them achieve their aims.

UK BASED, WITH INTERNATIONAL COVERAGE

Based in the Southwest of the UK but with a client base that stretches across the globe, our flexible and innovative way of working enables us to bring the very best professional legal expertise to our clients wherever they are. No wonder legal industry bible Chambers describes us as a 'dominant force' in the marketplace, and we feature in The Lawyer magazine's prestigious Top 200 law firm rankings.



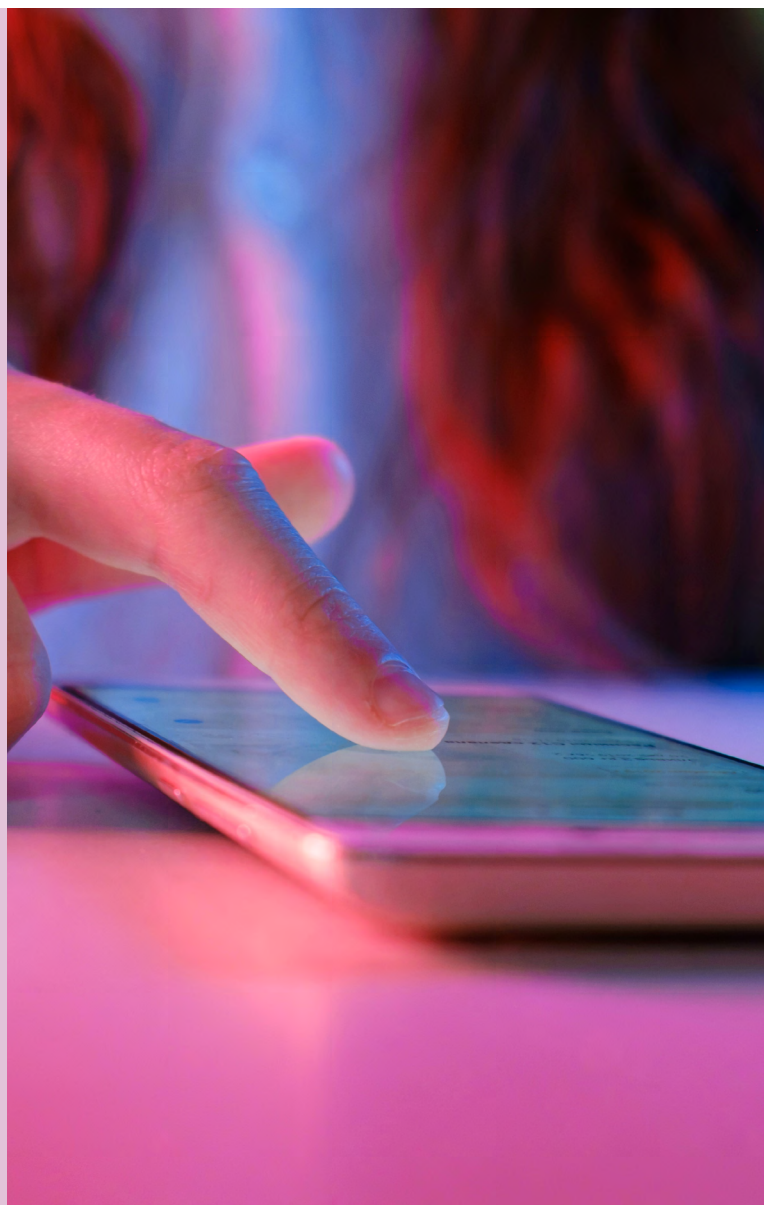


CONTACT DETAILS

We have offices across the South West, including in Exeter, Taunton and Truro.

Get in touch with our experienced solicitors today.

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