**Client Agreement/Contract**

*Considerations*

* How to ensure confidentiality
* Should and NDA be a separate document? Or will it be included within the contract?
* Each client and/or volunteer will have different needs and expectations, therefore we might need to create a general but comprehensive contract to ensure everything is addressed
* Fortify’s level of accountability – in relation to client and volunteer conduct

*Client Agreement Examples*

* <https://www.sec.gov/Archives/edgar/data/1424217/000119312508048821/dex1017.htm>
* <https://www.signwell.com/contracts/>
* <https://www.jardengroup.com.au/assets/Forms/Client-agreement.pdf>
* <https://www.amscot.com.au/Download/Downloadfile=client_agreement_terms_and_conditions.pdf>
* AGS Client Engagement Agreement - <https://www.ags.gov.au/sites/default/files/2020-07/AGS-Client-Engagement-Agreement.pdf>
* NDA Template - https://legalvision.com.au/documents/confidentiality-agreement/

Automation website:

* <https://www.lawdepot.com/au/service-contract/?webuser_data_id=145842833>
* <https://www.wonder.legal/au/creation-modele/service-agreement-au>
* Potential website to digitally and officially sign documents: <https://www.docusign.com/>
* IP Contract Generator for NDAs - <https://www.ipaustralia.gov.au/tools-resources/ip-contract-generator>
* NDA Contract Generator - <https://www.lawdepot.com/au/non-disclosure-agreement/>

**Research**

<https://legalvision.com.au/5-key-clauses-in-a-client-agreement/>

* set out the rights and obligations of both your business and your client;
* set out the expectations of both parties; and
  + reflect the scope of services you provide to your clients
* depict how any issues should be handled.

*Potential Sections*

* Scope of Services
* Payment and Payment Terms
* Limitation on Liability
* Dispute Resolution
* Termination of Client Agreement

<https://www.freshbooks.com/blog/9-ways-create-client-contract-thats-simple-effective>

*Potential Sections*

* Include Contact Information of Both Parties
* Specify Project Terms and Scope
* Establish Payment Terms
* Set the Schedule
* Decide What Happens If a Contract Is Terminated
* Determine Who Owns Final Copyrights
* Add Some Legalese About the Working Relationship
* Specify Your Choice of Law and Venue
* Consider Adding an Arbitration Clause
* Have Both Parties Sign the Contract
* Intellectual property clauses
* Dispute resolution clauses
* Treating confidential information (client lists, pricing information and trade secrets)

<https://www.ags.gov.au/aboutus/client-engagement-agreement>

* Look into potential engagement agreements between Fortify and the client in terms of further adaptability towards the company's security implementations.

<https://business.gov.au/products-and-services/contracts-and-tenders/prepare-a-contract>

* Further tips from .au on creating and preparing an adequate contract according to the Australian standards.

<https://www.australiancontractlaw.info/law/contract>

* Outlines potential sections of a contract including: formation, scope and content, avoidance, performance, termination, remedies

<https://www.australiancontractlaw.info/legislation>

* Possible Federal legislations to consider:
  + Competition and Consumer Act 2010 – includes Australian Consumer Law, and Trade Practices Act 1974
  + Corporations Act 2001
* Possible Victorian legislations to consider:
  + Electronic Transactions Act 2000
  + Fair Trading Act 1999
  + Goods Act 1958
  + Instruments Act 1958
  + Sale of Goods Act 1987
  + Supreme Court Act 1986

<https://www.ipaustralia.gov.au/ip-for-digital-business/idea/non-disclosure-agreements>

* should be used when sensitive information needs to be shared between two parties and ensures that the person or organisation who gains access to sensitive information doesn’t disclose it to a third party (including fortify)
* A good NDA should state why you are sharing confidential information without specifying the confidential information itself. For example, you might state that the purpose of the NDA is to evaluate technology

<https://business.gov.au/products-and-services/contracts-and-tenders/laws-affecting-contracts> - Richa

* Lists laws and legislations to consider

<https://business.gov.au/products-and-services/contracts-and-tenders/types-of-contracts>

* Evaluation of different types of contracts