



# Legal Feasibility Study Report BEACON™

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## I Introduction

## **I.01 Overview of the Legal Feasibility Study**

The Legal Feasibility Study for the BEACON™ project is designed to assess the legal viability of the project, ensuring that all aspects of the project comply with relevant laws and regulations. This study is crucial in navigating the intricate legalities associated with technology development, data privacy, telecommunications, etc.

## **I.02 Scope of the Report**

The LFSR for the BEACON™ project focuses on analyzing relevant laws and regulations, identifying potential legal issues, and formulating strategies to ensure that the project complies with legal requirements.

# **II Project**

## **II.01 Brief Description of the Project**

The BEACON™ project, aims to develop a comprehensive vehicle tracking and security system. This system includes a hardware device installed in vehicles, a user-friendly mobile app, an admin web app, and a marketing-focused landing page. With its innovative features like real-time tracking, movement and collision alerts, emergency services integration, and more.

# **III Legal aspects**

As the project is meant to be released in French and European territory first we'll mainly cover European law.

## **III.01 Data Privacy and Protection Laws:**

Data privacy and protection laws are crucial for the BEACON™ project, due to the handling of sensitive user data, including real-time location, billing information, personal information. Compliance with these laws is vital to ensure user trust and to avoid legal repercussions.

### **General Data Protection Regulation (GDPR/RGPD):**

This EU regulation imposes strict rules on data collection, processing, and storage. It mandates user consent for data processing, data subject rights, and requires data protection measures.

### **Implications:**

**User Consent and Transparency:** We must ensure transparent data practices, obtaining explicit user consent for data collection and processing.

**Data Security:** We must implement robust security measures to protect user data from unauthorized access, breaches, and other cyber threats.

**User Rights Compliance:** We must enable users to exercise their rights, such as accessing their data, requesting data deletion, and opting out of certain data uses.

**Continuous Monitoring and Adaptation:** We must stay updated with evolving data privacy laws and adapt practices accordingly.

## **III.02 Intellectual Property Rights:**

Intellectual Property Rights are crucial for safeguarding the innovations and creative works of the BEACON™ project. These rights protect the unique aspects of the project, including its hardware designs, software applications, and brand elements, ensuring competitive advantage and legal protection against infringement.

### **Implications:**

**Software Protection:** The software, both in the mobile and web applications developed for BEACON™, is protectable under copyright laws. This includes the source code, user interface designs, etc.

**Brand Identity Protection:** Trademarks will protect the BEACON™ brand, including the product name, logos. This helps in building brand recognition and legal protection against misuse or copying by competitors.

## **III.03 CE standard**

The "CE" mark, standing for "Conformité Européenne" (European Conformity), indicates that a product complies with European health, safety, and environmental protection standards. It is mandatory for products within the European Economic Area (EEA) and signifies that the product meets EU legislative requirements, allowing it to be sold in the EEA. The CE mark is not a quality indicator but a declaration of conformity by the manufacturer.

## **III.04 RoHS Directive (2011/65/EU)**

RoHS (Restriction of Hazardous Substances) is an EU directive that limits specific hazardous materials in electronic and electrical products. These include lead, mercury, cadmium, and certain flame retardants like PBB and PBDE. The directive aims to protect health and the environment by reducing electronic waste toxicity. Compliance is required for selling electronics in the EU.

**Implications:**

**Hazardous substances:** The device hardware must not contain hazardous substances beyond the allowed limits. In the design and manufacturing of the hardware, careful selection of materials and components is essential to ensure that none of the restricted substances are present above the specified thresholds.

**Supplier Compliance:** It's important to ensure that all suppliers and manufacturers involved in producing the hardware are compliant with RoHS regulations. This may involve conducting audits or requiring certifications from suppliers.

**Documentation and Record Keeping:** Maintain detailed records proving compliance, including supplier declarations, material safety data sheets, and test reports. This documentation is crucial for demonstrating compliance in case of inspections or audits.

### **III.05 RED Directive (2014/53/UE)**

The RED Directive (Radio Equipment Directive), regulate radio equipment on the market within the EU. The directive's primary objectives are to ensure that radio equipment adheres to certain requirements regarding health and safety, electromagnetic compatibility, and efficient use of the radio spectrum.

**Implications:**

**Harmonized Standards for Radio Equipment:** The hardware must meet specific requirements related to radio equipment to ensure it does not interfere with other equipment.

**Health and Safety Requirements:** The device must comply with health and safety standards, including limiting human exposure to electromagnetic fields.

### **III.06 WEEE Directive (2012/19/EU)**

The Waste Electrical and Electronic Equipment Directive (WEEE) is a policy in the European Union that aims to reduce the environmental impact of discarded electrical and electronic equipment. It is closely related to the RoHs directive. It mandates the proper disposal, recycling, and recovery of these products, encouraging sustainable waste management. WEEE seeks to minimize the amount of electronic waste ending up in landfills, thus protecting the environment and human health.

**Implications:**

**Product Design and Manufacturing:** The design and manufacturing processes should facilitate recycling and reduce waste. This might involve using recyclable materials and designing for easy disassembly.

**Product Labeling:** The hardware device would need to be labeled with the WEEE symbol (crossed-out wheeled bin), indicating that the product should not be disposed of as unsorted municipal waste and should be collected separately.

**Consumer Information:** We would be required to provide information to consumers about their role in WEEE management, including details on returning, recycling, and the environmental impacts of the products.

### **III.07 IPXX**

The IP code or ingress protection code indicates how well a device is protected against water and dust. It is defined by the International Electrotechnical Commission (IEC) under the international standard IEC 60529 which classifies and provides a guideline to the degree of protection provided by mechanical casings and electrical enclosures against intrusion, dust, accidental contact, and water.

**Implications:**

**Design and Engineering:** The hardware device will need to be designed and engineered to meet the specified IP rating requirements. This will involve precise sealing techniques, robust casing materials, and specific design features to prevent the insertion of solids and liquids.

**Testing and Certification:** The device must undergo rigorous testing to certify its IP rating. This involves tests for dust and water resistance, casing durability, etc.

### **III.08 Radio Frequency Regulation (2006/771/EC)**

The European law concerning the 433 MHz radio frequency and short-range devices is detailed in EU document 2006/771/EC. This describes the technical conditions for the use of the radio spectrum by short-range devices, which are defined as radio devices providing unidirectional or bidirectional communication over a short distance at low power, operating on a non-interference and non-protected basis.

#### **Implications:**

**Spectrum Allocation:** The regulation specifies frequency bands that are available for short-range devices. Our hardware must operate within the allocated 433Mhz for European territory.

**Transmission Power Limits:** The regulation sets limits on the transmission power of short-range devices to minimize interference.

**Duty cycle limit:** The device should follow the 1% duty cycle.

## **VI Bibliography of Legal Sources**

### **GDPR**

<https://www.cnil.fr/fr/rgpd-de-quoi-parle-t-on>

<https://www.economie.gouv.fr/entreprises/reglement-general-protection-donnees-rgpd>

### **CE Standard**

[https://europa.eu/youreurope/business/product-requirements/labels-markings/ce-marking/index\\_en.htm#:~:text=Many products require CE marking,then marketed in the EU](https://europa.eu/youreurope/business/product-requirements/labels-markings/ce-marking/index_en.htm#:~:text=Many products require CE marking,then marketed in the EU)

### **RED Directive**

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex%3A32014L0053>

### **WEEE Directive**

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A32012L0019>

### **IPXX**

[https://en.wikipedia.org/wiki/IP\\_code](https://en.wikipedia.org/wiki/IP_code)

### **Radio Frequency Regulation**

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019D1345>

## **EU Directive**

<https://www.pubavenue.com/Blog/article/10369/quelles-sont-les-normes-et-certifications-des-objets-publicitaires/>