



Projet Droit et NTIC

Droits applicables au projet d'innovation

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I. PRESENTATION OF OUR INNOVATION PROJECT

What is Urban Eye ?

Urban Eye is the name of the android/ iOS mobile application we are creating to launch a fresh new style of tourism. Nowadays, visits tend to rhyme with business, crowds and tiredness. Why turn the beauty and wealth of discovering into an unpleasant and irritating nightmare ?

With Urban Eye, tourists as well as locals will be able to sincerely and deeply enter into a city's culture. Indeed, during a walk, the user will receive facts as notifications about the street she/he is passing by. The user will also have the possibility to turn her/his camera into virtual mode, to see the evolution of the monument she/he is currently in front of. Restaurants, cafés, activities, pretty streets usually known by the closest residents only will be suggested on our app to users, so that they make their stay a bit more personal, not only reduced to the visits of famous places.

With UrbanEye transform your travels into authentic and true discoveries and personal moments

Like most of the mobile apps existing today, Urban Eye collects data about the user and uses methods like geolocation, raising therefore legal and ethical questions.

II. APPLICABLE NORMS AND LAWS

In order to determine the set of all applicable and to be respected laws, it is necessary to clarify the legal context :

We set the legal environment of our smartphone app by answering the following questions:

Where ? France / Paris / Public places

Who ? Commercial relationship between the UrbanEye staff and the users who are anyone using a smartphone

What ? (what is at stake?) a touristic activity, leisure activity

a) Laws to be respected

Confiance dans l'Economie Numérique (LCEN) law

On the consumer's side :

- The vendor must clearly give and identify all the necessary details about the goods and services put up for sale.
- The consumer must be able to check the order detail as well as the total price.
- The consumer has to confirm his/her order in order to express his/her agreement.

The vendor = App editor's side :

The app editor, either a legal entity or a natural person, takes full responsibility in case a problem occurs with a user

- Legal information must clearly appear on a dedicated legal notices page. if the responsible people are not professionals they can guarantee their anonymity by not publishing these information. However, if they earn money thanks to the app, they mandatorily must have a legal professional status.

Legal entity	Natural person
Corporate name	Name
Headquarter address	Address
Contact number	Contact number
Publication manager's name	Publication manager's name
Company registration number	Company registration number (if entrepreneur status)
Share capital	-

- General Terms and Conditions Sales on which must appear available languages, total price technical means to correct some information before the validation of the contract.
- The editor is fully responsible for the app content (non violent, non appropriate content or redirecting links). The editor can also be held responsible for the content added by the app users.

The app host's side

- After validation, a contract is signed between the app store and the app vendor. This contract states that the store a simple app host, a simple technical intermediary, and the app vendor only is responsible for the content and any problems.

CNIL

- To the extent that a smartphone app requires private users' data (such as its name, email address etc.), uses geolocation for instance, the app must be declared to the CNIL.
- In this case, it is mandatory for the app to inform its users about data collection and its purpose, about data processing as well as the user's rights upon these data.
- This information must be mentioned on a dedicated page called « Conditions Générales d'Utilisation » or more commonly « Charte de données personnelles »

Geolocation & Cookies

- According to the L. 34-1-V du Code des postes et des communications électroniques, if geolocation is used, the app must mandatorily describe in its General Terms & Conditions, how and why the app collects data and how it can be stopped.
- If the app uses cookies, the app must mandatorily states in its General Terms & Conditions, the existence as well as the purpose of such files.

General Data Protection Regulation (GDPR) - European Law

Since may 2018, any digital service like website and apps collecting and processing data are subject to General Data Protection Regulation

- The corporate must be able to guarantee and prove their conformity at any time according to GDPR. The CNIL advises the following steps so as to deal with this enhanced responsibility:

Step	Details
1. Name a representative for data protection	
2. Identify all data collected by the corporate	
3. Define remedial actions	To respect data collection as GDPR implies it
4. Analyse the risks	For a prevention purpose
5. Establish internal procedures	To guarantee a permanent personal data protection
6. Keep and update a documentation	To prove a corporate conformity according to GDPR

If the app aim to target an English speaking user community, all the documents mentioned above (General Terms & Conditions, Legal Notices, Charters) must be available in English (that will offer the vendor a better protection in case of conflict).

Deontology & Ethics

The main ethical points of our Urban Eye mobile app project rely on personal data collection and processing.

Urban Eye must mandatorily be conformed to all the laws and rules mentioned previously and especially to the GDPR. Users must be aware of how, why and what data is collected, and they must have rights and power over these collected data that are theirs.

Through our general terms & conditions, legal notices and charter, the users will be aware of our geolocation purposes and personal data collection policy.

b) Laws protecting the project

Right to ownership

To guarantee the property and ownership of a concept, a product or service it is important to transform and formalize that idea into a protected good via different rights such as **copyright, patent right, trademark law and domain name rights**.

Therefore, the concept of our project, a touristic guide, is not new however the name of our mobile app as well as the logo should be original and protected. These two elements will have to be chosen and designed with precaution so that we are not accused of plagiarism, and once decided we will have to take all the actions needed so that we are not victim of plagiarism.

Right to collect user data

Our project also benefits from the database right. With the aim of developing and carrying out our project successfully, we have the right to collect data about our client to the extent that the collection is done with the client's agreement, that the collected information are not sensitive data and are not reused for any other purpose that the initial one approved by the user.

Right to promote our activity

In order to develop our business and to gain in popularity, we have the right to promote our product thanks to the publicity right. Thus, we have the possibility to make physical and digital advertisements in so far as they remain identifiable, transparent and loyal.