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| |  | | --- | | RMIT logo 35mm bw |   Business Skills  **Assessment Record & Cover Sheet** |

##### Assessment information

|  |  |
| --- | --- |
| Program Name: | Business Skills for the Creative Industries/Startups |
| Course(s) | BUSM3322/3323 BUSM 4598/4599 |
| Semester & Year | Semester 2 2019 |
| DUE DATE | Sunday September 8th 11.59 pm |

##### Student to Complete:

|  |  |
| --- | --- |
| Student Name(s)/Number(s): | **Sher Anne Wong s3703019** |
| Title of Assessment Task: | **The Marketing & Legal Plan – Assessment 2** |
| **Student Declaration:**  I declare that in submitting all work for this assessment I/we have read, understood and agree to the content and expectations of the [Assessment declaration](http://www.rmit.edu.au/browse;ID=t4g7mbllxm3n). | |

##### Assessor to Complete:

|  |  |
| --- | --- |
| **Assessment Result:** |  |
| **Comments/Re-submission Arrangements (if applicable):** |  |
| **Teacher Name:** |  |
| **DATE:** |  |

|  |  |
| --- | --- |
| ***Resubmission Assessment Result: (if applicable)*** |  |
| ***Comments*** |  |
| **Teacher Name:** |  |
| **DATE:** |  |

***Submission Instructions***

**Format**

Work is to be saved as a word document or PDF, and uploaded from the assessment tab in your blackboard course shell by the required date. Work sent by email will not be marked. Work submitted after the deadline and without an extension or special consideration (details below) will not be accepted or marked.

**Deadline Extensions & Special Consideration**

Ensure that you submit assessments on or before the due date. If you think you might not make the due date due to special circumstances, you must apply for an ‘application for extension of time’ before the due date.

You can apply for an extension of up to seven days from the original due date for submission of assignments, projects, or essays. You must lodge it no later than one working day before the original submission due date. See link below for eligibility criteria and forms.

If your performance in the assessment is affected by unexpected circumstances, you should consider applying for Special Consideration. Information on the process and application forms for extensions and special consideration can be found at <http://rmit.edu.au/browse;ID=ls0ydfokry9rz>.

**Cover Sheet**

When you submit work for assessment at RMIT University you need to include a cover sheet that has a declaration and statement of authorship. If using the Assessment Cover Sheet supplied by your teacher, you simply need to tick the box saying you agree to the conditions in the hyperlink in the document. If not using this then you must complete, and submit a cover sheet with your work, whether individual or group work. Cover sheets for submission of work are available from the [Student forms](http://rmit.edu.au/browse;ID=ls0ydfokry9rz) website.

***Student Instructions - Assessment Task 2: The Marketing & Legal Plan***

Using the business idea identified in the Business Proposal, students are required to research and prepare a formal business plan using the following template.

Completion of this assessment will require you to:

**Prepare Legal Plan**

* Identify and describe various business structures
* Understand the differences between business names and trademarks
* Consider what a contract is and the types of contracts you may enter into
* Understand and meet government regulations, legal responsibilities and other regulatory obligations (including insurances and licences)
* Explore a range of intellectual property issues
* Examine what a duty of care is

**Prepare a Marketing Plan**

1. Research and document research to support your business idea or career development

Research and document macro environmental factors appropriate to your business idea

Research and document micro environmental factors appropriate to your business idea

Develop appropriate S.W.O.T. analysis from these macro and micro environmental factors

Develop a marketing strategy for your business idea including:

* + identifying and defining your target markets
  + analysing and documenting your target market customer details

Develop a marketing pricing strategy (note: this is not a pricing policy)

Develop a marketing place/location strategy

Develop a product/service strategy

Develop a promotional strategy

**Assessment Task 2: The Marketing & legal Plan**

Name: Sher Anne Wong Student No.: s3703019

Please provide a brief summary of your Business Idea (1 paragraph)

The concept of my business idea involves creating a peer-to-peer marketplace that connects locals who want to buy goods from overseas that they cannot attain locally and travellers who have extra baggage space.

***Marketing Plan - Market Analysis***

1. **In the table below define the primary and secondary sources of Market Research you undertook in relation to your business idea. Highlight the information you were seeking when conducting this research. Delete methods used/sources of information not used where necessary.**

|  |  |
| --- | --- |
| **Information required** | **Sources of information/ Methods Used** |
| 1. Have I used this service before? 2. Personal observations 3. Suppliers | Primary Sources   * Personal experience * Personal interviews/observations * Suppliers/distributors |
| 1. Trends of goods – insight on whether people would use service 2. Quality of service and competitors’ image 3. Friend recommendation and review of competitors’ services | Secondary Sources   * Social media * Business magazines * Peers’ experiences |

### Statement of research findings: Analyse & document the results of your research. State the recommendations and conclusions drawn from your research (at least half a page with a maximum of one page)

1. **Primary Research**

Within this section you are required to analyse and summarise data you have collected via   
primary research sources. Bullet point or table format documentation is fine.

1. Have I used this service before?

* Yes – only requested goods through friends and family who were travelling (inspiration for business idea)
* Did not find there was a supplier of the service in Australia – only international

1. Personal observations

* In-depth analysis of competitors’ services
* Target market

1. Suppliers

* Consumers and service providers (travelers)  
  \*Consumers (those requesting goods/buyers)

1. **Secondary Research**

Within this section you are required to analyse & summarise data you have collected via   
secondary research sources. Bullet point or table format documentation is fine.

1. Trends of goods – insight on whether people would use service

* Collectors of goods such as Starbucks limited edition cups, action figures, special edition goods, etc.
* Beauty products that are only available in certain countries
* Food and drinks such as country specific snacks
* Fashion items

1. Quality of service and competitors’ image

* This can help with identifying what level of service and the ways in which I can make my service competitive to that of the competitors such as competitive pricing, more incentives for travelers to fulfill requests, etc.

1. Friend recommendation and review of competitors’ services

* This can be used as a measure of how well my business will do and to discover what can be improved on

1. **Conclusion**

Detail your findings identifying the impact on your business and therefore what can you conclude from your research in relation to your business idea.

By using a service that inspired the business idea and requesting goods from friends and family overseas, this will help with the basic foundation of how the business will function. As with the payments to travellers, communication methods, delivery methods and what not, by looking at the competitors business operations, I will be able to compare and improve on the ways in which my services will be provided to travellers and buyers.

***Marketing Plan - Marketing Environment***

1. **Explain how the following external (macro) factors could impact your business.**

**Economic Factors**

By the time the traveller purchases the product, exchange rate fluctuations may impact the sale price of the goods requested – less profit for the business

**Cultural/Social**

Social trends may positively impact business due to a higher demand of goods overseas. More requests = more profit for the business

**Technology**

Service is a peer-to-peer online marketplace that connects buyers and travellers. Technology grants everyday users to the service, thus having a positive impact on the business.

**Political/Legal**

Custom laws may prevent some goods to be brought into certain countries. For example, certain types of food or animal by-products are not allowed in Australia. This has a slight negative impact on the business.

**Seasonal/Climatic**

Holiday season – more people travelling which means there will be a growth in supply (travellers providing goods)

**Environmental**

Potential carbon footprint from regular shipping of goods can be reduced and avoided due to the convenience of travellers who were already flying to destination of goods.

1. **Explain how the following internal (Micro) factors could impact your business. These become your strengths or weaknesses in the SWOT analysis.**

**Production facilities**

Bypass this issue by allowing other service providers to produce the goods

Little impact to our direct business (service industry) – distinguish from goods/manufacturing industry

**Financial resources**

Will require capital to fund marketing campaigns, website building (platform), registration of the company, potentially Intellectual property, all of which will have a positive impact on the business

**Human resources**

Customer service teams to answer problems and reviews that users submit. Customer service team will grow as business expands.

**Location**

Online – no need for warehouse, positive impact as it is cheaper to maintain a website than have a physical warehouse.

**Business image**

Convenience, trustworthy, fast, efficient, fun, exciting

***Marketing Plan - SWOT Analysis***

### 

1. **Business SWOT Analysis - (S) Strengths (W) Weaknesses (O) Opportunities (T) Threats**

|  |  |  |
| --- | --- | --- |
|  |  | **Strategies** |
| **S** | Business Strengths  1. Production facilities  2. Location  3. Human resources | *How you will maintain these strengths in your business?*  Due to the fact that this business is in the service industry, the need for a production facility as well as a location is not necessary. However, a small rented office space may be needed for the customer service teams to handle customer inquiries as well as monthly/fortnightly team meetings. |
| **W** | Business Weaknesses  1. No brand recognition  2. Lack of financial resources | *How to overcome the effects of these weaknesses?*  Business must first look into getting investors who have a vested interest in the company to see it succeed in the long run. Business must then invest in marketing through social media marketing and advertisements. |
| **O** | Opportunities  1. Social trends  2. Technology  3. Seasonal/climatic  4. Environmental impacts | *How the business might capitalise on these opportunities?*   * Social trends give buyers inspiration on what they can request on the platform * In a technological age, this allows for better communication between buyers and travellers * More people travel in the holidays, allowing for more travellers to fulfil requests * By providing a platform that connects buyers and travellers, the convenience reduces the use of regular shipping companies which reduces carbon footprint |
| **T** | Threats  1. Economic factors (exchange rates)  2. Political/legal restrictions for certain countries | *How you might counteract the effects of these threats on your business?*   * By ensuring that customers regularly communicate so that adjustments on agreed prices may be arranged according to the exchange rates * Buyers and sellers should both be aware of what can be brought into certain countries – for example, certain types of foods or animal byproducts are not allowed to be brought into Australia |

***Marketing Plan - Market Segmentation***

### Target markets

**Target market one: Buyers**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **1. TARGET AUDIENCE DESCRIPTION** | |
| * Australians * Age appropriate (between 18-60 years old) * Technologically savvy | |
| **2. LIKES** | | **3. LOCATION** | |
| Online shopping | Collectibles | Mainly in Australia | Melbourne, Australia |
| Limited edition goods | Overseas products |
| Convenience | Quick delivery |
| **4. BUYER MOTIVES** | | **5. BUYER DECISION MAKING PROCESS** | |
| Gaining access to a good they previously thought was unavailable to them due to the lack of shipping options | | STEP 1. Look up item online or stumble upon item online  STEP 2. Research item’s origins or country availabilities  STEP 3. Evaluate availability of item locally or alternative ways of attaining product  STEP 4. Request goods on platform  STEP 5. Receive products from traveller and provide payment and feedback for traveller | |
| **6. CONSUMER REACTION TO PRODUCTS OR SERVICES BEING OFFERED** | | | |
| Manage step 5 of the Buyer Decision Making Process  Rank the traveller who delivered products in order to gain trust from customers and also eliminate or blacklist travellers who don’t deliver products in the condition agreed upon | | | |
|  | | | |

**Target Market Two: Travellers**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **1.** **TARGET AUDIENCE DESCRIPTION** | |
| * Travelers who have extra luggage space available * Travelers who would not mind taking a bit of their time to purchase products and delivering products to buyers * Technologically savvy * Aged 18-45 | |
| **2.** **LIKES** | | **3.** **LOCATION** | |
| Travelling to different countries | Helping others | They are all around the world but are travelling to Australia | Melbourne, Australia |
| Shopping | Discovering new products |
| Small incentives |  |
| **4.** **BUYER MOTIVES** | | **5.** **BUYER DECISION MAKING PROCESS** | |
| Incentives for delivering product | | STEP 1. Scroll through platform to see what they can fit into their luggage from the country they are currently based  STEP 2. Research on items and its availabilities and accessibility  STEP 3. Evaluate different locations they are able to retrieve the product or different products they could carry instead  STEP 4. Accept request on purchasing product  STEP 5. Travel to Australia and deliver products to buyers | |
| **6.** **CONSUMER REACTION TO PRODUCTS OR SERVICES BEING OFFERED** | | | |
| Once products are delivered to buyers, and buyers release deposit payment to travellers, travellers are also required to rate the level of communication that they have with the buyer. | | | |
|  | | | |

***Marketing Plan – Competitor Analysis***

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### Major Competitors

*Using the above graphic for reference identify 3 major competitors to your business and provide a summary of their operations following the numbered steps below.*

1. *Identify 3 Competitors*

a. Airfrov

b. Shopandbox

c. Grabr

1. *Analysis*

* Airfrov is a Singaporean based company that offers a platform that connects buyers from Singapore as well as travelers who have extra luggage space and are willing to deliver products to the buyers in their spare time.
* Shopandbox is a Melbourne based personalized peer-to-peer shopping service that allows users to shop “like a local for anything they want – similar to that of airfrov.
* Grabr is an American based company that was founded in 2015. It is another peer-to-peer community marketplace that connects shoppers and travelers, similar to airfrov and shopandbox.

1. *Type of Competitor (Direct, Indirect or Emerging)*a. Direct  
   b. Direct  
   c. Direct
2. *Unique value to customers*  
   a. Has an established market – more requests as well as a sufficient amount of travellers  
   b. Easier access  
   c. Website is easy to navigate
3. *Ranking of Competitors to your business*a. Airfrov  
   b. Grabr  
   c. Shopandbox

### Competitor SWOT Analysis

*Collate an overview of all of your competitors’ major strengths and weaknesses in the table.*

|  |  |
| --- | --- |
| **Competitor Strengths** | **Strategies devised to minimise the effects of competitor strengths on your business** |
| 1. Established target audience and market  2. Dynamic pricing strategy  3. Reputation | * Use marketing and advertising to gain recognition from customers to establish a target audience while gaining a good reputation   Charge the service at a lower price to start with and once market is established, increase price |
| **Competitor Weaknesses** | **Strategies to be implemented to capitalise on your competitors’ weaknesses in your business** |
| 1. Little-to-no market in Australia  2. Only travellers in Australia, no buyers | Because company is based in Australia, with good marketing, they will be aware of the business, hence become a buyer themselves |

### Area of Differentiation/Market Niche

*Based on your analysis of your market and competitors, provide a description of your competitive advantage and/or your market niche. What is your area of differentiation?*

After an in-depth analysis of my target market and competitors, I have come to a conclusion that there seems to be no lack in the strategies among all three competitors. However, I have come up with an idea that will differentiate me from my competitors. As there are many international students in Australia who have a desire for luxury goods, there is an application called “xiaohongshu” that allows them to discover trendy products in the market. As some products are not available in Australia, my business is able to partner up with the app and potentially set up a link that will allow those who desire goods unavailable in the country to easily request for goods on my service platform.

***Marketing Plan – Marketing Mix***

## Marketing Strategy/Marketing Mix

*Provide a brief explanation of the purpose of a marketing strategy and its relationship to the marketing mix (the 7p’s).*

* + - **Product** – Use platform to search for inspiration for items such as collectibles.
    - **Price** – Price will be based on how much buyer is willing to pay and will be agreed upon by buyer and traveller, then a small percentage of the total amount buyers pay to travellers will be taken off for the business costs, this is based on a total cost-based pricin
    - **Place** – Online marketplace
    - **Promotion** – Discounts through free deliveries with signups or first order, advertisements, “influencers” to promote business
    - **People** – Travelers who enjoy helping others and have extra baggage space and buyers who like to collect
    - **Process** – Multilanguage platform (e.g. English and Mandarin available)
    - **Physical** **evidence** – The physical evidence required for my business would be certificates that validate travellers, proof of purchase from travellers (e.g. receipts), and potentially a proof of flight

### Product/Service Mix Describe your product/service and how it benefits the customer.

|  |  |  |  |
| --- | --- | --- | --- |
| **Target Market** | **Actual Product/ Service Features**  **(Hint: Think physical characteristics)** | **Core/Benefits** | **Value Added** |
| Target Market 1  Name:  Buyers | Service will be to request for goods desired with an offer price that includes the cost of the product and delivery/postage costs | Allows buyers such as collectors to gain access to items easily that are not sold online nor ship to certain destinations | This helps buyers attain products without having the trouble to search for a friend or wait for a long time before they can access the goods |
| Target Market 2  Name:  Travelers | Service will be to “accept” requests and communicate with buyers to agree on a price that includes the total cost of the product as well as a mark-up for delivering the goods. Travellers then purchase goods out of their own pocket money then deliver to buyer at buyers’ destination – buyer’s deposit will then be transferred once goods are delivered | Travelers receive monetary incentives when they fulfil requests | This helps travellers earn a little bit of extra money without causing so much of a hassle as communication of the agreed price is settled on before the purchasing the product. |

### Pricing Strategy

**Methods of Pricing**

*Detail which of the following methods of pricing would be used to optimize sales and profit for a product or service for your business:*

* 1. *Cost based methods of pricing*
  2. *Demand based methods of pricing*
  3. *Competition based*

The method of pricing that would be used to optimize sales and profit for the service my business provides is cost based method of pricing. This is due to the fact that the buyers and travellers decide on the prices that will be agreed upon, then a percentage of the agreed total cost of the product and delivery will be taken off to profit the business. The percentage taken off will depend on the total amount; The higher the total cost of the product(s) and delivery, the lower the percentage will be.

Competition based pricing may also be used, as the three competitors use a similar method of pricing (cost-based price). This method must be used carefully to avoid price wars. But due to the different locations of each business, the currency exchange rate allows for a different percentage based on the standard of living in the location.

1. **Using the strategies identified above, state your product service line, the price and the rationale behind the price that you will be using for your small business.**

Pricing strategy will not be applicable for each service line due to the fact that each product requested and fulfilled will be based on the original cost of the requested item and an agreed cost of delivery by the buyer and traveller. The profit made by my business will be based on the percentage charged on the total amount the buyer pays the traveller for their services.

### Place/Location

1. **Describe the location selected for your business**  
   *What is your business address? What are the advantages and disadvantages of your business address?*My business address will be at a small office space in Melbourne CBD. The advantages of the business address is that it is easily accessible for the employees through public transportation. However, a disadvantage for the address would be the high cost of renting a space for operations.

### Distribution/Sales

### *Describe the type of distribution channels you will be implementing in your business.*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of Channel** | **Level of Distribution/use of channels or middlemen** | **List all the products/ services sold via this channel** | **What % of overall sales do you expect to sell via these products/ service channel?** | **What are the advantages of using this channel for the product/ service** |
| Example:  Online, Face to face etc | Example: Zero level, One level, Two level | Example: prints, consulting service, graphic design | Example: 35% | Keep overheads low  Streamline services |
| Face-to-face | Zero level | Goods requested by buyer | 30% | Costs less to meet face-to-face than to post item via parcel postage |
| Parcel postage | One level | Goods requested by buyer | 70% | Less time consuming |

### 

### Communication Channels

### *How can your customers get in contact with your business? These channels can include telephone, face to face, email, social media or shopfront.*

### Customers can get in contact with my business through a contact number, email or through social media. Customer service teams hired by the business will be able to handle and respond to customers who need assistance or have any queries

1. **Branding**

*Provide a description or optional visual display of the type of branding you wish to convey to your target audiences. You may describe things such as colours, language, business names, domain names, twitter handles, brand message and the look of your brand. The key to this question is to explain why these elements were chosen and how they relate to your target audiences you identified in Question 6.*

The type of branding I wish to convey to buyers and travellers are the simplicity of attaining a product you once could not easily gain access to. The simplest things such as snacks from the grocery store in a foreign country could be easily attainable through my service platform. With the ease of connecting a buyer and traveller, my business allows people to “buy anything, anywhere”.

1. **Methods of Promotion**

List and provide a detailed description of promotional methods and activities you propose to use to inform your target market of your product/service over the next 12 months (Hint: Complete one strategy per quarter).

|  |  |  |  |
| --- | --- | --- | --- |
| **Strategy** | **Promotion** | **Timeline** | **Cost** |
| What do you want to achieve with your promotions?  Example: To create an online presence | What promotion are you going to do to achieve the strategy?  Example: Website, Facebook Page | When are you going to do the promotion?  Example: June, July, August or Daily updates | How much is the promotion going to cost you?  Example: Website Design $700 |
| Create an online presence | Social media (Facebook, Instagram, LinkedIn, Twitter) | Daily updates | $30-$100 |
| Create awareness of the brand (recognition) | Through the use of “influencers” and advertisements | Monthly, but weekly during holidays | $200 per post (depending on the number of followers that “influencers” have) |
| Build lasting relationship with customers | Direct marketing | Monthly | Up to $10 per person depending on the type of direct marketing used |
| Earn credibility | Use of social media | Daily posts | FREE |
| Discounts/coupons | Website | For a number of first-time users | $5 per buyer |



1. **Customer Service Areas and Provision**

|  |  |
| --- | --- |
| **Customer Service Areas** | **Policy** |
| List 3 key areas of customer service for your business (Eg. Telephone calls and messages, responding to emails, Facebook comments, website queries, written quotes, etc.) | Describe how you will provide and maintain customer relations with your clients (Eg. Returning all calls within 24 hours/within 3 rings) |
| Website queries/Frequently asked questions (FAQ) section | Automatic response will be sent to notify customers that their queries will take up to 2 business days for a response |
| Responding to emails | 2-3 business days |
| Social media handling | Up to 24 hours |
| Telephone | If line is busy, calls will be returned within the day |

***Legal Plan***

***Business Name and Structure***

### 1. Choice of Business Name / Rationale

(a) *What business name do you plan to use for your Business? Or, if you are not planning to register a business name at present, what is the name you would choose?*

**Seesaw Marketplace**

(b) *Briefly explain why you think this business name suits your business.*

I wanted a name that is meaningful which also had a connection to the business. “See” represents the items that buyers see or hear about online or through recommendations, leading them to request for the goods on my platform. “SAW” are my initials. The word “seesaw” represents a balance that people are required to “give and take”. It is also a peer-to-peer marketplace, hence the name Seesaw Marketplace.

### 2. Business Name Availability

*(a) Do you need to register your business name? Why (or why not)?*

I am required to register my business name as I carry on a trade in Australia and it is not under my own name.

(b) *How would you check the availability of your business name, domain name and trademark.*

### The availability of my business name is to be checked on the Australian Security and Investments Commissions (ASIC) website. According to ASIC, there are no other businesses with the name Seesaw Marketplace Pty Ltd.

### 3. Business Structure

*Which business structure would be best suited to you and your proposed business?*

The business structure best suited to my proposed business is a company.

### 4. Rationale for Business Structure

*a. List the factors you think make this structure best suit you and your proposed business*

### Can be owned and run by one person

### Can hire staff

### Relatively easy to attract capital because of limited liability

### Easy to operate globally

*b. List the potential disadvantages of this business structure, if any, for you and your business.*

### High initial set up fees

* Does not enjoy tax-free threshold
* Not easy to close down

*c. In what situations can a director or a partner be liable for the debts of the company of which she or he is director?*

* The director can be liable for the debts of the company if personal guarantee is undertaken

***Legal Plan – Licences, Regulations and Compliance***

### 5. Governmental Licences and Regulations

### *List licences, permits and registrations that would be required to conduct your business*

(*Eg. do you need a home-based business permit? A secondhand dealers licence? A food handling permit? Fire and occupational health and safety registration? A licence to practice your profession? An ABN? What other licences, permits or registrations may you need to conduct your business?*)

*Hint: Use ABLIS*

* Australian Business Number Registration
* Australian Privacy Principles
* National Business Name Registration
* Privacy (Tax File Number) Rule
* Register a Trademark
* Registration as an Australian Company
* Small Business Fair Dismissal Code
* TFN Application / Enquiry - Company

### 6. Australian Consumer Law (ACL)

a. *How would the Australian Consumer Law apply to any of the goods or services your business sells? Briefly explain why (or why not).*

The Australian Consumer Law will not apply to any of the services that my business offers due to the fact that any and all transactions exchanged between travelers and buyers are between the parties involved including the amount agreed on, the communication as well as the delivery patterns.

b. *List 3 consumer guarantees under the Australian Consumer Law (Hint check out ACCC website)*

|  |  |
| --- | --- |
|  | ***Consumer Guarantee*** |
| 1. | be delivered within a reasonable time when there is no agreed end date. |
| 2. | be fit for the purpose or give the results that you and the business had agreed to |
| 3. | be provided with acceptable care and skill or technical knowledge and taking all necessary steps to avoid loss and damage |

### 7. Regulatory compliance procedures

*Briefly list procedures you will implement to ensure ongoing compliance with licences, regulatory and Australian Consumer Law requirements for your business.*

(*Eg, if you propose to engage in door knocking or telemarketing, what steps could you take to comply with your obligations? Eg, if you are designing clothing, what steps could you take to ensure you are not infringing another person’s intellectual property rights? Hint: Select a few of the licence/regulatory/ACL requirements you have listed earlier, and explain what practical things you will do to ensure you comply with those requirements*)

|  |  |
| --- | --- |
|  | ***Procedure you would implement to ensure your business can comply with a regulatory requirement identified in section 5 or 6 above*** |
| 1. | Implement a secure checking out process for buyers when they input their card details for deposits on their requests |
| 2. | Ensure that personal information for people who create accounts are kept private and confidential and not shared with third party users |

***Contracts***

### 8. Contracts

1. *Identify the type of contracts you would be entering into to conduct your business? List at least 3 different types of parties you will need to enter into contracts with and the purpose of the contract.*

|  |  |  |
| --- | --- | --- |
|  | ***The Other Party*** *(general description only)* | ***What the Contract is For / Its Purpose*** |
| 1. | Buyer | The purpose of the contract is to ensure that buyers place a deposit on the agreed price to ensure that once goods are delivered, the amount will be released to the traveller. |
| 2. | Traveller | The purpose of the contract is to ensure that goods are delivered in an acceptable condition so as to conduct the service of the business effectively. The contract will include a waiver clause which ensures that the business bears no liability of the travelers should they deliver the products in a manner that is not acceptable. |
| 3. | Office leaser | The purpose of the contract is to be able to rent the office space at a price and length of time so that there will be no disputes surrounding it. |

1. *What would be the main rights and obligations under a contract you engage with a customer?*

|  |  |
| --- | --- |
|  | ***Your Rights*** *(ie What do you need your Customer to be contractually bound to do for you?) (Reverse order with following table)* |
| 1. | None of the requests will include hazardous or illegal goods |
| 2. | To pay the agreed price |
| 3. | No return policy for goods exchanged between buyers and travelers |

|  |  |
| --- | --- |
|  | ***Your Obligations*** *(ie What do you think your Customer needs you to be contractually bound to do for them?)* |
| 1. | Privacy and confidentiality of personal information shared |
| 2. | Connect buyers and travelers by providing a platform for them |
| 3. | Ensure that website is easily accessible and simple to navigate |

1. *What are some of the advantages and disadvantages of having a contract in writing?*

* Provide proof of what was agreed
* Minimise risk of misunderstanding or dispute by making the agreement clear
* Set out how a dispute over payments or performance will be resolved
* Set out how the contract can be varied or ended

1. *What practical steps can you take, in designing a contract with your customers, to mitigate the risk of non-payment by a customer?*

* Ensure that once a request is confirmed, buyer must insert a deposit into the service platform that holds the payment until goods are confirmed and received. If deposit had not been paid, then traveller has no obligation to purchase goods until buyer has done so.
* Input a disclaimer that traveller must ensure that deposit is paid by the buyer before traveller purchases goods on behalf of buyer.

***Negligence & Duty of Care***

### 9. Negligence & Duty of Care

a. *Briefly explain what a “duty of care” is*

A duty of care is a legal obligation to avoid causing harm where harm is ‘reasonably foreseeable’. There must be a sufficient relationship of closeness (‘proximity’) between the two people in order for a duty of care to exist.

b. *List at least one group of people or individual to whom your business will owe a duty of care.*

Buyers and travellers

c. *Briefly state why your business will owe that person or group a duty of care.*

If their personal information is somehow released and their privacy is breached, then Seesaw Marketplace will owe them a duty of care

d. *Identify at least 3 steps / procedures your business will implement to mitigate the risk of breaching the duty of care to that person or group.*

|  |  |
| --- | --- |
|  | ***Steps / Procedures your business will implement*** |
| 1. | Employ security measures that are intended to be consistent with industry practices |
| 2. | Encrypt transmission of data on pages where payment information is provided |
| 3. | If information is to be shared to third party, permission MUST be expressed by user |

***Insurance***

### 10. Insurances

a. List the types of insurance your business is likely to need, and the type of risk the insurance will cover.

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| --- | --- | --- |
|  | ***Type / Name of Policy*** | ***Type of Risks Covered*** |
| 1. | Personal accident & sickness insurance, revenue insurance | * Personal accident and sickness insurance compensate for loss of income suffered if you have an accident or suffer an illness that stops you from doing your work * Revenue insurance helps compensate a business for reduced profits caused by interruptions like a fire, flood, accident, burglary or major computer failures. |
| 2. | Property and assets insurance | * Insures fixed assets such as equipment that will help if they are ever damaged, stolen or destroyed. |
| 3. | General liability insurance | * Helps cover the costs of liability claims made against your business for third party personal injury, third party property damage and advertising injury |
| 4. | Goods in transit insurance | * Theft while in transit * Loss while in transit * Damage caused by accidents while in transit * Damage caused during transit. |

***Intellectual Property***

### 11. Intellectual Property (IP)

1. Identify any types of intellectual property that may be relevant to protect your business’s interests, what actions would you take?
2. What type of intellectual property can protect a business in the following scenarios? Also indicate whether the IP right needs to be or can be registered.

|  |  |  |
| --- | --- | --- |
| ***Scenario*** | ***Type of Intellectual Property Right that May Offer Protection*** | ***Does the IP right need to be Registered?*** |
| A mark that distinguishes one business from another | Trademarks | Yes |
| How something works or functions | Patent | Yes |
| A drawing of a prototype product | Copyright | No because it is free an automatic |
| The overall appearance of a product that will be mass manufactured | Design rights | Yes |
| Customer lists and supplier lists | Domain names | Yes |