



Monkey Business

Welcome to the 4th edition of CHH's Better Business Newsletter. Use it to stay informed of topical legal issues that affect your CHH businesses as well as new topics of interest in the Program.

Feedback about the Better Business Program has been tremendous. If you are yet to look at the site or need a refresher, take a few minutes and

[CLICK HERE](#)



BETTER BUSINESS PROGRAM

How to turn the fruits of thinking into a windfall

A new development! We are pleased to announce that with the increased focus in intellectual property matters we have added an Intellectual Property ('IP') module to the Better Business Guide. The IP module provides information to assist businesses in:

- learning to recognise the various forms of IP
- knowing what to do to secure your business's rights to IP, and
- knowing how to extract value from IP.

IP is fundamental to our company's value and you can play your part! For more info and to link through to the site, just [CLICK HERE](#).



The Secret Squirrel

More on IP! IP is the asset of the future and maximising its value is a key component of CHH's strategy.

The new IP module of the Better Business Guide is a fantastic resource for those everyday questions such as what types of IP there are, how we protect IP and how to extract value from IP. The module covers (amongst other things) information on copyright, patents, designs and trade marks. It also provides helpful tips on what to do to protect that new idea/product and how and when to use confidentiality agreements (which are available on the Legal intranet site — [CLICK HERE](#)).

Remember that it is easy to lose value if you disclose your 'secret' product/idea without protecting your rights to it. To become better informed, visit the IP site: just [CLICK HERE](#). You will find links to 10Free IP lawyers in the 'help' tab on any of the IP pages in the Better Business Guide.

Lost in the woods? Help is just a 'click' away

Dealing with the legal issues surrounding our relationship with dealers, suppliers and third parties can sometimes be a bit daunting but it doesn't have to be that way. The Legal intranet contains a number of standard precedent documents for use in many of our day to day activities. There are New Zealand and Australian versions, including:

- Carrier agreement
- Confidentiality agreement
- Consultancy agreement
- Equipment purchase (including and excluding commissioning)
- Machine leasing
- Product sale and supply agreements
- Services agreement
- RFP and Invitation to Tender

The precedents are easy to use; just follow the instructions in the explanatory notes. Our legal advisors are familiar with their content so if you have any queries contact a [10FREE LAWYER](#) or email [CORPORATE LEGAL](#). You don't have to be lost out there; help is just a click away.



Has the Big Cheese okayed it?!

A question. You have a 2 year supply agreement in front of you that needs signing: who can authorise it and who can sign it?

The answer can be found in the Levels of Authority on the Internal Audit intranet [CLICK HERE](#). To protect you and the company, the Board of Directors has set limits for approving/authorising contracts to Chief Executive level. The policy is aimed at ensuring expenditure is appropriately approved and authorised so the company is not adversely exposed to risks and/or liabilities. The current policy also requires that:

- 1** contracts that have a term greater than 2 years and/or involve a payment in excess of \$2,000,000 must be reported to Company Secretarial for reporting to the Board **AND**
- 2** a supporting legal opinion is required for all contracts that:
 - have a term greater than 2 years and/or involve a payment in excess of \$2,000,000 *OR*
 - do not use a precedent contract form approved by CHH Legal, and that have a term greater than 2 years and/or involve a payment in excess of \$500,000 in any one year *OR*
 - involve guarantees, indemnities, warranties and compensation clauses for consequential losses and/or loss of profits.

So remember, to protect yourself and the company, check the Levels of Authority before approving/signing any contract — and keep the Big Cheeses happy!



What's that I see?

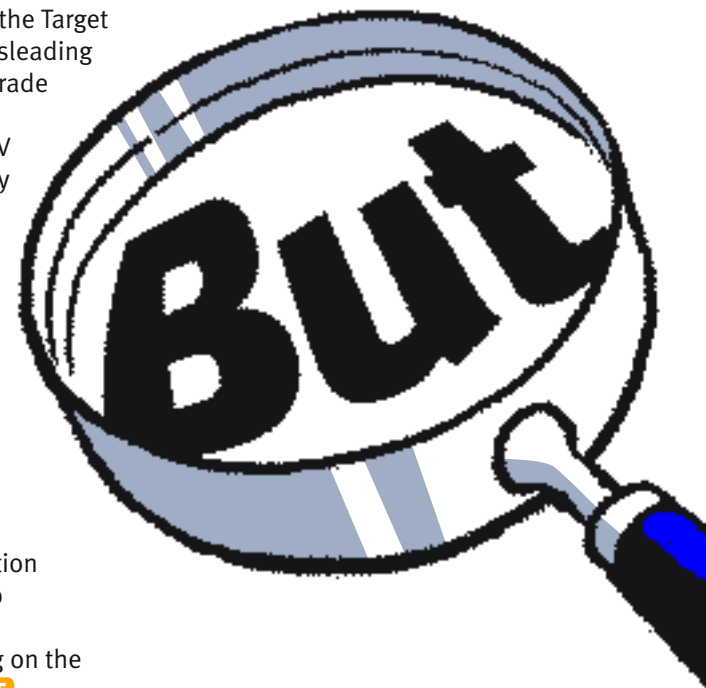
Don't rely on the fine print!

Tread very carefully when using disclaimers in the 'fine print' of advertisements and promotional material.

The ACCC has announced it is cracking down on the use of fine print disclaimers in promotional and advertising material and is currently taking action against a number of companies. This follows a judgement handed down against the Target retail chain for a breach of the 'misleading and deceptive' provisions of the Trade Practices Act. Target was required to broadcast advertisements on TV and in newspapers explaining why their fine print disclaimers had failed to qualify effectively the overall message of the advertisement.

The message is clear and applies equally to New Zealand: do not use fine print disclaimers to try to qualify the intended impression of an advertisement if it may be considered to be misleading or deceptive. You cannot rule out the possibility of legal action brought about by a competitor, so be warned!

For a link through to Fair Trading on the Better Business Guide [CLICK HERE](#).



Keep your ears and eyes open for the next issue. We announce details of the Australian Privacy Law update on the Better Business Program, talk turkey about more jungle bungles and give you more tips on how to upskill and stay ahead of the pack!