



Case Summary Four

Anonymous Client

The Client	<p>The client is a Mobile marketplace for micro-jobs. The client recently raised €100,000 in funding from a German public fund. The Berlin-based company is currently formed of two founders and several university research and student assistants.</p>
Legal challenges	<p>The client faced several legal challenges that the clinic assisted with:</p> <ul style="list-style-type: none">• What legal requirements for ‘personnel leasing’ are applicable to the client• How can the client legally avoid legal liability of platform in case of any improper performance of participants• What are the implications of payment transactions via Click&Buy on invoicing
Advice	<p>First, the Alexander von Humboldt Institute for Internet and Society (HIIG) advised the client on employment law and the relationship between micro-jobbers and the company.</p> <p>The advice was focussed on whether a micro-jobber would be considered an employee or agent of the company (as differing legal rights and obligations attach to both).</p> <p>Secondly, HIIG advised the client that any contracts between customers and micro-jobbers that are crowd-sourced could only exist between participants and the individual contractors (i.e. those requesting the jobs to be undertaken by micro-jobbers). This could not be the case with the platform as the German marketplace owes only agent services i.e. limitation of liability for agent services and technical quality management.</p> <p>Thirdly, the HIIG recommended that micro-jobbers should invoice their services directly to a third party, rather than to the platform or company.</p> <p>HIIG also recommended that the company should also provide technical infrastructure enabling “easy to use” invoicing for accounting and tax liability purposes.</p>
Quotes from the	<p>“The service provided by HIIG was fast and had a low-barrier access to get help.</p> <p>We would recommend it. They helped us spot and reveal mutual problem using a step-by-step</p>



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analysis and direct talking. We also found the process trustful (there are no stupid questions!). The advisors were definitely enthusiastic about helping us.”