



Case Summary Nine

BuddyHub

The Client	<p>Ms Catherine McClen founded “BuddyHub”, a social enterprise that intends to carry out a social mission by linking elderly people (“Seniors”) with younger people (“Buddies”) with the aim of providing a befriending service to ward off isolation.</p> <p>The founder has received a grant which has allowed her to expand the business.</p> <p>The company is based in London and does not have an operational website yet. The launch of the website will be soon and will mark the beginning of the first phase of the business.</p>
Legal challenges	<p>Users of the website and BuddyHub service (“Users”) will be able to create an account in their capacity either as a Senior or a Buddy, and BuddyHub will collect certain data relating to the users including their name, address, date of birth, telephone number, email address, interests and aspirations. The purpose of collecting this information is to allow an algorithm to match three or four users with similar geographic locations and interests to create a “Friendship Wheel”. This Friendship Wheel will be the basis of access to more detailed user profiles and an internal communication system or ‘chatroom’ to facilitate visits in real life.</p> <p>Although the website will be free for the trial period (first 6 months after the launch), there will potentially be a payment system implemented in subsequent phases.</p> <p>One of the aspects that the client was most eager to ask qLegal was specific, tailored-to-the-business, Terms & Conditions (“T&Cs”). This is to ensure the contract between BuddyHub and its customers is fit for purpose, provides the maximum amount of protection and restricts potential liability where appropriate.</p>
Advice	<p>qLegal addressed several issues, including how to structure BuddyHub’s T&Cs, how to protect content created or uploaded by BuddyHub or by its Users to the website, as well as how the company can restrict their liability, draft their privacy policy and notify users of their cookie policy. The advice also included tips on how to include payment in the T&Cs once it is added to the service, and why a jurisdiction clause is important.</p> <p>qLegal also added definitions to the T&Cs, not only the parties involved and a description of the services, but also the concepts created as part of the BuddyHub system.</p> <p>There was considerable discussion during the initial meeting with the client around how to</p>



structure the T&Cs so as to cater to the different types of BuddyHub Users. qLegal suggested that rather than creating separate documents the different types of Users could be established as defined terms, and certain subsections of the T&Cs could be made applicable, or not, according to BuddyHub's requirements. This would have the benefit of keeping the T&Cs as a single document which is easier to update in future, allowing one type of User to quickly check the rights and obligations of another, and allowing Users who have both types of accounts (e.g. an active elderly person who holds a Senior account but also wishes to be a Buddy to other Seniors) to find all their rights and obligations in one place.

qLegal also advised that the issue of updating the T&Cs should be addressed by placing the responsibility to check for any changes on the Users.

Other recommendations from qLegal included how intellectual property law can protect the content added by Ms McClen on BuddyHub website, and how to manage content generated by users on the website. This clause is of importance as it sets up what can and cannot be uploaded online, therefore limiting the liability of the website in case of illegal or harmful content, as well as content which infringes third party intellectual property rights.

qLegal also advised that the T&Cs should also address whether Ms McClen will be reviewing or moderating content uploaded by users, and under which circumstances user content may be removed. As it is often the case for startups, checking all user content to ensure that no infringement has been committed towards a third party can be very onerous. qLegal advised to include provisions which state that BuddyHub will comply with any legitimate takedown notice by owners of such intellectual property rights. Such wording means that clear ways for owners of intellectual property rights who feel their rights are being infringed should be mentioned to allow them to contact the business. This can be achieved, for example, through the creation of a section on the website entitled "Contact Us".

Quotes from the client

"A huge big fat thank you to everyone who offers pro bono legal help to start ups: had I had to pay for the legal advice I've received it would have eaten into a good chunk of the small grant I'm operating on. Instead I'm able to spend it on other things that I need to pay for. This start up wouldn't get off the ground without pro bono help and there are already many more people to thank in that respect another day."