



Case Summary Six

Anonymous Client

The Client	The client has developed an eLearning platform. It is boot strapped by its two founders and based in Berlin.
Legal challenges	The client asked the clinic the following questions: <ul style="list-style-type: none">• Can a startup legally protect an eLearning method?• How can a startup use trademark protection?• Does the website of the startup conform to all necessary legal requirements?
Advice	<p>On the first point, The Alexander von Humboldt Institute for Internet and Society (HIIG) concluded that eLearning methods could not be protected by copyright or patent law.</p> <p>On the second point, the HIIG explained the possibility of a protection through goodwill and trademark law (i.e. choice of trademark pursuant to international goodwill strategy; must be sufficiently generic; and there must be no confusion with pre-existing trademarks).</p> <p>On the third point, the HIIG investigated the duties of the company and provided advice with regard to privacy, company, intellectual property, data protection and consumer law and provided further specific information on the duties of the company regarding the processing of users website data; copyright protection of content (particularly, photographs used on website), and rights of clearance regarding Creative Commons licenses.</p>
Quotes from the client	<p>“The HIIG law clinic provided us with all the help we could have asked for, and could have ever expected. If it were not for the law clinic, we would have had not only to invest money, but also wouldn’t have felt so secure about our start-up, as well as the problems that we had to face.</p> <p>This is one of the best experiences we had during our founding stage. Since we are launching in two weeks, looking back makes us feel more blessed.”</p>