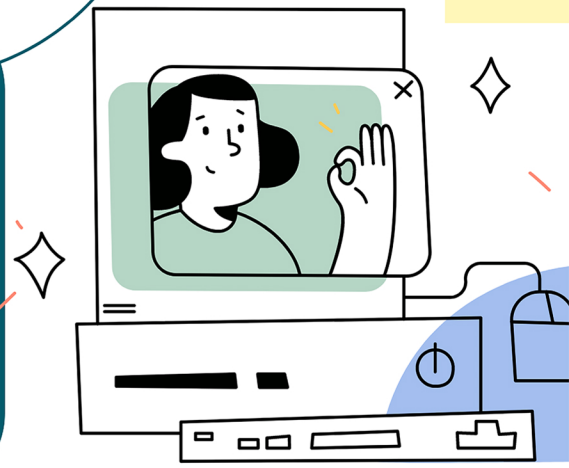


Australian SaaS Legal Checklist: A simple guide through THE SAAS LEGAL MAZE



Choose Business Structure

The most common business structure for SaaS startups in Australia is a proprietary limited (Pty Ltd) company that provides liability protection. Once your startup's annual Australian revenue exceeds \$75,000, registration for GST is legally required.

Research Industry Specific Regulations

You should research if your SaaS's specific industry vertical (e.g. healthcare, finance, education) has any mandatory regulations or compliance requirements for software products and data handling. Adhering to relevant regulations from the outset is crucial.

Draft SaaS Agreement

A comprehensive SaaS Agreement detailing service levels, data ownership, payment terms, limitations of liability, and other legal protections is essential. This agreement should clearly specify the governing law and jurisdiction that will apply in case of legal disputes.

Draft Website Legals

SaaS startups must have clear Website Terms & Conditions and a Privacy Policy legally compliant with Australian laws. These legal agreements should be prominently linked and easily accessible from your startup's website.

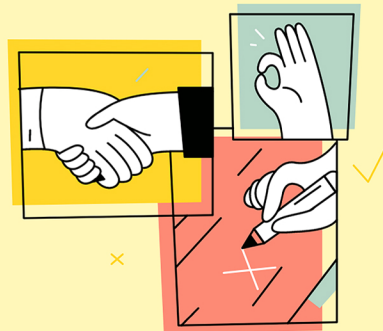
Decide on EULA

If your SaaS product requires software or code to be downloaded and installed on user devices, you should have a comprehensive End User License Agreement (EULA) specifying permitted usage rights and restrictions.



Implement Data Security

SaaS platforms must implement robust technical and organizational measures to protect customer data privacy and security in compliance with the Australian Privacy Principles. Strong data security is critical for building user trust.



Write a Data Breach Plan

You must have a comprehensive data breach response plan that complies with Australia's Notifiable Data Breaches scheme. This plan should cover steps like breach containment, risk assessment, pre-written notifications and remediation.

Consider GDPR and CCPA

If your SaaS startup has customers in the European Union, United Kingdom or California, it must ensure compliance with data protection laws like GDPR and CCPA, respectively. This includes having a prominent cookie notice and robust consent management processes.

Use Confidentiality Agreements

To protect trade secrets and intellectual property, your SaaS startup should have all employees and subcontractors sign robust confidentiality/non-disclosure agreements. These prevent unauthorized sharing of the startup's confidential information.

Ensure Trademark Protection

You should register trademarks for your SaaS's business name, logo, and other core branding elements to prevent others from using identical or deceptively similar marks. This protects your startup's brand identity.