

Start-up Checklist

OUR APPROACH

Established over 30 years ago, we pride ourselves on our ability to get on with business.

We understand that to achieve the best results for our clients we need to work as a trusted adviser and partner to their organisations, not just as a legal service provider.

We see the real value that comes from building lasting relationships with clients and where we can, supporting their businesses as much as they support ours.

Our partners and staff have extensive experience advising clients on their business needs. We see the same prevalent issues arising in many of our clients' businesses, and by reviewing this checklist we can identify and help you avoid potential problems.

This checklist of some of the key issues has been prepared to help your business start in the right way and identify any potential problems that may require action.

Issue	Points to consider
Structure	<ul style="list-style-type: none"> Is your business set up in the most advantageous way to minimise risk and maximise tax effectiveness? Have you separated the IP assets from the trading company?
Business names	<ul style="list-style-type: none"> Are you trading under a name other than your company name? Have you registered your business name? Have you checked the new national register to make sure no-one else is using your name?
Trade marks and other intellectual property (IP)	<ul style="list-style-type: none"> Do you know what IP your business owns and uses? Have you registered all your registrable IP rights? Are you infringing someone else's rights or is anyone else infringing your rights? Are the IP ownership details clear? Are your rights to use IP clear? Do you need to assign any IP rights from the founders to the company?
Employment Agreements	<ul style="list-style-type: none"> Do you have valid, up-to-date employment agreements with your employees? Are you complying with all the applicable awards? Are your key employees bound by enforceable restraints if they leave? Are your employees bound by confidentiality obligations? Do your employment and termination practices comply with the Fair Work Act?
Terms and conditions	<ul style="list-style-type: none"> Do your terms and conditions comply with the latest legal requirements? What consumer guarantees are you giving in relation to your products and services? Do you keep a record of your customer and supplier arrangements? Do you have written agreements which tie in your customers and suppliers?
Privacy	<ul style="list-style-type: none"> Do you comply with the latest privacy regulations? Do you collect, store, use or disclose personal information? Do you have a privacy policy and disclosure notice? Are you aware of all of the information handling practices required to be followed in your industry?
Property	<ul style="list-style-type: none"> If you lease a property, are your rights as a tenant protected? Do you have proper rights of access to your premises?
PPS Register	<ul style="list-style-type: none"> Have you registered all of your registrable securities? Has anyone taken security over your assets (with or without your knowledge)?



Contact Us



ALISTAIR JAQUE

Partner

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Alistair is a partner in the corporate law team at Swaab Attorneys. He qualified as a solicitor in the United Kingdom in 1995 and worked at various City law firms in London for nine years before moving to Australia. Having also qualified as a solicitor in New South Wales, he worked in the private equity group at Minter Ellison for two years before joining Swaab Attorneys in 2005. Alistair has provided advice to businesses in many industry sectors, including financial services, property, technology, transport, insurance, manufacturing, resources, freight and retail services. His focus at Swaab Attorneys has been on the SME market, including technology start-ups, where many of his clients operate.



MICHAEL PHILLIPS

Partner

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Michael relocated from Hong Kong to Sydney in 2010 and joined Swaab Attorneys' corporate group as a partner in August 2015. He has practised as an attorney for over 20 years —16 of which as a partner within international law firms in London and Hong Kong. His experience ranges from corporate finance, mergers and acquisitions, private equity and regulatory compliance to general corporate and commercial law. Michael has represented numerous international clients on entering as well as exiting the China market and on both public and private merger and acquisition transactions. He has also advised boards in connection with corporate governance protocols and start-ups on their legal structures and obligations. Michael holds a Bachelor of Arts and Bachelor of Laws degree as well as a Higher Diploma in Company Law. He is also a graduate of the



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Edei is an experienced corporate lawyer with expertise in mergers & acquisitions, equity capital markets, private equity and venture capital transactions, joint ventures, foreign investment, major contractual negotiations and general corporate governance issues both in Australia and the USA. Edei also specialises in providing strategic advice on commercial agreements and regulatory matters, with a focus on the financial services industry, energy, mining and resources, communications and transport sectors.



William Kontaxis

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William joined Swaab Attorneys in October 2016, bringing with him extensive experience representing private and public sector clients operating across a wide mix of industries. He has assisted clients ranging from SMEs and start-ups, ASX100 entities, financial institutions, aged care operations, charities and social enterprises, media and telecommunications service providers, property developers and government departments/agencies. William always takes a practical and commercial approach to his advice and he recently completed a Master of Taxation which gives him a useful perspective when advising on corporate and commercial transactions. William was named a finalist in the *2015 Lawyers Weekly 30 Under 30 Banking & Finance Award*, a semi-finalist for the *2015 Property Council of Australia Rising Generation Award* and a finalist for the *2014 Lawyers Weekly Young Gun Award*.

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