

# Why Attorneys Are Not Top of Mind For Ecommerce Business - But Should Be



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*EmergeCounsel*

<https://emergecounsel.com/ecommerce/effective-risk-management/>

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## Why is Entity Selection So Important?

It's clear that e-commerce is more than just a passing fad, as it has now become the core business model for most retail companies. Online shopping has evolved to comprise a large percentage of most businesses' sales, and this is only growing in a post-pandemic world. Along with this explosive e-commerce growth comes associated risks. Brand protection, data breaches, vulnerabilities working with third-party platforms, and ever-changing privacy laws are just some potential liabilities unique to e-commerce. As an e-commerce business, it's crucial to recognize these risks and take the necessary steps to reduce exposure.

As your e-commerce business expands, so do your needs. This is where a trusted legal team, well-versed in e-commerce best practices, can play a crucial role in risk reduction. Their expertise and guidance can help you navigate the complex landscape of e-commerce risks, allowing you to focus on growing your business.

Our team at EmmergeCounsel are experts in assessing risks specific to digital businesses. By investing the time to understand your e-commerce business's unique complexities and building a long-term relationship, we can recommend recovery strategies and create effective risk mitigation solutions.

Trademark protection is an essential piece to protect SKUs. We developed Total TM to provide skilled and experienced trademark counsel to our e-commerce clients at a competitive price point. We understand that a company's brand is its most valuable asset. We assess all potential risks before preparing and filling the trademark application to maximize brand protection and minimize trademark prosecution.

*A trusted legal team that is well-versed in e-commerce best practices can provide valuable assistance in risk reduction. As your e-commerce business grows, your needs will evolve.*

Our legal experts can also help you navigate the complex regulatory framework for data privacy to prevent exorbitant financial penalties for non-compliance. FTC data privacy legislation, including the GDPR, HIPAA, and PCI, mandate privacy policies required to operate an online business. It's essential to ensure that the privacy policy of your e-commerce business accurately reflects your website's collection, use, and sharing of personal information.

Risk mitigation is an ongoing practice with the downside of costly penalties. By outsourcing to a trusted legal expert, you can offload this risk.

E-commerce sellers should be aware that third-party websites such as Amazon and Walmart do not exist to watch the seller's backs. An example is in risk of shipment. While these third parties may take physical possession of goods, the e-commerce business still assumes all risks associated with their goods. Without appropriate contracts to govern these relationships, reliance on these third-party websites can leave an e-commerce seller exposed. Management of supply chain vulnerabilities requires skillful contract negotiation. With a deep understanding of your business, our legal team can assess your risks throughout the supply chain.

By entrusting the allocation and management of your business's risks to external experts, you can free up your resources to concentrate on your core competencies. This strategic move can directly contribute to your bottom line, as it allows you to maximize your business's potential.

## About the Author

After years of corporate counsel experience with a Fortune 100 company, Steven Weigler built and managed a startup where he was able to create and institute a protective intellectual property strategy, commercialize the resulting products and protect the intellectual property, build and manage a sales, marketing and operations team under a "lean startup" budget, and secure both angel and A round financing, and finally negotiated an exit.

Steven's combination of legal, entrepreneurial, governmental and corporate experience gives him a unique, focused perspective on what entrepreneurs who are starting up or emerging their businesses need but rarely have: a) someone who zealously protects their interest and b) someone who has the empathy to understand each entrepreneur's vision and motivation as well as their business plan. Steven has a passion of e-commerce and advises many clients on all aspects of the industry.

## About EmergeCounsel

EmergeCounsel strategizes with a worldwide clientele in the focus areas of protection of intellectual property and business assets for eCommerce business. Our TotalTM® provides trademark guidance, search, appeals of office actions and denials, and trademark monitoring at flat and affordable rates. In addition, EmergeCounsel has an extensive network of professionals who provide co-counsel and services for businesses of all sizes.

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