

Best Practices for Copyright and Trademark Use

For ACT | The App Association member companies, the creation of intellectual property (IP) is a critical part of our livelihood. As such, we are respectful creators and users of intellectual property. We recognize that infringing and counterfeit apps hurt the app economy through consumer confusion, reducing customer confidence, increasing security and privacy risks, lost revenues, and increasing support and infrastructure costs.

From this perspective, we strongly support intellectual property protection, both when an app is being developed and when it is made available in app stores, to ensure users know they are obtaining authentic apps. In order to address the problems caused by infringing and counterfeit apps, we support the following best practices, and encourage their adoption by all in the mobile app ecosystem:

- Where app companies create and use original work in their app, whether as the logo, design of the app, or the code itself, they will take reasonable measures to protect the work so that others will respect the work.
- Where app companies use or modify work created by others, or facilitate the use of third party creations (such as trademarks, logos, designs, audio-visual works, sound recordings or code), they will, before engaging in such activity:
 - Perform reasonable diligence to determine who owns the work.
 - Either obtain express authorization/licenses to modify, use, or facilitate use of the work from its owner, or obtain reasonable assurance from legal counsel (where appropriate) to confirm that an applicable, legal exemption applies to the intended use of the work.
 - Only use the work within the scope of the express authorization, license, or applicable exemption.
- If, despite such diligence and screening efforts, an app company becomes aware that its app is using a third party's intellectual property in an unauthorized manner, the company will immediately take down the app and obtain appropriate licenses or update the app to discontinue such unauthorized activity.

While we encourage appropriate steps to protect intellectual property, commitment to these voluntary best practices is not intended to impose a specific legal duty on app companies. All participants in the mobile app ecosystem should take proactive steps to respect the intellectual property they and others develop, and deter illicit business models that ultimately threaten our collective welfare.