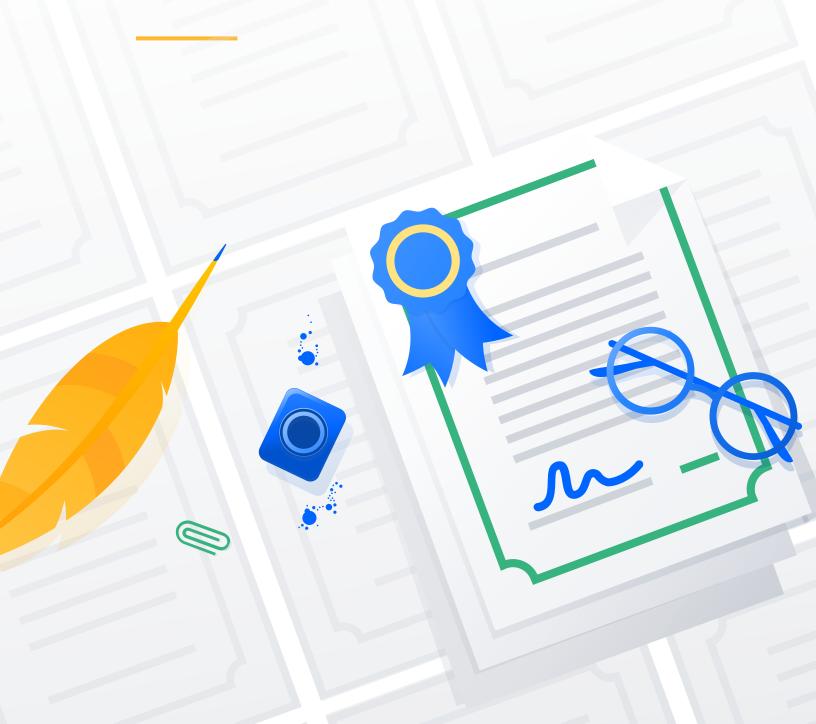# ATLASSIAN

Cover your legal bases

A resource for Marketplace Partners

As a Marketplace Partner, putting the finishing touches on a brand new app feels like crossing the finish line. After hours of late night coding sessions, designing and perfecting your app's UI, and testing and quality control, you're ready to bring your app to the public and start helping Atlassian customers achieve more.

However, there's a final step to take, and it's one many Marketplace Partners find daunting. Before launching a new app on the Atlassian Marketplace, you need to ensure you've met the legal and compliance requirements laid out in our **Marketplace Partner Agreement**. You also need to satisfy any additional legal requirements that may be applicable to you depending on where and how you do business.

Hiring a lawyer to explain the legal requirements for launching a new app can be costly, which is why a majority (61.3%) of small businesses report searching online for legal information first.[1] We created this eBook to serve as a quality source of information to introduce some of your core legal obligations so you can focus on what matters most: launching and growing your app.

Although this resource goes over general legal considerations related to starting off as an Atlassian Marketplace Partner, there's a lot more to understand about laws that govern founding and operating a business in your specific locale. Part of understanding your legal obligations also involves familiarizing yourself with local laws and seeking legal advice when needed.

DISCLAIMER

The following guide is intended to provide an overview regarding best practices for Marketplace Partners. It is not intended to be a substitute for legal advice. As such, always consult legal counsel before acting on any matter discussed within this document.

[1]McKinney, Alexandra. "Legal Insights: Small Businesses' Use of Legal Services," June 11, 2014.
https://www.priorilegal.com/blog/small-business-legal-services

Introducing the Atlassian Marketplace Partner Agreement

So you built something cool: now it's time to get it into the hands of real people. As you begin the process of submitting your app to Atlassian for approval, you might be wondering which apps need to go through the approval process.

First, the most obvious one: any app that is brand new and going to be publicly listed for the first time must be approved. Additionally, existing apps implementing a new payment model or undergoing hosting changes must be reviewed again. You can find more information about the app approval process in our **Marketplace App Approval Guidelines**.

Once you know your app needs approval, you can move on to the next step: reading the **Marketplace Partner Agreement**. It might look like a daunting read, but chances are you'll feel a lot more knowledgeable about the ins and outs of what it means to be a Marketplace Partner after devoting some time to reviewing the Agreement in its entirety. This resource exists to clarify some highlights and key terminology, as well as spell out some of your legal obligations to Atlassian.

Already blocked some time on your calendar to give it a good read? Awesome. Let's start by reviewing a few key steps you need to align on before submitting your app for approval.

❶ Create a privacy policy

As a consumer, you've likely read (or skimmed) hundreds of privacy policies in your life. Now that you're a Marketplace Partner, it's your time to shine and create one of your own.

Briefly, a privacy policy is a document that discloses how you access, collect, use, share, store or otherwise process your customers' data. Creating a privacy policy is about more than just regulatory compliance. It's a value add for customers, since people want to know what companies will be doing with their data before they hand it over. Being fully transparent can be a major selling point for prospective users.

All Marketplace Apps must provide a clear and transparent privacy policy that, at a minimum, covers these four categories:[2]

1. How you access, collect, and process personal data

2. Who you share personal data with

3. Which country or countries the personal data is stored in

4. That you, the Marketplace Partner, and not Atlassian, are responsible for processing personal data

Once you've covered those four areas required by the Marketplace Partner Agreement, you need to determine which privacy laws apply to your app. Depending on things like your geographic location and the location of your customers, your privacy policy may have to comply with local privacy laws. Two of the laws you may hear about frequently are the **General Data Protection Regulation** (GDPR) and the **California Privacy Rights Act** (CPRA), but make sure to determine what might apply to your app. If you process the personal health data of US residents, for example, the **Health Insurance Portability and Accountability Act** (HIPPA) may also apply.

Online templates are often a popular option for small businesses. If you use online templates to create your privacy policy, be sure that the template complies with any applicable laws that apply to you and revise it to accurately reflect your processing of personal data. It also may be helpful to review the **Atlassian data privacy guidelines for developers**, which explains seven best practices for data privacy before and after publishing your app.

[2] See Section 8.4e of the Marketplace Partner Agreement for more information
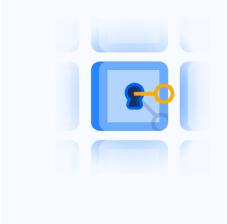
② Develop end user terms

The next document you'll need to create is end user terms. **End user terms** are an agreement between you and your end user (sometimes called a EULA or Terms of Service).

End user terms often cover:

- What rights you grant users to use your app, and any usage rules and restrictions that may apply

- How you will process and secure end user data

- Any warranties you provide for your app

- Information about fees, subscriptions, and renewals (if applicable)

- Details about any user protections you may provide, such as support, service levels, and indemnification

- Waivers and limitations of liability

Privacy policies for cloud-based apps

Building apps for the cloud may involve storing data in servers located around the world, which may have differing local laws and regulations related to data privacy. Take this into consideration as you craft your privacy policy.

The way your app processes data has to comply with these terms, so you need to make sure they accurately describe what you'll do with the user's data. And like your privacy policy, your end user terms need to comply with all applicable laws. You'll also need to disclose usage limits, if they could impact your user's experience. If you're building on Forge, be aware of the **platform limits and quotas** for storage.

For smaller teams of developers, a standard agreement template can be a great place to start. Consider using a service that offers a standard form with default terms, like **Bonterms** or **Common Paper**. Then, you can customize a cover page to add or clarify terms that are specific to how your app works.

3 Arrange support and maintenance

Before you built your app, you were likely thinking about what your customers wanted: their everyday challenges, unique needs, and future plans. And as you launch your app on the Marketplace, you need to keep thinking about their needs, particularly related to support and maintenance.

After your app is approved, you'll need to use commercially reasonable efforts to provide telephone, web-based or email support for any paying customers during normal business hours (or in the case of free apps, whatever level of support you promise your end users). At minimum, Marketplace Partners should respond to any support request Atlassian identifies as critical within 24 hours and, for normal requests, respond within 5 business days.

Now that you know the requirements, stop and consider who will provide this support for your app. Will it be you, a trusted partner, or a contractor? Make sure you're aligned on how support requests will be handled and bug fixes addressed.

④ Secure rights to all images and code

Part of your submission to Atlassian will include images, such as your app's logo. Before submitting any images, make sure you have the rights to everything. You cannot copy logos or information used by another company and use them as your own – this is considered copyright infringement.

For example, if you're a companion tool that bridges the gap between Atlassian and a third party product, you cannot use the third party's logo as your own in your Marketplace listing. Checking your application for any copyright infringement before submission can help save you time later down the road, since Atlassian will ask for revisions if infringement occurs. If you're looking for original images, **Creative Commons** is one possible resource - just make sure you follow their rules for giving attribution to the creator.

Open source code is another possible source of copyright infringement. If you use open source code while building your app, ensure you adhere to the requirements for use. Look at your code and ask yourself:

- **What licenses apply to my code?**

- **Are the compliance requirements related to the open source license being met, including proper attribution?**

Finally, Atlassian also has requirements explaining how Marketplace Partners can use our branding when advertising your app. These help preserve consistency in look and feel of the Atlassian brand and ensure your app marketing does not interfere with Atlassian's. Our **Trademark Guidelines**, **Marketplace Brand Guidelines** and **AdWords Trademark Policy** are available to you as a reference.

WHAT IS INTELLECTUAL PROPERTY?

Intellectual property is an individual's creations, which can include copyrights, patents and trademarks.

So, what's next?

3 legal considerations after publishing your app

Congratulations – you've successfully submitted your app to the Atlassian Marketplace and been approved! It's now time to look towards the future. Here's what you need to keep in mind to ensure you continue meeting requirements and remain compliant with any relevant laws and regulations.

Keep track of changing licenses

If you use third party software or open source code, you need to maintain the terms of those agreements. If your usage of the code changes, or if the code's creator publishes new requirements, you may need to reevaluate your attribution or use of the code.

Be aware of new, relevant laws

Are new laws going into effect in your country, or a country where you market to customers? Review them to ensure that your privacy policy and end user agreement is compliant and seek legal advice when necessary.

Properly plan to take down your app

If you have a paid-via-Atlassian app and you want to take it down from the Marketplace, we ask you to take certain steps to protect our mutual customers. Our goal is to make sure that customers who may have purchased a subscription to your app can receive the full benefit of their purchase.[3]

For cloud apps, continue making the app available at least until the end of your users' current subscription or license terms. If you are continuing to license your app somewhere besides the Atlassian Marketplace, take the necessary actions to move users to a non-Atlassian mechanism.

You also need to provide ongoing support and maintenance for the remainder of your users' subscription terms, or any other term you committed to. Lastly, communication is key! Communicate all of the above to your end users clearly and in a timely manner so there aren't any surprises.

[3] For more details, refer to section 11.3.c of the Marketplace Partner Agreement

Preliminary Atlassian Marketplace legal requirements checklist

Before submitting your app, make sure you create and address the following items. This list is not exhaustive and does not represent all of the legal requirements that you may need to comply with.

- [ ] **Privacy policy**

- [ ] **End user terms**

- [ ] **Cloud security statement – example**

- [ ] **Check for intellectual property violations**

Get ready to take flight

Well, looks like we made it – you've officially gotten an introduction to some of the key legal requirements for Marketplace Partners. We hope it was an illuminating journey, and that you feel better prepared to tackle writing your own privacy policy, checking for intellectual property violations, and more.

And whenever you're ready, we're excited to review your new app. Join the Atlassian Marketplace today and get ready to grow your business, bring in new customers, and get the amazing experience of being a Marketplace Partner.

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