

# HANAN'S TOP TEN LIST

## TIPS TO PROTECT YOU AND YOUR BUSINESS

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# TOP TEN TIPS TO PROTECT YOU AND YOUR BUSINESS

## TIP # 10 TRADE NAME

- Trade name vs. Legal Name
- Passing off – deceptive representation or marketing of goods or services in a manner that confuses consumers (Canada *Trademarks Act*)
  - e.g. font style, symbols, words



# TOP TEN TIPS TO PROTECT YOU AND YOUR BUSINESS

## TIP #9 INSURANCE

- Commercial General Liability
- Property
- Vehicle
- Industry specific
- **READ THE EXCLUSIONS!!**



# TOP TEN TIPS TO PROTECT YOU AND YOUR BUSINESS

## TIP #8 CONTRACTS FOR SERVICES PROVIDED

- Have in writing:
  - The parties to the contract
  - Price/Fees/Costs
  - Clear description of goods and/or services being provided
- Other details will be industry specific (e.g. insurance, warranties, limits to liability)



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## TIP # 7 EMPLOYMENT CONTRACTS AND CONTRACTS FOR SERVICES

- Difference between employees and independent contractors
- Factors CRA uses to determine:
  - The degree of control the employer exercises over the worker
  - Whether the worker uses his or her own tools equipment
  - Whether the worker can subcontract the work or hire assistants
  - Financial risk
  - Responsibility for investment and management
  - Opportunity for profit





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## TIP #6 NON-SOLICITATION PROVISIONS

- Prevents current and former employees/contractors from soliciting current employees and/or customers.
- Restrictions must be reasonable in duration (time), geographic scope of where employees and customers cannot be contacted and services prohibited.



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## TIP #5 NON COMPETITION PROVISIONS

- Similar to non-solicitation except focus in on competing with former employer to provide similar services.
- Harder to enforce than non-solicitation.
- Same reasonable restrictions apply:
  - Duration/time
  - Geographic area
  - Scope of activities/services prohibited





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## TIP #4 KEEPING PROPER RECORDS

- Make sure all contracts are dated and signed by all parties
- Make sure corporate record book is up to date\*:
  - Annual returns
  - Transparency Register of significant individuals (as of May 1, 2020)

\* See #2



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## TIP #3 KEEP GOOD FINANCIAL RECORDS

- Accountants
- Bookkeepers



# TOP TEN TIPS TO PROTECT YOU AND YOUR BUSINESS

## TIP #2 RETAIN A GOOD BUSINESS LAWYER

- Understands your business
- Provides timely, practical, business-oriented advice
- Know when not to use a lawyer!
- Know when not to use a business lawyer!



# TOP TEN TIPS TO PROTECT YOU AND YOUR BUSINESS

## TIP #1 CREATE A “BRAIN TRUST ROLODEX”

- Legal (litigators and solicitors), Banking, Finance, Accounting, Tax, Insurance
- Industry contacts
- Mentors, Coaches
- Don't burn bridges!

