

# Developed Down Under – App Submission Terms & Conditions

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## Notices :

'**Developed Down Under**' is an initiative created by Scott Sheedy from <http://wdownunder.com> – and the name chosen was suggested by Garry Holden.

The 'Developed Down Under' Windows Phone App is produced by Niall Ginsbourg from **mobilewares.net**

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Reviewer : Scott Sheedy (<http://wdownunder.com>)

## Overview

Developed Down Under (DDU) is a new App + online initiative to showcase Australian Windows Phone developers + Windows Phone Bloggers. In order to make this work – a ‘catalogue’ of Apps will be maintained – and hosted on an online server.

While we want to do everything we can to help you promote your apps (as well as provide a quality experience for users of this App) - a necessary evil is that a set of guidelines need to be enforced. This is in order to ensure both fairness to others participating AND that we don't have legal problems for displaying anything you've decide to submit.

This Terms & Conditions document provides some guidance (and rules) for those wishing to have their products listed. Please note that these initial set of rules may be subject to change in the future (and would retrospectively apply if deemed necessary) – as we attempt to fine tune the experience for everyone.

## General Terms & Conditions

All App submissions will be moderated and approved prior to inclusion in this catalogue. This doesn't mean we will actually download or test your Apps – rather, we will inspect the metadata which will be utilized and displayed inside the DDU App (and then make a decision on whether to publish submissions).

The General Terms & Conditions for App submissions include -

- By Submitting your apps for inclusion with DDU – **you are granting permission for us to include and display information about your app in our catalog that we extract from Marketplace** (which may include App Icons and other basic metadata such as Title, Description, Pricing, Ratings etc) – **and to publish (and cache) this information onto our server for use by the app (and any subsequent online website we setup for DDU)**.
- Similarly , by submitting your apps - **you are granting permission for information about these apps to be used for additional promotional purposes relating to the Developed Down Under initiative**. This may include promotion of apps on blog posts, twitter, facebook - as well as including + displaying your submitted app's metadata on related screenshots (or marketing material) we create to promote the DDU product itself.
- You must be (or work for) the owner of the Marketplace account which is linked to your submitted app. (ie. you must be authorized to grant the above permissions).

## Legal and Copyright Infringement related Guidelines

The following rules on submissions will be enforced to ensure that we don't get in any trouble for displaying your submissions inside the DDU App.

**Please keep in mind that IP/Content violations could actually result in the DDU App itself being banned from Marketplace (which would ruin it for everyone else).**

Please note that these rules cover the imagery/metadata you have submitted to Marketplace Hub for your App (as we will be sourcing/synchronizing all metadata for display from there). As such we are not as concerned with Patent violations (as we are not running your App inside ours).

Hence the following guidelines must be adhered to in order to be included :

- **Your App Icon must not use any Trademarked Logos, Words or Marks which you do not own** - unless of course you have been given specific permission by owners to do so. As this app will be launched globally – you need to ensure it does not infringe trademarks and IP **in all markets that apps are published to on Windows Marketplace.**
- Similarly, **the title of your App must not contain any Trademarked words (in part or in whole)** unless you have been granted specific permission to do so.
- **Your App should not violate any of the existing Marketplace Rules** – such as including illegal gambling, pornographic content, defamatory content etc (please see the Windows Marketplace Content Submission Guidelines documents if you are not clear what these rules are).

Please Note that if you have been given permission to use any such trademarked content by another owner (for App Icon or Titles) – you will need to ensure that they **have also provided permission** for 3<sup>rd</sup> party apps (like DDU) to display this information in the catalogue.

**If you are unclear of whether your App is complying with Trademark laws or whether any IP is being breached – then it's suggested you either consult a lawyer – or you can search the various Trademark databases around the world.**

Some of these are available at the following links :

AU : <http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/search-for-a-trade-mark/>  
and [http://pericles.ipaustralia.gov.au/atmoss/falcon.application\\_start](http://pericles.ipaustralia.gov.au/atmoss/falcon.application_start) (ATMOSS Search)

US : <http://www.uspto.gov/trademarks/index.jsp>  
and <http://tess2.uspto.gov/bin/gate.exe?f=tess&state=4005:4oh115.1.1>

UK : <http://www.ipo.gov.uk/tm.htm>

NZ : <http://www.iponz.govt.nz/cms>

## Content ‘Fairness’ Guidelines

A core value of this initiative is that we want to ensure a ‘fair shake’ to other developers and allow your apps to be found (which is something we feel is currently lacking on Marketplace). This means we will be actively moderating submissions to eliminate unfair practices - such as app + keyword spamming (which harms other developers by making it harder to locate their apps).

As such – the following rules will be initially put in place (and may be subject to change in future should we feel the need to introduce tighter measures) :-

- **Obvious cases of App Spamming will result in either entries being rejected – or at worst case (for repeat or obvious offenders) we may exclude you altogether.**

The sort of violations we will look for is where your submissions are taking up an unfair share of catalogue space without actually offering significantly different functionality in each. (for example - producing a series of currency converter Apps where each app covers a single currency – or publishing an individual app for each player or team inside a sports competition).

- **App submissions will be initially limited to a maximum of 10 entries (by default).** However, if you wish to include more titles – we will review this on a publisher by publisher basis (which will include checks to see that you are providing unique value to end users by not duplicating apps or spamming).
- Similarly, **Keyword Spamming on Apps will not be tolerated** and will result in apps being rejected or removed from catalog.

(NB: Keyword Spamming refers to the practice of submitting search keywords with an App that obviously have no relation to the product – used by unscrupulous publishers to make their Apps appear in unrelated searches).

## Featured Apps Guidelines

As part of the DDU App – on top of the intended catalogue browsing functionality - we intend to have various additional pages/tabs where submitted Apps are featured (similar to how this is done on existing Marketplace app). Unlike Marketplace (where featured apps are manually selected) - it is intended this will be a completely random selection of Apps from the catalogue (which will change each time App or Page is loaded) – ensuring no-one receives any unfair advantages.

However – to ensure a good end user experience (for those using this App to discover great Australian Apps) – we do want to ensure that a reasonable ‘quality bar’ is met for Apps that can be featured. This is also to ensure that developers who have gone to the extra trouble of producing something useful can be rewarded for their efforts (without competing for visibility with those that haven’t).

Although such a metric is very hard to benchmark (beauty is in the eye of the beholder) - the following initial guidelines will be used to determine what Apps are included or excluded from this featured list (note that Apps not marked as such will still come up in the standard DDU catalogue) :

- **Apps should offer a valid/useful experience to end users.** Apps which simply frame another website, don’t offer any significant functionality (ie. Hello World, ‘I am Rich’ etc) or have major flaws preventing them from working at all – will be excluded from this featured list (and in some extreme cases may not be included at all in catalogue if deemed to be a waste of end users time).
- **Apps which have obviously been created by simply recompiling sample code/starter kits** (without offering any significant new functionality to users) – will also be excluded from this featured list.

\*\* Note : Bloggers (or journalists/media related companies) who have produced an RSS feed of their own content and have used a starter kit – will not be excluded - as we would consider this to include ‘significant content’ directly attributed to your own effort (and hence we would welcome these sort of submissions and would love to have them featured).

- **Apps which are targeted at specific overseas markets** (and not relevant or useful to Australians) – will also be excluded from this featured list. Note that Apps which target a global audience (ie. useful or of interest to everyone) - will of course be included.

## Disclaimer

The DDU app is intended to be a non-profit (free) App and initiative - and is being produced and maintained for free as for the Australian Windows Phone community.

As such – submitting content to our catalogue is done so purely at your own risk – and does not imply that we will be liable for any problems relating to these submissions – nor do we provide any guarantees (or Service Level Agreements) in relation to the DDU product (or online servers) working.