

Internet and IT Expert Witness - Chris Stanbury

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Having spent over 22 years in the computer business (many as a programmer) I have a logical and analytical mind. I am used to evaluating evidence and I can present the facts and my opinions clearly and concisely in written and verbal reports.

About me

Experience

Having been involved in the computer business since 1979 I have experience in many areas so please check whether I can help with your specific case. Recent experience includes the creation of web sites including E-Commerce sites. My company has now produced almost 200 web sites. Most of these are hosted on our own web server and maintained by us. I am familiar with meta tags, keywords and the art of search engine optimisation. I have also been an analyst/programmer since 1979 working mostly in Mapper and Cool ICE. I have many years experience supplying and installing hardware and software including networked systems.

Work History

I started Cravenplan Computers Limited in 1984. Most of our current work relates to the Internet. We specialise in the creation of bespoke web sites, mainly for businesses. Many of these sites link to databases and offer dynamic content dependant on user input. We also specialise in Search Engine Optimisation - the practise of careful submission to Search Engines with a view to gaining the best position within the lists presented to users. We also continue to sell most computer hardware and software, once the mainstay of the business. Bespoke programming was the first area the business was involved in. This also continues to provide work for us.

Prior to forming Cravenplan I worked for Sperry Univac which later merged with Burroughs to become Unisys. It was here that I learnt Mapper, a programmable database language which has been available for over 30 years. It has been continuously developed by Unisys and now incorporates a Web front end (Cool ICE) which we use to provide the database driven web sites we now produce.

In my teens I gained experience running several small businesses and was involved in the entertainment business (running a small radio station), hotels, farming and transport. I have over 30 years experience running my own businesses with all that entails - *I know how you feel.*

I am used to evaluating evidence from both points of view and I can present the facts and my opinions clearly and concisely in written and verbal reports.

Specialisms

Having been involved in the computer business since 1979 I have experience in many areas. As a guideline my experience includes

- The Internet (World Wide Web)
- E-Commerce
- Meta Tags
- Keywords
- Search Engines
- Cool ICE and Mapper

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The following paragraphs are designed to give some help and advice with the often confusing world of IT litigation.

The role of an expert

Contact details

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An Expert Witness is someone who by their experience can offer an opinion on a matter before the court. He or she should be able to present highly technical matters in language which can be easily understood by non experts. The expert must be able to justify his or her professional opinion under cross examination.

The bulk of an expert's work involves written reports. These are often used by the Plaintiff and Defendant to settle the case "out of court".

An expert does not take sides, indeed they are often referred to as an "independent Expert". This is especially important where an expert is acting for both parties (a joint expert). There is an increasing tendency towards mediation - the expert will use his or her experience to try to help the parties reach agreement without resorting to the often expensive legal remedies available. I am happy to work in this capacity.

Things to do - checklist

1. Don't panic
2. Preserve the evidence - save emails, copies of web pages, record times and details of telephone conversations.
3. Decide whether this is a case worth fighting - an expert and a lawyer can be useful at this early stage. Remember it is not a question of right and wrong or morals - you have to be able to prove your case in the court.
4. Re-read the original agreement carefully
5. Is there any common ground between you and your opponent - could you negotiate a settlement, possibly with the assistance of an expert's report.

What is a contract?

A contract does not have to be written down (although it does help prove what was agreed). A contract is an agreement in law between two or more parties to do or to not do something. As a general rule it is not merely breaking the agreement which can lead to legal action. You will normally need to prove a loss. This loss may then be repayable by the person or organisation in breach of the contract. They are also likely to have to pay your costs (these can in many cases far exceed the actual loss involved).

Glossary

- **Expert Witness** - someone who by their experience can offer an opinion on a matter before the court. He or she should be able to present highly technical matters in language which can be easily understood by non experts. The expert must be able to justify his or her professional opinion under cross examination.
- **Joint Expert** - an expert acting for both the Plaintiff and Defendant
- **Plaintiff** - The person or organisation initiating the action
- **Defendant** - The person or organisation defending themselves against the Plaintiff
- **Domain Name** - the address for a web site e.g. www.cravenplan.co.uk - broken down into at least two levels (separated by ".") - the top level domain is the last part of the domain name e.g. .co.uk (a UK based commercial organisation) the previous level is usually used to denote the company or organisation. The www stands for "World Wide Web".
- **Keywords** - Words (and phrases) used in conjunction with Search Engines and Directories to find information on the Internet. It is a popular misconception that keywords are found only from the meta tags at the top of each web page. In fact most Search Engines now ignore these due to frequent abuse. Every word on the page is a potential keyword.
- **Cyber squatting** - the practise of purchasing a domain name which could be expected to be required by another organisation. These are then typically offered at an inflated price to that organisation. Limited protection is available via trademarks. There is generally no protection against a person or individual purchasing a generic domain name e.g. english-weddings.co.uk
- **Meta Tags** - a section at the top of most web pages. Used amongst other things to provide a description and/or keywords to Search Engines and Directories. Now largely ignored due to frequent abuse (such as keyword stuffing).
- **Keyword Stuffing** - also know as Spamming (after the Monty Python sketch). The practise of repeating words or phrases excessively in order to try to gain an advantage with Search Engines. Likely to be counter productive (most Search Engines penalise this practise heavily).

Domains

A Domain Name is the address of a web site e.g. www.cravenplan.co.uk - broken down into at least two levels (separated by ".") - the top level domain is the last part of the domain name e.g. .co.uk (a UK based commercial organisation) the previous level is usually used to denote the company or organisation. The www stands for "World Wide Web".

If you feel someone is using a domain which you have rights to then you may be a victim of

cyber squatting. This is the practise of purchasing a domain name with the intention of offering it to another individual or organisation, often at an inflated price. There is some protection against this practise where your Company or product names are protected by trademark. There is usually no reason why a Company has an automatic right to a domain name. For example a company called "Black Cat Antiques" is likely to have as much right to the domain www.black-cat.com as another company called "Black Cat Classic Cars". In such cases it is a question of first come first served. Make sure you have purchased all the variations of your domains you feel appropriate. The sensible minimum for most companies are the .co.uk and .com versions with and without hyphens. e.g. www.blackcat.com, www.black-cat.com, www.blackcat.co.uk and www.black-cat.co.uk.

Passing off is another matter altogether! If you can show that a company is misleading others into thinking they are dealing with you when they are not, then they may well be guilty of the offence of "passing off". Remember that even in such cases where this is blatant you will still normally need to prove that you have suffered a loss as result of their actions. This may be a financial loss (one sale is sufficient) or perhaps a loss of reputation.

Meta Tags

Meta Tags are present at the top of most web pages. They are used, amongst other things, to provide a description and/or keywords to Search Engines and Directories. They are now largely ignored by the Search Engines due to frequent abuse.

You may find that your competition have inserted your product or company name in the meta tags with a view to poaching some of your customers or potential customers. The best way to tackle this is to contact the offending company and ask them to remove the references to your tradenames. There may, however, be legitimate reasons why your trade names appear on their web site. Perhaps they are making a comparison between your product and theirs. The usual laws of business apply. Can you show they are making any untrue statements. In some cases these could be construed as "malicious falsehoods".

There is much more information regarding the legal implications surrounding meta tags on the excellent SearchEngineWatch web site at

<http://searchenginewatch.com/resources/metasuits.html>

Copied text / images

What can you do if you find a web site with text or images copied from your own site or from your brochures. First, contact the owners of the site, they may be unaware that you own the copyright to the material. Ask them to remove the offending items. If they refuse you will need to be able to prove that you own the copyright.

How can you find out if anyone has copied your work? Take a unique or unusual phrase from your site and do a search for it in a search engine (enclose the phrase in quotes). Choose a comprehensive engine (www.google.com is currently one of the best).

Other legal issues regarding Search engines are discussed on the excellent SearchEngineWatch site at <http://searchenginewatch.com/resources/legal.html>

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FAQs

Is an expert compulsory?

In some cases a judge will insist on an independent expert - in others you may be able to give evidence yourself - bear in mind that this may not be considered as impartial as an independent expert

How effective is an expert?

That depends on the experience of the expert chosen and also on how clearly the nature of the case is conveyed to the expert at and before instruction.

Will you act as a joint expert?

Yes, I am happy to act in this capacity

How much does it cost to employ an expert?

My hourly rate is £168 plus VAT

If funds are limited consider saving money by sharing the cost with your opponent (joint expert)

What areas do you specialise in?

Having been involved in the computer business since 1979 I have experience in many areas so please check. As a guideline my experience includes The Internet (World Wide Web), E-Commerce, Meta Tags, Keywords, Search Engines, Cool ICE and Mapper.

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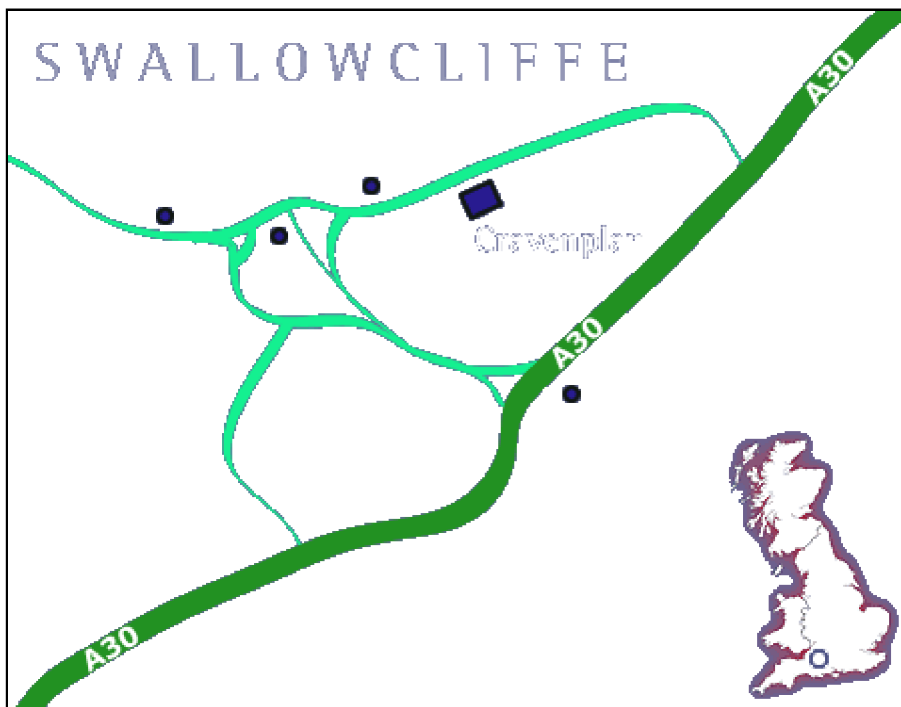
website

www.it-expert-witness.co.uk

pager

In an emergency my office will page me

Directions



From London - M25 to J12, M3 to J8 onto A303 - Stay on A303 until after Stonehenge then 1st left at roundabout onto A360 (for 5 miles) - 2nd right (Wilton) - straight over Wilton roundabout onto A30 - through Fovant - follow A30 for 2 miles then turn right (20 yds after large signpost to Swallowcliffe) - Cravenplan is 1000 metres on left (go past gates and large barn then left down lane and left into forecourt area)

From Oxford & the North - A34 then right onto A303 then follow as from London

From Swindon & the West - M4 to J15 right onto A346 continuing onto A338 then right onto A303 & follow as from London

From Southampton or Portsmouth - M27 to J2 then A36 to Salisbury then onto A30 through Wilton then follow as from London

From Yeovil & the South West - A30 through Shaftesbury - follow A30 for another 8 miles then take third turning on the left which is signposted Swallowcliffe - (if you get to Fovant you've gone too far) - Cravenplan is 1000 metres on left (go past gates and large barn then left down lane and left into forecourt area)

By Train - Nearest British Rail station is Tisbury - call us from there and we'll pick you up

Latitude 51.04383° North **Longitude** 2.04270° West
OS Grid Ref ST 97007 27224

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