

Business Bullet ~
Your Website Legal Issues Check List

Every business needs a website today, to have a presence online, as more of us are looking online for products and services. While you may spend a considerable amount of time making your website user-friendly or improving your visibility and reach, you may not give much thought to some common legal issues that arise online. It is important to review your site for potential intellectual property issues, ownership of content and liability. This checklist will help you get started. If you have any legal questions, contact your legal advisor.

1—Domain Name—You cannot buy a domain name outright, but you can register a domain, for a period no greater than 10 years at a time, with the option to renew. It is important to register your own domain name. Allowing someone else to register your domain gives away all of the control over that name. Another owner could sell the domain or hold it hostage during a dispute. (Another way to do this is to use a reputable domain name provider who can provide that service, while protecting the name.)

2—Trademarks—Registering a domain name does not grant you the right to infringe on a trademark. For example, even if you could register the domain www.pepsi.com, use of that domain would constitute trademark infringement and subject your company to civil liability. While that particular example is easily avoidable, with so many businesses and websites, unintentional infringement does occur. If you believe someone is infringing on your trademark, or you receive notice that you are infringing on the trademark of another business, call your legal advisor

3—Copyright Protection—Never post someone else's content to your site without express written permission. Take your own pictures, purchase the rights to stock photographs or obtain the rights to images from a photographer. Your website text or other content should also be original. If you hire someone to develop your website, make sure your agreement with them grants you the rights to any content they provide. Learn more by talking to your legal adviser. Many times we do use some content that originates from someone else, and if we 'source' that content, giving the person the credit, then also be sure that person has given you the right to do that.

4—Ownership—Many websites are physically located on servers belonging to a web hosting company. There are now many options that provide do-it-yourself web design and hosting. Carefully read user agreements and terms of service to make sure you understand exactly who owns the design and content of your website. Can you move your site to another host? If you do not own the site design, you may be forced to start from scratch if you decide to move it elsewhere.

5—FTC Compliance—The Federal Trade Commission (FTC) sets rules to prevent fraud, deceptive advertising and anti-competitive business practices. It is important to never make claims about a product that are untrue or unsubstantiated. To learn more, either contact your legal advisor or go to the FTC website. www.ftc.gov/

6—Privacy & Security—You are responsible for protecting personal and financial information gathered from customers via your website. There are a number of businesses that can provide a secure environment for accepting online payments. Make sure your site is secure and that you are compliant with payment card industry standards.

7—Monitoring Visitor Content—If you allow visitors to your website to add comments or content, it is important to monitor for obscenity, inflammatory, defamatory or discriminatory material. In addition to potential criminal liability such information can greatly damage your reputation.

8—Disclaimers—The type of disclaimer needed for your website depends greatly on your business and the content and functions of your site. Talk to your legal advisor about what type of disclaimer language would be useful on your website.

Information Provided by [LegalShield](#).

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