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Terms of Use Policies

Many web sites have what is called a "terms of use" (or something similarly called) page that sets out the ways that information on the site can be used and what can happen if the terms are not followed. These are in place so that the web site's owner can be sure that the information is used only where it is allowed, and it helps keep others from offending or abusing others with the web site's information. The terms are an electronic contract that is entered into by signing on to a web site, or sometimes, by merely using the site's services. Terms of use should be clear and accurate to keep users aware of what they are agreeing to by using the site's services.

Looking at a big web site's terms of use can help show examples of how to set them up. We'll look at a website that everyone is aware of: Google. Google's terms of service cover various areas such as the following: user's relationship with Google, accepting the terms, provision of the services, account security, privacy, proprietary rights, license from each party, software updates, limitation of liability, warranties, copyrights, and even how to end "your relationship with Google." It states that simply by using the web services that Google provides, the user is accepting the terms that are stipulated in the terms of service. Some ways that Google has tried to help keep itself at limited responsibility for the actions and means of others is through an exculpatory clause that states that the licensors of Google are not liable for any damages such as lost profit, lost data, or loss of "other intangible loss." Copyrights and trademarks are protected

in the terms of service, along with a clause that says that any links to content on other pages is not Google's information, and they cannot be held responsible for such information ("Google Terms..." 1).

If a web site does not provide a service, does not collect money, or does not gather personal information, a terms of use page is often not necessary except for small things such as copyright information and such, but that is also implied, as anything that is published to the internet automatically has a copyright regardless of the purpose of the web site. Some people want to be especially sure that they are not liable for how others use the information on their page, and thus would want a terms of use page just to be safe. Some of these people also hire lawyers to be sure that all the bases are covered when forming this page. While this is a good way to keep from being sued for something trivial that was caused by your site, there are better ways to go about it. A person can quite easily cover most of what needs to be shown in the terms of use by simple common sense. Looking at examples on other sites can show you the basic outline of this page, and will help you so that you get most of what you need in the page ("Including Terms..." 1).

Agreements on web sites are binding, though many people believe that they are not so. As long as they are spelled out and in an obvious place on a site, they form a contractual obligation to anyone who uses the site. The site's agreement terms can offer remedies to the web site if the terms in the web site are not followed. The agreement might also spell out the venue for any litigation that may arise, thus causing others to travel if they want to bring a suit against the company. If people in other countries may be using the site, it is important that international laws are also followed. This increased risk is important to understand and provide a means to help keep things in order. Another problem that may arise is people under the age of 18.

Contracts made by minors are voidable if the minor determines that they should be. Thus, many sites use ways to be sure that the person entering into the contract is over 18("You're at Risk!" 1).

When coming up with the terms of use for a site, it is important to set forth who can use the site and permitted uses. There are regulations from the FTC on what information can be collected from minors, so be sure that they have the parent as a cosigner in case there are questions brought up. You need to have a statement that states that all information provided must be truthful, and set forth remedies in case someone does not comply. Some people make sure to add that users are not allowed to copy material from the site, break into the site, or use the products or services provided by the site in illegal ways. Another important thing to include is that any information provided to the site then gives the site license to that information. These allow you to control what goes into the site, what is taken from it, and who uses it (1).

If goods are provided by the web site, there needs to be a statement of purchase policies so that the user knows what they are agreeing to when buying the goods. Warranties, shipping, returns and allowances, and others are important things for users to understand before they make any purchases.

Users often need to agree that the company has limited liability for damages of any kind that are come about because of use of the site. Errors on the site, viruses, broken links, third party links, third party risks, and purchase or service use are all variables that sometimes cannot be controlled by the company, and therefore need to be covered in the terms of use to keep the company from being held liable for others' mistakes ("Terms of Use..." 1).

Disclaimers are often found in the terms of use on a site. This just let's people know that the company will not be held liable for all the many different things that could go wrong. The world isn't perfect; the World Wide Web isn't perfect, and thus, things are very likely to go

wrong. Disclaimers just keep the company from having to be liable for something that isn't under their control. Indemnification is also often included in agreement terms; indemnification is defined as "Financial protection provided by a corporation to its directors, officers, and employees against expenses and liabilities incurred by them in lawsuits alleging that they breached some duty in their service to or on behalf of the corporation." Users of a site cannot hold the individuals accountable for those actions by a company and are not held liable ("Business Glossary" 1).

In conclusion, a web site's terms and conditions of use are important for most web sites in order to keep the company from being held liable for the user's actions. Disclaimers to information provided on a website or third parties, limitations on use, errors and corrections, warranties, privacy policies, remedies, governing law, intellectual property, and other miscellaneous items are important to cover if you want to be completely safe. Noncommercial sites, however, do not usually have problems with suits being brought against them, but that doesn't decrease the importance of terms and conditions of use.

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