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YOUR COMPANY CREATED A WEBSITE: NOW WHAT?

More and more businesses are increasing their online presence, whether for advertising, community outreach, or e-commerce. While a well-designed website can bring many benefits to your company, it's important to stay protected online. At a minimum, company websites should have policies covering the website's terms of use, the company's privacy policy, and, if your company uses its website for e-commerce, terms of sale. While these policies might not be as exciting as the visual and interactive components of your company's online presence, they lay important legal groundwork for the relationship between the company, its users, and its customers.

Terms of Use

A terms of use sets the ground rules that people agree to when visiting a website. They generally cover every aspect of the relationship between a user visiting the website and the website's owner, including account creation, permitted uses, and prohibited uses. A carefully crafted terms of use not only sets expectations for the users of your company's website, but also serves as an important tool for limiting potential liability. For example, the terms of use may contain specific representations and warranties on the part of the user and express limitations of liability on the part of the website's owner. Because a website can be viewed anywhere in the world, it is also vitally important that a website's terms of use specify whether the law of a certain state will apply to any disputes, and terms of use often include venue and arbitration provisions that control when and where any actions may be brought against a website's owner.

Privacy Policy

Websites provide data about their users, and a privacy policy dictates how that data will be collected, managed, stored, and used. Users may volunteer personal information like names and addresses during account creation, and certain other data such as a user's IP address and web browser, and the pages viewed on the company's website, may be collected automatically. A privacy policy sets rules for when the website will collect data, what kind of data it will collect and the method of collection, and whether the website may disclose that data to other firms or affiliates. Setting clear rules about the collection and disclosure of user information not only allows users to make informed decisions related to their personal information, but also protects a website's owner and makes compliance with various federal and state privacy and consumer protection laws simpler.

Terms of Sale

E-commerce has allowed for retailers to grow exponentially without increasing their brick and mortar footprints, and well-crafted terms of sale are vital to protecting that growth. A website's terms of sale serve as the contract for goods and services provided through the site, and well-crafted terms provide important protections for sellers. A typical terms of sale agreement covers prices listed on the website, shipping and return policies, and any warranties that the seller might include with purchases. In the event that a customer is unhappy with their purchase, the terms of sale also provide the governing law for any disputes, as well as the method of dispute resolution.

JAH Can Help

These terms and policies are legally binding agreements between a website's owners and users, and therefore they should be carefully drafted to protect your company's interests. Our **corporate attorneys** are experienced in these matters and will navigate these and other complicated legal concepts so that you don't have to. Click **here** to contact a member of our **Corporate Group** if you are in need of assistance.

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