Am I Doing The Right Legal Things With My Website?

Your website can be a huge benefit for your company. It can give great exposure and connect you with potentially millions of possible customers. That same exposure magnifies your online risk. It is important to protect yourself from that risk in a way that scales with the exposure.

Here are some tools for protecting you and your website:

- Terms of Use
- Privacy Policy
- DMCA Notice
- Copyright, Patent, & Trademark Notices
- URL Aggregation

1. Terms of Use

This gives people notice of the "rules" of your website and generally requires them to either agree to those rules or go away and not use your website. You want to clearly identify who the owner of the website is in the terms of use, since that is who will get protected by the Terms of Use. There are lots of different terms that you might include and sometimes the best way to sort out what you want to include is to look at the terms of use of websites that offer similar functionality to your website.

Generally, you want to include details about ownership of intellectual property and any license to that that you offer, limitations on liability, disclaimers, and how users should conduct themselves and what happens if they do not (especially important if you have a forum or some way for people to post information on your website). You want to keep control of your website and how people use it and having a terms of use sets things to your advantage. Imagine not being able to legally terminate a user account that you wanted terminated for good reason, because you never had a terms of use! You may also include a privacy policy or at least reference that you have one and provide a link to it.

2. Privacy Policy

This gives people notice of how and when you take away their privacy so that they can't complain about it later. The internet is full of situations where people trade their privacy for something and your website will probably be one of those places. If you are running business, you will want to collect various bits of information from people who visit your website, at least including traffic information so you can optimize how well it works.

You might also collect personal information from prospects/customers/users for various purposes. Think about what you are collecting and then be sure to describe it in your policy. Think about what you might collect in the future, and describe that, too. Some states have some far reaching statutes relating to online privacy, so it is really important to have a good privacy policy.

3. DMCA Notice

DMCA stands for the Digital Millenium Copyright Act. That law included a lot of different provisions, but one of them is particularly useful in protecting website owners from copyright lawsuits for copyright infringements by users of the website who are not the owners. For example, if you have a forum on your website or a guest blogger and they upload an image that they stole from somewhere, you are on the hook for that copyright violation UNLESS you have a DMCA notice posted on your website and you follow the procedure outlined in that notice.

Therefore, if you have an interactive website, or you have third parties post things on your website, then you DEFINITELY want a DMCA notice to be part of your website. Tons of websites have these, especially social media websites, and they usually have a DMCA link on their main/home page. Look around for examples if this applies to you.

4. Copyright, Patent, & Trademark Notices

In my experience, many people who steal things off the internet think it is ok to do so as long as there was not a copyright or trademark notice next to what they stole. They are wrong, it is not ok. However, that means that people are more likely to steal your stuff online if you don't have the proper notices on the website. So – have them, right?

The copyright notice is there to protect your images and content. The trademark notice is there to protect your brand/logo/name. Patent notices are there to protect your technology. If you look at

the most popular websites on the web, they all have a healthy collection of at least copyright and trademark notices.

5. URL Aggregation

This is a cool trick to avoid problems with copycats and to maximize your traffic but catching the people that spill through the cracks. You do this by getting multiple URLS and then having them all redirect to your main URL.

For example, if the name of my company was XYZCorp and my website was XYZCorp.com, then I might register variations on that and have them all redirect to my main website. I might get:

- common misspellings/typo versions like XYZCrop.com, YXZCorp.com, XXZCorp.com, and XYZCorporation.com.
- versions with different endings (top level domains) like XYZCorp.us, XYZCorp.biz, XYZCorp.org.
- some of the expected side-domains like XYZCorpSucks.com and XYZCorpScam.com.

The idea is that a percentage of traffic that you should have control over will not come to your main domain, and if you can channel it there, that is great.