

Ask the Expert

Q. As our company continues to develop sales through our website, what are some of the legal issues that we should be aware of?

A. While there are a number of legal issues to consider, there are three legal issues that businesses need to be especially mindful of:

Website Terms and Conditions

The consensus among those courts that have considered enforceability of terms and conditions posted on websites is that if businesses want their website terms and conditions enforced by courts, they need to take steps to make sure that those terms and conditions are prominently presented to customers and that customers take affirmative action to agree to those terms. If your company's current website does not require users to "check the box" to agree to your terms and conditions either at the time the user enters the website or as part of the checkout process (the more common method), consider making the addition of this functionality a top priority.

Maintaining Customer Privacy

While the federal government has yet to enact legislation that sets ground rules for maintaining data privacy, a number of states have adopted laws to address this issue. Moreover, the Federal Trade Commission is increasing prosecution of businesses that do not abide by their own data privacy policies. Having a clear understanding of the state laws and federal regulations on data privacy should be a priority for any business collecting consumer data.



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Sponsored Advertisements

Litigation under theories of trademark infringement and deceptive trade practices continues over businesses that purchase competitors' names as keywords from Google AdWords for the purpose of displaying their own sponsored advertisements at the top of the search results list. Using a competitor's name even in "hidden" ways can have legal consequences and should be avoided.

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