

## Terms of Use

Terms of Use is defined as the rules for using the site and any of its services as set by the owner or operator of the website. Generally this document deals with the restrictions of usage and the rules concerning copyright. The policies that go into the “Terms of Use” section of your website are very important. A moderator of an online form stated, “You can write all you want about what people can and can't do, but if what you write is not legally accurate, it is void. In fact, you can void your whole contract if this arises and your wording is not proper.” This moderator stressed the importance of first and foremost writing your “Terms of Use” section clearly and completely in compliance with the law.

As with any legal document clear concise writing is the first requirement. As stated above if even part of the policy is not written correctly then you run the risk of having the entire policy not valid. It is recommended if you are running a business and selling products online that you consult a lawyer on compiling a terms of use document. This is done to make sure that your terms of use policy is worded correctly and legally airtight.

The next step is to define the topics that need to be covered in your terms and conditions policy. Usually these sections are: liability disclaimers, terms of use, billing terms, privacy policies, copyright notifications and prohibited use. The sections are not limited to these and not all of these sections are required. These are just the usual sections. Next write an outline or the basics you need for each of these sections.

In the liability disclaimers section you usually want to take the liability from your site and shift it to the consumer. You want to state clearly what you are responsible for and what

the user is responsible for. Stating also what you are not responsible for, which is usually what the user is responsible for but not always, can limit your liability. In short you want to say that anything that happens to the user on your site is not your fault and you cannot be held responsible.

The actual terms of use section is where you want to tell the user the general rules of the site. State that by entering the website that they agree to terms set forth in this policy. The rules would cover how the website is generally used and the intended purpose of the site. Defining what the site is and how it is to be used is key for defining the prohibited uses of the site. Using the site in other purposes other than what it is intended for can cause harm and having the purpose clearly defined can help limit your liability in that event.

When running an ecommerce site presents a different kind of situation because it deals with the transaction of goods and services for money. Collecting money always presents new legal issues that must be carefully looked at. When accepting money for goods or services you agree to provide those goods or services in a certain condition for a certain amount of money. Along with the conditions of providing a good or service at a certain level of quality there is the issue of the additional personal information required. The privacy policy would be primarily responsible for covering the details on what personal information is collected for billing and why. The terms and conditions policy needs to cover how the transaction is processed and the types of acceptable transactions. It is important to mention all the different types of payments accepted and the security measures involved with each one. If you are using a third party company for financial transaction you should link over to their terms and conditions to provide

your users with that company's policies. To be safe consult a lawyer about proper procedures on this section.

Copyright statements can be very important in protecting your own intellectual property as well as your users. The graphics and content of your site if you chose can be protected by your copyright statement. For example if you are displaying or selling artwork or documents you would want those images or content protected from copying. If users are allowed to post content you would want to state what can be done with the information posted by other users. If you claim all rights to any content posted on your site voluntarily by the author or owner then you would have to state that in this section of your terms and conditions policy.

Stating restrictions on how your site is to be used can entitle you for reparations for misuse of your site. For example if your website offers a text messaging service to cell phones a restriction might be the total number of texts allowed to a single phone within a certain period of time and the reparations for violating those terms. If misuses are clearly stated people that might be effected by those misuses will not be able to directly come after you but may rather go after the offender instead.

After making the general plan for the sections, as we did above, you should visit other sites to get ideas for a template for your terms of use page. Most websites will have a link to theirs on the bottom of their webpage. Looking at a few of these for sites that might be similar to yours can give you a good idea of what you might need or want in your own policy. From those policies from other sites you can borrow and modify the parts you want for your own.

You might find one section that fits closely with billing section and you can modify it for use in your own site. You might even get ideas that are not in those policies; however, you do need to be careful with what you use from those policies. Just because one site uses that policy does not mean that it is accurate or even legal. It is extremely important to read with caution and to not use any statement without thinking about it and reviewing it first.

After outlining, borrowing, and then modifying it is time to start complying the sections. Add special cases as they apply to your business or site and remove extra wording. This has to be done for each section. When the sections are done read over them and remove redundancies and cover any information looked over. In addition any other sections as needed by your site should be added. They can be added following the same process as outlined in this paper.

A few other issues that need to be covered in your terms of use page should be how modification of the terms and conditions, contact information for questions, cancelation of the policy, and violations of the terms and conditions policy. These sections are normally extremely common for a wide range of sites. Most sites state that the terms and conditions are subject to change and how users are informed when they change. The violations of the terms and conditions policy is a sensitive section and if your site needs harsh punishments for violations it would require the aid of a lawyer trained on those matters.

## Works Sited

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