

Legal issues and websites

There are many legal issues which businesses need to consider when setting up a website, whether this is a fully interactive e-commerce site or even just a promotional statement.

The main areas which may be relevant are:

Website design and development

Unless you have the skills and resources to do it yourself you will need to engage the services of a programmer and/or graphic designer or a company which will manage the whole design and development project. Your agreement with such a company should cover:

- ▶ A detailed functional and performance specification to meet your needs
- ▶ A timetable for the project including key milestones
- ▶ Payment mechanisms
- ▶ Ownership of intellectual property rights in the design of the web pages and underlying software
- ▶ Ongoing maintenance and support

Website content licences

Unless the content of the site is owned by the website owner it is likely that some text, photographs audiovisual material or other software is owned by third parties. As such, licences will be needed to lawfully use this content to address the following key issues amongst others:

- ▶ What content is to be licensed and whether this includes updates
- ▶ Where the content is to be placed eg above or below the fold
- ▶ Whether licences are to be exclusive
- ▶ Liability for the content
- ▶ Payment and licence term

Website terms and conditions

It is advisable for a website owner to have terms and conditions dealing with access to and use of its site. These can protect the unauthorised reproduction of materials from the site or unauthorised linking to the site and restrict potential liabilities to visitors to the site.

Website Linking Licences

These can be very useful when website owners want to regulate how their sites are linked to others so that third parties don't take unfair advantage of the link and their business reputation doesn't suffer from it

Selling Online

If you sell online you will need to include conditions of sale in the website and if selling to consumers those conditions will need to comply with the new consumer rights legislation which give consumers (among other things) rights to cancel and now include new obligations in connection with the sale of digital content. You will also need to have in place arrangements with PayPal or other payment medium and understand the terms of those arrangements.

Data Protection and Cookies

If the website can be used to collect personal data (even if only someone's email address or other contact details) you should include a privacy policy and ensure you are registered under the Data Protection Act. It is now also necessary to include a statement about cookies and get the website user's consent to your use of cookies. Information about data protection and cookies can be found at ico.org.uk.

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