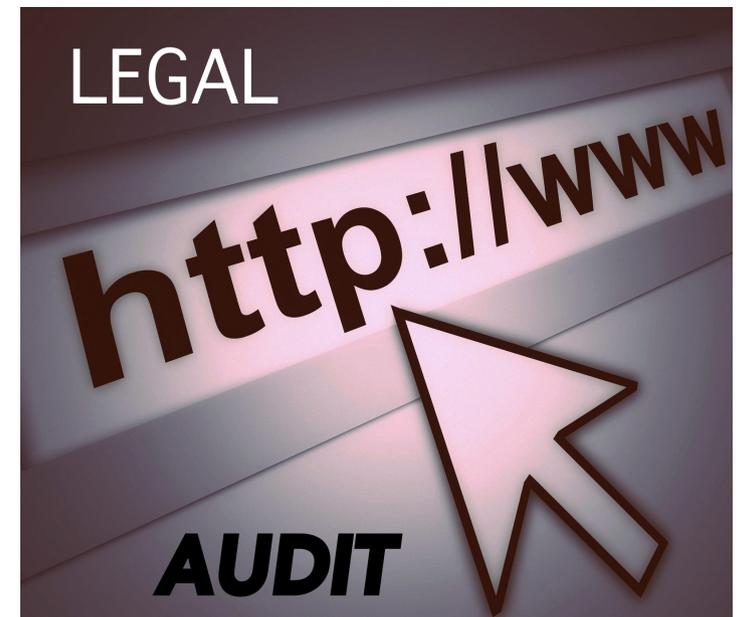


LEGAL AUDIT OF YOUR WEBSITE



Authors



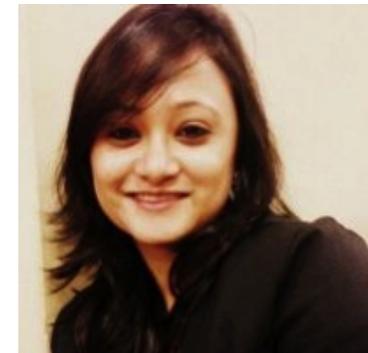
Ideas Technology Business

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Introduction

- Constantly Changing Internet Law
- Website should comply with Legal Regulations
- Important Components: Terms and Conditions, Privacy Policy, Legal Disclaimer
- Regular Legal Audit:
 - (a) Prevents Potential Litigation
 - (b) Protects your Intellectual Property(IP)

“Ever changing Internet law”

With the ever changing advent of Internet law, it is very crucial to ensure the legal compliance of a website and get it audited from an internet lawyer. Various components of a website, including, Terms and Conditions, Privacy Policy and Legal Disclaimer, should be in compliance with the recent legal regulations. Regular legal audit of the website ensures that potential litigation is avoided and your intellectual property is duly protected.

Definition

- Legal Review of the Website
- Analysis of Potential Legal Issues
- Performed by **Internet Lawyer**
- Analysis of Content of Website
- Analysis of Services offered by Website

Definition

“Website Related Legal Issues”

A legal review of a website by an internet lawyer to analyze potential legal issues associated with the website may be defined as Website Legal Audit. As a general practice, the website legal audit begins by analyzing and distinguishing the content hosted on the website and services provided by the website.

Website Disclosure

- Terms of Use
- Legal Terms
- Terms of Services
- Define relationship between owner and visitor
- Owner's authority to Disclose Appropriate Terms

“Website Owner Is Solely Authoritative”

Websites generally have a uniform conduct for the visitors many a times called “Terms of Use”, “Legal Terms” or “Terms of Services”, these are the sections used for defining the explanation and relationship between the owner of the website and visitor. A website owner is solely authoritative for having the appropriate terms to use the website.

Intellectual Property Issues

Copyrights

- Common Infringement of Intellectual Property Rights: “Copying and Pasting”
- Data and Information should be properly licensed
- General Methods to obtain content:
 - (a) Creating Original Content
 - (b) Using already published content with Permission
 - (c) Using the content without permission (copying)

Intellectual Property Issues

Copyrights

“Data and Information should be Properly Licensed”

The most common infringement of intellectual property rights on internet is by “Copying and Pasting”. If the data is not copyrighted it is a public realm, these are the assumptions violating the website operator. So the owners should be sure enough that all their data and information should be properly licensed from the respective owners. A copyright is not competent to claim the image, specified licenses are also required.

“Content Used Without Permission: Copying”

The three basic methods to obtain content for the site are:

- (a) The content can be created by the owners.
- (b) They can use already published content with the permission of the author
- (c) They can use the content without permission as well but that obviously be termed as ‘copying’.

- Advertising regulated by various laws
- Owner should review advertisements
- False advertisement can lead to legal liability
- Guidelines should be written and include all legal requirements

“False Advertisements = Legal Liability”

In most of the countries, the advertising is regulated by various Federal / Central and State / Local laws. The owner of the website should review all the guidelines for the advertisement to be announced. Any false advertisement can lead to legal liability. The guidelines should be in a written form which consists of all legal requirements as required by various national and international laws.

Advantages

- Assessment of Website's Legal Liability
- Compliance with Laws
- Preventing breach of Laws
- Preventing Third Party Infringement

“Full Legal Compliance”

A thorough legal audit of a website includes, assessment of the full extent of website’s legal liability, legal analysis to ensure that the website is in compliance with various legal regulations as specified by major jurisdictions, (US, UK & EU) and international Internet laws, and determining the necessary terms, disclaimers, policies, procedures and measures to prevent expensive litigation. Thus, website legal audit provides multiple advantages: detecting whether the website is breaching any laws and detecting whether the website is infringing any third party rights.

Checklist

(a) **Incorporation of “I Accept” Button:** One of the best ways to make the terms accessible to users is by incorporating a click-through “I Accept” or “I Agree” button, which must be completed before the visitor can access the website.

(b) **Define the Scope:** It is always beneficial to assert the website owner’s rights (including IP rights) and define what all users can do and cannot do.

Checklist

(c) **Jurisdiction and Applicable Laws:** With a view to avoid any confusion, always specify the jurisdiction(s) that will be applicable along with relevant laws.

(d) **Collection of Information:** Always explicitly state what all information will be collected, how it will be collected and for what purposes it will be collected.

Checklist

(e) **Legal Disclaimer:** Always include a legal disclaimer to dissolve the liability for the content and performance of the website.

(f) **Viruses:** The terms should clearly prevent the introduction of viruses and should dissolve any liability on the part of the website owner if anything from the website infects the visitor's computer.

Checklist

(g) **Cookies:** Always ensure that Cookies, which are used to identify a user's preferences, cannot be stored on a user's computer without informing the user and without obtaining the consent of the user.

(h) **Storing Personal Information:** It should be clearly stated to the user (in case his personal information will be stored) that where the personal information will be stored, i.e. either locally, or over cloud in another jurisdiction.

Thank you

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