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### **Terms of Use**

With the advent of the internet the world has seen a new information age. People constantly communicate and share information over a network that allows them to copy just about any file, code, or picture digitally. Because of this burst in communication technology, conflicts appear everywhere over issues such as copyright, privacy law, and intellectual property rights. Such controversy and conflict could be better avoided with a proper Terms of Use Policy.

What is a Terms of Use Policy? Blaine Robertson defines a Terms of Use policy as a disclaimer that “describes the legal or acceptable use of intellectual property or services owned by the provider.” (Robertson). Wikipedia also defines a Terms of Use to be “rules set up by the owner of an intellectual property or service to govern how they may be legally used” (Wikipedia). Essentially, a Terms of Use sets up what may or may not be done to a creator’s content on a particular website. For example, a written work published online may state that the content may not be redistributed via e-mail or any other means. Such a disclaimer comes in handy in possible copyright infringement or defamatory usage of an owner’s website content in legal cases. This is because a Terms of Use is considered a contract agreement between the user and the website. While such

a contract may not actually be signed by the user, the Terms of Use is still considered a consensual agreement.

Why do websites need a Terms of Use Agreement? The number one reason is simply to protect the company or agency. People in today's world think little of ripping something off of the internet. The younger generation often displays an attitude that everything on the internet is free and fair game. Thus peer to peer music downloading and plagiarism in schools is a widespread problem. However, copyright infringement is not restricted to individuals. Companies lose millions each year to people and other companies who abuse content carefully compiled and researched. Hours and hours of work costing thousands can be copied and mass distributed when it is ripped and put on another webpage costing millions in lost revenues. While people may not concern themselves with laws and regulations, having a Terms of Use Agreement can be a great asset in making a stand in legal cases. Most people's lack of respect for copyright comes from misunderstanding fair use doctrine, copyright laws, intellectual property laws, and most often, the apparent lack of enforcement. Users should know just where the limits are with regards to website content. Providing a Terms of Use Agreement clearly outlines to the user what they can or cannot do to make them better aware of the consequences of violating that agreement.

So what should be in a Terms of Use Agreement? Basically, a Terms of Use Agreement contains different sections which generally should include a copyright statement, a privacy policy, a security policy, an acceptable use policy, and a legal jurisdiction statement (Robertson). A copyright statement protects the content on the page. A privacy policy outlines how information exchanged between the user and

website may be used. A security policy states what type of security the website employs to ensure that this information exchanges is safe from abuse. An acceptable use policy generally outlines parameters to how the site may be used and what the site will provide the user. When used together, these sections of a Terms of Use Agreement protect and benefit both the website and the user.

Other things to consider while implementing a website include a permission statement and statement which establishes the site as not being within public domain. Elena Petrova suggests stating directly that content can only be contemplated only with the “explicit written permission” of the author (Petrova). While oral permission can be a legal way of reproducing work, written consent will better protect a website’s copyrighted content in a lawsuit if conflict appears (Nolo). Petrova also suggests adding a statement which establishes that the website “should not be considered” public domain to the privacy policy to better protect information (Petrova). Clearly and carefully wording a Terms of Use Agreement will better ensure users understand the conditions of using your website. Wordy legal terms might confuse many users who simply skip over long-winded pages of information. While they are still held under that contract, using simple terms that enables more people to understand will more quickly label the users who violate your agreement willingly.

Due to the nature of the internet, regulation is harder to create and enforce. Thus agencies may write their own Terms of Use. Agencies with websites should display a link to the Terms of Use Agreement clearly stating that the entire website is governed by this binding agreement on important pages, if not all pages. To avoid loopholes, consulting a knowledgeable attorney may be the best option for online businesses.

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