

TUTORIALS Website Legal Requirements:

Nine Rules to Keep You out of Trouble Virginia Walker

1 January 2020 It does not take much these days to start your own website. In just a few simple steps, and without ever learning a single word of code, you can use intuitive website builders to help you set up your online real estate within minutes. But creating a site comes with rules and regulations. Do you know your rights under copyright law? How about your responsibilities towards preventing plagiarism? And do you know all the vast website legal requirements under information security and cyber law? **Basic Rules Related to Website Legal Requirements** If you get caught breaking any of the rules around web ownership, you could be in big trouble. Make sure you know all the website's legal requirements before you get started. Here are nine rules web designers should follow to avoid a lawsuit or hefty fine.

1. Minimize the Risk of User-Generated Content In today's digital world, user-generated content is king. It can add new levels of engagement, credibility, and authority to almost any website. While you may decide to take advantage of it, hosting content that is created by others also opens you up to a myriad of risks. For instance, who owns the content once it is published on your site? What if the content is not original, or what if it is defamatory? Gossip sites are just one of the many categories of sites that have come under increasing fire – and legal prosecution – lately due to allegedly unlawful content. Preventing plagiarism may not be fully possible, but there are steps you can take to reduce the risk as a website owner or hosting user-generated content. Start with developing clear and simple Terms and Conditions that are displayed prominently at the point where your visitors will be uploading their content. This is where you can cover your bases and outline your website legal requirements right up front. For instance, make sure the terms clearly forbid the use of any defamatory language in the content. You should also get users' express consent of the right to display the content.

2. Obtain the Necessary Licenses for Content Depending on the type of content you are displaying on your website; you may be required to apply for certain licenses. This is an important step towards preventing plagiarism and acknowledging others for their work. For instance, if you are using photos in your web design, you may need to license that image from the supplier – that is, get their permission to feature it on your site. Even then, it is important to be aware that you may not be the only one to whom that photo has been licensed. Nor does a license mean you can use the photo however you like. When investing in licenses, make sure you read the fine print on any agreement between you and the supplier. Be clear on what you can use the content for, and on what terms. As you start to do your research, you may come across certain licenses that require you to pay for use of the content, while others are royalty-free, or do not require you to pay. But even royalty-free licenses can have strict terms about purpose and frequency of usage. As part of your website legal requirements, it is critical to understand what kind of licenses are required before publishing any content.

3. Follow the Exception of Fair Use The safest way to stay out of trouble when it comes to copyright law is to simply assume that everything you are using is protected. Remove any content that may be unauthorized and investigate it. Always seek permission from the source if you have any doubt. That should ensure your website is always compliant with the law. Occasionally, however, there will be times when you can use copyrighted content except for fair use. Where content benefits the public, you may have the green light to publish it straight off the bat. Beware, however, that there are still limits – four to be exact. Content is deemed fair to use

if, broadly, its purpose is educational or scholarly in nature, if it is fact-based or publicly available, if you are only using a small piece of it, and if you could not have purchased or licensed it. The consequences for violation of the fair use exception can be hefty fines, so make sure you try to avoid that at all costs.

4. Act Quickly When You Suspect the Law Has Been Violated Every website owner should know their website legal requirements under copyright law. Understanding the Digital Millennium Copyright Act is a good place to start. It is the U.S. law that ensures international copyright standards, as outlined by the World Intellectual Property Organization, are maintained. The copyright law generally limits the liability of a website owner for copyright infringement committed through any of its user-generated content, provided they respond quickly and as needed once notified to remove the content. The Communications Decency Act (1996) can also shield website owners from being held liable for content that their users publish on their sites. Being the platform, rather than the publisher, makes a big difference. Still, there are limits. Acting quickly to comply with the law in the face of any suspected legal violations will help you minimize your liability in the end.

5. Prepare Yourself if You Get Hacked Creating secure passwords or two-step authentications are not the only steps you can take to protect your site from being illegally accessed by outside parties. Any website, no matter how big or small, is vulnerable to being hacked, and that means losing control of your content and potentially exposing your client's confidential data. Whether it is through vulnerabilities in your site's access or software or the result of malware in third-party integrations, hacking is becoming more and more commonplace. Especially as terrorists increasingly turn to the digital world to carry out their attacks, hacking is often the weapon of choice. Depending on what they post, for instance, if they upload defamatory content on your site, you could be held liable. The dangers of getting hacked go beyond simply losing control over your content. If hackers can access confidential information about any of your clients or customers, you could also be held liable. That is where information security and cyber law come in. And, in some states like California, companies are required to notify individuals if a security breach has put their private information at risk. That could become very costly, very quickly. Fortunately, cyber liability insurance is increasingly being offered to cover this kind of data breach. From notifying your clients to paying fines, to covering the costs of any interruption to your business, insurance could be your best friend in the event of a hack. Whatever your preventative measures are, if your website is hacked, you will want to recover it as quickly as possible.

6. Make Sure Your Website Has a Privacy Policy Every website should have a privacy policy – a clear disclosure of how you will be using any data that you collect. You should have one not just because it is part of the website legal requirements in most countries today, but because it helps to build trust among your clients. Even if you are just collecting people's names or email addresses, rather than their credit card numbers, reassuring them that their data will be kept private will give them the confidence they need to keep coming back to your site. These days, most countries have strict rules in their information security and cyber law, which include guidelines around privacy. In the U.S., there is not one law that outlines the specific requirement for a privacy policy, but there are several federal laws, such as the Computer Security Act (1997) and Children's Internet Protection Act (2001), that together suggest you should have one. There are also state laws that take these website legal requirements one step further. In California, for instance, the California Online Privacy Protection Act requires that any owner of a commercial website or online service that collects information that can personally identify someone residing

in California must post their privacy policy somewhere clearly visible on their site. Play it safe and consult your state laws to see what is legally required for your site.

7. Follow the Rules for Selling Things Online If part of your website involves e-commerce, knowing the website legal requirements for selling online will help you not only save time and money, but also any potential legal hassles. It is important to have a solid understanding of consumer protection laws and e-commerce regulations in the United States. For instance, your contact details must be readily available for customers should they wish to reach you. Your prices and whether they include tax should be plainly stated. Your refund and cancellation policy should also be clearly visible at the point of purchase. These are just a few of the many guidelines that exist when selling things through your website. Making sure you follow them all from the beginning will help you avoid any legal troubles in the end.

8. Know Your Software Rights Every website is powered by software. Whatever software you are using, it is important to know your rights with it. WordPress, for instance, is released under a General Public License. It is a free software license that allows anyone to use, study or modify the software, so long as they meet the specified terms of the General Public License. As a website owner, it means that no one can take WordPress back from you or prevent you from improving or modifying it. Most website owners may not spend a lot of time thinking about software licensing, or whether their software is under General Public License, but it is important to know your rights around something that you will be using every day.

9. Prioritize Fulfilling Your Website Legal Requirements Starting your own website is exciting, but in the rush to get something up, make sure you do not skip over all the legal steps that should be in place. If you make compliance with the law your top priority from the start, you will be saving yourself time and money. <https://www.motocms.com/blog/en/website-legal-requirements/>