

CONTENT: in media production, publishing, and art, content is information and experiences that provides value for an end-user or audience.

Content

As an e-commerce entrepreneur, you need to arm yourself with three legal documents: Terms and Conditions, a Privacy Policy and a Disclaimer. The good news is: Taylor Law Offices can provide that ammunition at a reasonable cost and in a user-friendly way.

Taylor Law Offices recommends creating a list of topics you want to cover in your terms and conditions section. Ask yourself questions like the following, and then contact us for a consultation.

1. Why do you store customers' personal information and how do you use it?
2. When do you contact the customer?
3. What are your policies when it comes to things that impact the customer experience: deliveries, returns, complaints?
4. Do you have intellectual property, copyright, trademarks to protect?

Terms and Conditions

Terms and conditions should cover, at minimum, the following areas:

- Privacy of the consumer/customer transaction and information
- Copyright protection of any content on your website
- Contract terms and basic agreements and understandings
- Returns/refunds policies and restrictions
- Complaint process

Privacy Policy

As an E-commerce entrepreneur, you fall under privacy legislation because you at some point will gather information from your clients and visitors to your website. That makes a Privacy Policy vital in pro-

Other legal considerations for your website content include getting permission to use copyrighted material and giving proper photo credits.



tecting you and your visitors. Essentially, it's just a way of letting your visitors and clients know that you are handling their personal information in an honest and loyal manner.

Disclaimer

A disclaimer is sometimes called a limitation of liability. It's the document detailing the conditions involving the use of your site and the limitations of your liability when it comes to how people use your site. In this document you can also make it known that you have content in the site that is protected by copyright.

Other legal considerations for your website content can include:

- Using proper company logos and listing trademarks and registered trademarks
- Providing the correct copyright notices, including the year copyright starts on your site's home page.
- Provide contacts for site owners somewhere within your site.
- Provide a page modification date on your site's home page.
- Provide critical information in a format that does not require a plug-in (third-party software) for viewing.
- Permission to post each photo, video or other visual elements loaded on your site. If you are not sure about the copyright issues for a specific image, do not use it.

- Be sure that you have permission to re-use any copyrighted text that appears in your site.
- Include photo credits
- Users with impaired vision may not be able to see the content of your images. Some sites must add alternative text as a requirement of federal accessibility standards as described in Section 508 of the Rehabilitation Act of 1998. It is critical to add an "<alt> tag" containing alternative text to every photo which will enable screen readers to read the description of the image out loud.

Let Taylor Law Offices craft documentation that will keep your website in the right.



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Doing Business in the 21st Century Means Doing Business Online

Whether your business is brick and mortar, 100% virtual or something in between, you will at some point need to operate in e-commerce, legally. Taylor Law Offices can support your efforts to do so.

Our attorneys can navigate you through the following e-sales issues:

- Sales tax calculating
- Sales tax reporting
- Income reporting
- Terms and conditions
- Intellectual property

Whether the sales are electronic or in-person, consider the following elements must still be in place to have a valid sale:

1. The competence of both the seller and the buyer to enter into a contract.
2. Mutual agreement on the terms of exchange.
3. Something that is capable of being transferred (a good, an ownership title, entitlement to a certain service, etc).
4. A consideration in money (or its equivalent in value) paid or promised.

Successful e-commerce starts with a customized shopping experience no matter what you are selling. Planning starts with a study of your customer and your sales channel.

In mid 2015, *Bloomberg Business* reported “Sales on e-commerce websites increased 3.5 percent in the first three months of the year from the previous quarter, reaching a record \$80 billion worth of purchases, according to seasonally-adjusted figures released by the Commerce Department. Meanwhile, total retail sales declined 1.5 percent, the first quarterly drop in almost three years. On a year-over-year basis, online purchases soared a whopping 14.5 per-



More than 50% of people shopping online are concerned that their credit card numbers might be compromised.

cent, compared with a 1.6 percent increase for total sales.”

This means more and more people are purchasing goods and services online, most with credit cards. Over half the people shopping online say they are extremely concerned with their data being stolen. As a business owner, with a merchant account for processing credit cards, you are obligated by contract to safeguard your customers’ credit card information. Read the full contract you signed and note the requirement that your business be “PCI Compliant.” A key part of this is safeguarding your customers’ account information, including electronic data storage.

Beyond E-Commerce Law

Keeping your e-sales efforts legally sound goes beyond the products and the prices you offer. Gathering information about your customers and website visitors carries with it certain legal requirements. For example, when you collect personal data you must state:

1. Who you are.
2. How you’ll use the information.
3. How they can verify their information is correct.

4. How they can unsubscribe from receiving marketing collateral from your business.

Providing products or services to sell online requires the technical expertise of various providers, from web developers to domain hosts. Entering into business relationships with these providers requires contracts and other agreements. Taylor Law Offices can help draft these documents or review the one you are being asked to sign.



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5 = 10 1/4 inches

INTELLECTUAL PROPERTY: refers to creations of the mind, such as inventions; literary and artistic works.

Protect Your Property. All of It.

Perhaps the worst thing to happen to a business or an artist of any kind is having their property stolen or destroyed. When it comes to intellectual property, the consequences can be equally severe. Intellectual Property or "IP" is a term referring to creations of the intellect for which a monopoly is assigned to designated owners by law.

Your website policies should protect your intellectual property, promote e-sales, and abide by all laws protecting your customers' privacy.

Taylor Law Offices is an experienced legal firm in all issues involving intellectual property. We know how to protect your rights through proper documentation and articulation. We combine business acumen with legal strategy to make sure your hard work is never compromised.

Patents

In general, patents may be available when you invent or discover any new and useful process, machine or composition of matter, or any new and useful improvement of those things. Patent is a legal protection granted by the U.S. Patent and Trademark Office. There are three types of patents:

- Utility patents for processes and machinery
- Design patents for the specific design of a product or machine
- Plant patents for the production of a new variety of plant

Trademarks

Trademarks protect words, names, symbols, sounds, or colors that distinguish goods and services from those manufactured or sold by others and to indicate the



source of the goods. By registering your trademark, you get certain legal advantages.

Before registering a trademark, you must search federal and state databases to make sure it is original. To apply, you need a clear representation of the mark, as well as an identification of the class of goods or services to which the mark will apply. We have experience applying for trademarks, so let us know where you are in the process.

Trade Secrets

A trade secret is a process, formula or recipe, device, or other information that companies keep internally secret to give them an advantage over competitors. A trade secret is anything from barbeque sauce to a customer list, and in the case of Google and Facebook, computer algorithms. Unlike the other types of intellectual property, trade secrets can't be patented or protected by registration. A company must control disclosure and use of the information.

Many businesses use non-disclosure agreements, restricted access to confidential information, post-employment restrictive covenants, and other security practices to maintain trade secrets.

Copyright

Copyrights protect original many works of

authorship that are published or unpublished. Types of original work include:

- Literary
- Dramatic
- Musical
- Artistic

Copyright infringement is the use of works protected by copyright law without permission, infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works. Taylor Law Offices can help you if your intellectual property has been used without your permission.



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4 = 9 1/2 inches tall

TERMS AND CONDITIONS: rules which one must agree to abide by in order to use a service.

The Fine Print

It's a scary thought: The only thing that protects your rights as a business owner is the fine print no one takes the time to read. Don't be one of those people who ignores your terms and conditions. Contact Taylor Law Offices to write them or review the ones you have been using.

General Terms and Conditions

General terms and conditions are also referred to as "general terms or service" or "general terms of use." These all refer to the part of a contract, purchase order, or specification that is not specific to the particular transaction but applies to all transactions.

Terms and conditions protect both the business and the customer or client. Clearly stated responsibilities covered in a purchase agreement will lead to a better on-going relationship. Terms and conditions should set expectations and describe specifically what is included and what is not included with a purchase and within a n on-going agreement such as further maintenance.

Covering Your Assets

Terms and conditions should cover, at minimum, the following areas:

- Privacy of the consumer/customer transaction and information
- Copyright protection of any content on your website
- Contract terms and basic agreements and understandings
- Returns/refunds policy and restrictions
- Complaint process

Terms and Conditions protect both the business and the consumer by setting expectations and policies clearly.

There are many downloadable forms available on various websites, but they are usually very generic out of necessity, and are not based on the laws of any specific state or other jurisdiction but rather general principles of law applicable throughout the United States. We save you time and effort by customizing your forms according to the applicable laws of your business and the State of Idaho.

Taylor Law Offices recommends creating a list of topics you want to cover in your terms and conditions section.

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Contact us today for an appointment to discuss writing terms and conditions, or to review the agreements and policies you have in place now.



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3 = 8 3/4 inches tall

WEBSITE: a connected group of pages on the World Wide Web regarded as a single entity, usually maintained by one person or organization and devoted to a single topic.

Website Compliance

The internet was once the wild west of business, but now there are legal aspects to all websites and web-based businesses. Taylor Law Offices can help your business stay within regulatory compliance when it comes to the content published and the product or service sold on your website.

A well-drafted website is covered legally on a variety of issues:

- Disclosures
- Licensing
- Liability
- Product and service distribution

Policies on purchase/sale of goods, copyrights/trademarks, and privacy are critical to have in place on a website.

Other legal considerations for your website content can include:

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The number of websites in the world is expected to exceed 1 billion in 2015 and to stabilize the count above this historic milestone in 2016.

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Taylor Law Offices has attorneys on staff who are knowledgeable about business law, as well as business strategy. More importantly, our lawyers have a thorough knowledge of technology, software, apps, social

media and even search engine optimization.



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2 = 8 inches tall