



**TRELLIS**

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## What's Up with Web Sales?

***DISCLAIMER: Remember, this outline is a guide.***

***Be sure to contact an attorney if you have questions or specific issues.***

More and more businesses are moving to online sales, or growing their online opportunities to reach more customers, to adapt during times when in-person sales and services are limited, and to promote their brand. However, there are legal considerations for selling online. Whether you're selling products, online classes, videos, services, etc., this resource outlines important tips for the protection of your online business!

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- 1. Terms of Use.** Even if you use a third-party website or vendor to deliver your electronic services and they have terms, those vendor terms likely still put liability on your business for your services and customer interactions, so specifying your own terms is key.

### **Some items your Terms of Use should include:**

- What services you're offering
  - Any limitations on what you're offering
  - Waivers of liability, disclaimers, cancellation terms (what happens if you're offering a monthly service and someone wants to cancel mid-month?)
  - Return policies
  - Potentially, the European General Data Protection Regulation (GDPR) requirements and California statutes compliance for customers in European and California
- 2. Privacy Policy.** Privacy policies tell customers what information you're collecting, if you're using a third-party service (such as Stripe, Paypal, etc.), which services you use and what information you see. If you offer shipping or services to Europe or California, there is very specific information you may need to include in your privacy policy.

**NOTE: You MUST have a privacy policy if you target your site to, or collect information from, children 13 or under.** This is due to a special law called the **Child Online Privacy**

**Protection Rule.** It is highly recommended you speak with a lawyer if you have a website targeted to children or that collects information from children.

- 3. Separate Key Policies:** While you will want to cover policies like shipping, returns, refunds vs credit, and cancellation in your terms of use, it's helpful to make those key policies distinct on your website, eg: a separate tab, a separate link in your website footer, or an FAQ section. The added clarity allows customers to find the key terms that are most likely to affect their transaction.

***NEXT STEPS: Trellis offers templates for these in our Template Library:***

- [Basic Online Purchase Terms \(online services\)](#)
- [Basic Online Purchase Terms \(products\)](#)
- [Basic Online Purchase Terms \(products and online services\)](#)

#### **4. Intellectual Property.**

***Note: Intellectual property is a COMPLICATED area of law, so it can be worth spending the money on a lawyer to help guide you.***

To protect your hard work, make sure you put a copyright symbol, the year, and your business name in the footer of your website (©2020YOUR BUSINESS NAME). If you are providing a download or video content, include the copyright symbol on those as well as any specific limitations on those products.

##### **Examples:**

- “©2020YOUR BUSINESS NAME. FOR PERSONAL USE ONLY, NOT FOR RESALE OR REDISTRIBUTION,”
- “©2020YOUR BUSINESS NAME. PROPERTY OF ‘YOUR COMPANY’ DO NOT SHARE WITHOUT PERMISSION.”

You should also include intellectual property considerations in your terms of use.

Some additional language for intellectual property considerations for protecting your content can be downloaded through the Trellis Template Library: [Here](#).

- 5. Disclaimers.** Do you have any specific disclaimers you want your customers to be aware of? For example, “this is for informational purposes only,” or if you offer wellness services “the information on this site does not constitute medical advice, diagnosis, or treatment.” These are just examples. Reach out to a lawyer for a more comprehensive approach to disclaimers and protecting your business.