



10 Crucial Questions to ask about your website

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Before establishing a new company website or overhauling your existing one, there are several questions you should ask to ensure that your business is fully protected.

Q1 Do I own the domain name?

Just because you have had a website set up does not mean that you own the domain name. It may be owned by the company who set up the site for you or, if you registered it in house, by the employee who registered it. With an existing site the domain name should be transferred to you (if it isn't your property already) and with any new site, ownership should be yours from the beginning.

Q2 Do I own the copyright on the website?

It is a common assumption that, because you have paid somebody to write something for you, all rights in what they create are yours. The law, in fact, states the opposite so that the rights would be theirs unless you have formally transferred them. Any agreement with website developers should make it clear that all copyright in the website will be yours although, not unreasonably, the developer is likely to insist that a transfer of rights only occurs when they are paid for their work.

Q3 Does the website contain the appropriate information?

The law requires that companies who have a website display certain information such as their full name, contact details and VAT number (if appropriate) clearly. This information should be included in a prominent position so that there is transparency as to who runs the site.

Q4 Does the site comply with the Data Protection Act?

It is likely that your website will have some method of collecting personal data from people whether they are signing on as users of a chat forum or as customers for your goods. Your business as a whole needs to comply with the Data Protection Act in the way it deals with personal information and your website should contain a privacy policy explaining to all users how any personal information they provide will be stored and used and you should have procedures in place to ensure compliance with the policy.

Q5 How do I protect the content of the website?

All websites should contain some terms of use which apply to all visitors. You should make it clear that, for example, people are not free to copy the content of your website and should spell out your policy on linking to the site as well as your liability for its contents. This will help control the use of the site and protect your trademarks and other information.

Q6 Do my 'terms and conditions of sale' work?

If you are selling through your website then it is important that your terms and conditions are properly incorporated into your contacts with your customers. These should form part of the order process and, ideally, there should be a mechanism whereby your customers formally accept your terms before their order is fully processed. Failure to do this will mean that your carefully (and often expensively) drafted terms will not be of any use to you.

Q7 Do my terms and conditions properly protect me?

Terms and conditions of sale on a website should be carefully drafted to ensure that they not only reflect your policies and procedures (in relation to delivery for example) but that they give your business the maximum protection allowable by law. Your terms are your best line of defence against complaints and a key weapon for avoiding or, ultimately winning legal disputes.

Q8 Do my terms and conditions comply with Consumer Law?

Consumers are granted much more protection than businesses under the law when it comes to forming contracts. All elements of your website, particularly your terms of sale, should be checked to ensure that they are compliant with relevant consumer legislation such as the distance selling regulations. If your terms are not compliant they will not be effective and you may incur penalties.

Q9 Is the site compliant with the Disability Discrimination Act?

The Disability Discrimination Act (the DDA) makes it clear that access to goods and services should, wherever possible, be no more difficult for people with a disability than for fully abled people. In terms of a website the most obvious way in which people can be accommodated is by allowing text to be viewed in different sizes and you may even want to consider going so far as to have speech elements on the site if possible. The options you have for making the site DDA compatible should be discussed with your developer and, where possible, implemented.



What should the website developer to do for me?

All of the above issues should be discussed with the company or individual who is going to put together or overhaul the website for you even if they are a member of your own staff. Where there is any concern over any legal issues raised then you should seek advice from a solicitor who specialises in IT and e-commerce issues. Any agreement with the developer should be precise as to the work that they are going to carry out, the timescales in which they are going to do so and the cost of their delivering their services. It is important to ensure that not only the things referred to above are covered but that the project is manageable both in terms of the time involved and the cost to your company.

If you have any further questions regarding your website, either as it stands currently, or its redevelopment / creation, contact:

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