



## WEBSITE LEGAL CHECKLIST\*

[MikeYoungLaw.com](http://MikeYoungLaw.com)

### 1. Domain names.

- Is your domain name registered in your company's name?
- If you don't have a company, is your domain name registered in your personal name?
- Have you set up your domain name for automatic registration renewal?
- Will the credit card tied to your domain registration expire before the registration renewal date?
- Does your domain registrar have at least one currently valid email address to send notices to you about your domain name's registration status?

### 2. Business Entity.

- Are you doing business as a sole proprietorship in your own name or using a fictitious name (also known as "doing business as," DBA, or assumed name)? You could be personally liable for business debts.
- Are you running your web business as a general partnership with another person? You could be personally liable both for business debts and for liabilities incurred by your partner even if you didn't know about them.
- Are you running your web business as a corporation, limited liability company (LLC), or other business entity that reduces your personal liability risks?
- Do you have general business liability insurance at a minimum?

### 3. Privacy.

- Are any of the addresses you use for your business – from domain registrations to bank accounts – publicly linked to your home address?
- Do you identify where you live in your Facebook or other social networking content, such as posts or photos?

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\*Checklist is general information only. Not legal advice.

Consult your Internet lawyer to discuss specific legal issues.

- Do you use a company mailing address that isn't your home for everything that's related to your web business?
- How quickly could an angry customer or a stalker find your home using Google Maps, your domain registration contact information, and other online resources?

#### **4. Copyrights.**

- Do you claim ownership by putting copyright © notices on all of your website content?
- Have you registered your website content with the U.S. Copyright Office?
- Have you checked your website text with a service like Copyscape.com to see if your text has been stolen or you've accidentally used someone else's text without permission on your site?
- Have you checked your website images with a service like TinEye.com to see if your images have been stolen or you've accidentally used someone else's images without permission on your site?
- Do you have proof of ownership, or of a legal right, to use the text, photos, and graphics on your website?
- If your website has content found on other websites, have you checked the Wayback Machine to see who posted the content online first?

#### **5. Trademarks™ and Service MarksSM.**

- Do you put "TM" and "SM" on your common law and state registered marks?
- Have you registered ® any marks with the U.S. Patent & Trademark Office?
- Are you improperly using competitors' trademarks to drive traffic to your website, such as using their marks in pay-per-click (PPC) ads?
- Does your domain name, website name, or the names of the products and services you sell infringe upon someone else's mark?

#### **6. Trade Dress.**

- Has your website copied the design (colors, fonts, layout, etc.) of someone else's website without their written permission to do so?
- Would someone confuse your website with a competitor's website because they look so similar?

#### **7. Website Legal Documents.**

- Do you have any of the following documents posted on your website?
  - i. Privacy Policy
  - ii. Terms and Conditions of Use (a.k.a. Terms of Service or Terms of Use)
  - iii. Video & Audio Terms of Use

- iv. Anti-Spam Policy
- v. External Links Policy
- vi. Earnings Disclaimers
- vii. Affiliate Agreement
- viii. Digital Millennium Copyright Act (DMCA) Notice
- ix. Health Disclaimers
- x. Refund & Returns Policy
- xi. Affiliate Compensation Disclosure Policy

#### **8. Claims.**

- Do your testimonials, case studies, endorsements and results claims (including earnings and health claims) comply with the U.S. Federal Trade Commission's guidelines that went into effect on December 1, 2009?
- Do you have signed releases from customers who provided testimonials or case studies?
- Do you have any proof to back up the claims made on your website, including those claims made in customer case studies and testimonials?

#### **9. E-mail Autoresponders.**

- Do you send unsolicited emails about your business (spam) to other people?
- Do you consider an email address on a business card an invitation to spam someone?
- Do you obtain consent from subscribers by having them opt-in to receive emails from you about your business?
- If you obtain consent, do you use a double/verified/confirmed opt-in system?
- Do you sell or give email addresses you've collected to others?
- If you run your business as a corporation, LLC, or similar entity, do you sign your emails as an officer of that entity and identify the name of your company in the signature line?
- If you are promoting goods or services in your emails, do you identify your material connections, including your affiliate status?

#### **10. EBooks, Special Reports & White Papers.**

- Do you include copyright, trademark, and service mark notices in your digital products?
- Do you include earnings, health and other appropriate disclaimers?
- If you have a material connection to products or services promoted in your digital products, such as affiliate status, do you disclose this connection to your readers?

To learn more, check out the blog at [USInternetLawFirm.com](http://USInternetLawFirm.com)