

E-commerce website – legal checklist

Whilst setting up an e-commerce website is often viewed as a quick and easy way to get your products and services out in the marketplace, there are a number of fundamentals which should be addressed and resolved before you venture into trading on line.

This handy schematic highlights some key legal and commercial issues that are often overlooked in the rush to start trading and which can have very serious consequences both legally and commercially if they are not dealt with properly during the initial stages.

Key contact



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Website content and infrastructure

- Website Development
 Agreement / ownership
 of intellectual property /
 development timeline /
 functional specification / content
 and structure
- Website Maintenance Agreement /up-time and functionality / Disability Discrimination Act compliance
- website security / encryption / secure sockets layer certificate
- website content management system / services
- Website Hosting Agreement for an e-commerce site / up-time
- advertising / promotion / search engine optimisation / avoid 3rd party trademark infringement / on-line defamation / libel
- Terms and Conditions of use / jurisdiction / disclaimer

Brand development / protection

 please see our <u>Building a Brand</u> – <u>legal checklist</u>

Transactional issues

- customers wanting to purchase merchandise / services
- e-Commerce Terms & Conditions of business / jurisdiction / consumers / B2B / returns / faulty goods
- formalities of online contract formation / compliance with distance selling and e-commerce regulations

e-commerce website

Data

- privacy policy / data capture and sharing
- Data Protection Act / Privacy and Electronic Communications Regulations
- external site linking / activity reporting

Payment and delivery

- debit / credit card /payment processing arrangements
- delivery / courier / royal mail /collection / returns
- customer service / postcode lookup licence

Finances and administration

- specific sector / industry regulatory approval
- trading entity / new co / on/off shore
- bank account / VAT / Tax registration
- insurance

Supply chain / manufacture

 agreements with distributors / suppliers / manufacturers / 3rd party trademark licensors