

Terms of Use

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Visit almost any site on the internet, and what will you find in the footer? A link that says, "Terms of Use." Buy a brand new computer. When you start it up and Microsoft Windows welcomes you to your new computer, what do you have to agree to before you can use your computer? Microsoft's Terms of Use. Buy a Taser gun, what should you read before you start zapping people? Terms of Use. Do you see a pattern here? Terms of Use, is everywhere. Software, Hardware, Kitchen appliances, blog site, they all have a Terms of Use associated with them. According to what I've found, a Terms of Use Statement is very important. So what exactly is it? According to Wikipedia.com, Terms of use are "Rules set up by the owner of an intellectual property or service to govern how they may be legally used. "

By visiting and using a website, you are in essence agreeing to be bound to the particular terms of use for that website, whether you are aware of what those terms of usage are, or not. There are some basic elements that each Terms of Use Document should include. (Robertson) Each Terms of Use Document should contain at minimum the following 5 elements:

- **Copyright Statement** – According to AShareNet, this is "An assertion as to ownership of copyright in particular Material applied within, on or in relation to the Material substantially in the following form":

© <owner(s) of copyright> <year of initial publication>

i.e. © Curtis Petrich 2008

- Privacy Policy - “A document stating how a website owner will use personal information collected from a visitor to the site, either with or without their knowledge.” (ixou.com)
- Security Policy - A form of documentation that is created to enforce specific rules or regulations and keep a structure on procedures. (Shimonski)
- Acceptable Use Policy - Ensures that equipment / software are being used in a safe, relevant and appropriate manner. (Media Awareness Network)
- Legal Jurisdiction Statement – States the local governing authority. i.e. “This site is subject to U.S. Federal Law and the Laws for the State of Idaho...”

When developing your web site, be certain to spend the time and resources that are necessary to create a good Terms of Use. Many lawsuits can be avoided by covering the afore-mentioned topics in your TOU statement. When designing your document, be as specific on every topic as possible. Do not leave your document up for interpretation. Making it specific and clear will keep you safe and reduce your liability for issues that may arise due to a user’s improper use of your website.

Works Cited

Wikipedia.com. "Terms of Use."

http://en.wikipedia.org/wiki/Terms_of_use

Robertson, Blaine. "CIT 235 Index Page." Blaine Robertson.Net. 22 Jan. 2007. Brigham Young University - Idaho. 26 Jan. 2007

<http://blainerobertson.net/school/235/presentations/usepolicy.ppt>

AEShareNet. "Glossary of Terms - Privacy Statement."

"Australian Educational Sharing Network."

<http://www.aesharenet.com.au/transactions/html/glossary.htm>

ixou.com. "What does 'Privacy Statement' mean?"

<http://www.ixou.com/glossary/?term=privacy-statement>

Shimonski, Robert J. "Defining a Security Policy." Miscellaneous Network Security. 2004.

http://www.windowsecurity.com/articles/Defining_a_Security_Policy.html

Media Awareness Network. "Acceptable Use Policies." What is an acceptable Use Policy?

http://www.media-awareness.ca/english/resources/special_initiatives/wa_resources/wa_teachers/backgrounders/acceptable_use.cfm