

Offer and Acceptance in Cyberspace

Ensuring That Your Client's Website is Protected by Enforceable Terms of Service

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Almost every commercial website has terms of service or usage intended to regulate the relationship between the website's proprietor and the users who visit the site. Unfortunately, not every website has enforceable terms of service that will stand up in court. Chances are that if your client's terms of service are hidden away on an obscure subpage or are accessible only by a link tucked away in fine print at the bottom of the page, then those terms will not be found to form a binding contract. If a website operator wishes to take action against users who misuse or abuse the site, or ensure that any litigation arising out of the website's operations takes place in a local forum or in arbitration, it is essential that the website that the website be designed in a way that will ensure that its terms of service are enforceable.

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