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“Tip of the Month”

Be Sure You Own Your Website

Many companies sign up with a website designer to create a company website. The website can be extremely valuable for everything from marketing to order fulfillment.

Before your company starts this project, you need a contract with the designer. Even if you are working with the designer’s “form contract,” you must add your own provisions. Here are some provisions to include:

1. Make sure all bells and whistles discussed during the sales presentation are detailed in the contract specifications.
2. The domain name must be registered in your company’s name and not in the website designer’s name.
3. Creation of the website will automatically vest all copyright in the “author” - your designer – unless the contract specified that the website is a “work for hire.” Better yet, get a separate, written Copyright Assignment from the designer for those parts of the website that are particular to your company.
4. Get separate licenses in your company’s name for any special software that the designer plugs in to rev up your website.
5. Your designer should warrant that the content of your site will not infringe anyone else’s copyright.
6. If the developer also hosts your site, make sure the site has enough power to handle your anticipated traffic. Better yet, have a separate contract for hosting, one that allows you to move to another server.
7. Other important provisions to keep an eye on include (hidden) fees; control over content and advertising on your site; security; and limiting access to or use of your site’s data including your customers’ names and credit card information.

If you need any help with a contract for your website design, please call (603) 668-1971 to schedule an appointment.

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