



# Solutions Guide

## Starting a Blog

# Legal solutions for your website

Starting a website may seem like a terrifying and daunting feat, but it opens your business to exciting and valuable opportunities. With over 61% of Australian SMEs running a website for their business, you will want to focus on making your website stand out in a crowded market.

A website is your first point of contact with consumers and reflects the credibility of your business. Your website provides information about your services, generates leads and builds your brand image. Customers will enter your website or blog, and ask themselves – **‘why is this site worth spending time on?’** Ask yourself that same question. Whether it is a more convenient service, cheaper prices or a whole new product itself, finding your niche in the market is key to success.

To avoid potential legal and commercial disputes, it is absolutely crucial to create legal policies that are relevant to your website. Follow the steps below to ensure your website is legally compliant and protected under Australian law.

Sensis eBusiness Report 2016



## Content is key

Starting a blog is a great way to publish content relevant to your business and generate significant traffic for your website. Your blog represents your unique perspective and offers valuable branding opportunities.

When it comes to content, think about the markets you want to attract and address their needs directly through your posts. Consider not only content, but also the way this content is conveyed. For example, if your target markets is highly skilled professionals, you might want to look at focusing on long form content.

You will want to ensure that the contents of your website are respected and used within the boundaries you set. A common mistake by blog owners is there failure to have the right legal documents in place protecting their content and readers. It might be down your list of priorities to have a Blogger Agreement or Privacy Policy, however investing in the right legal solutions will ensure that your blog is compliant with Australian law and your interests are protected.



# Create a Blogger Agreement

A **Blogger Agreement** governs the relationship between the Blogger and the Publisher. For the benefit of the Blogger, this agreement grants a license to the Publisher to use the blog(s) for an agreed upon amount of compensation, and sets the boundaries around what is licensed and what is not. For the benefit of the Publisher, it sets out the terms of what the Blogger can do after the specific content is licensed out to the Publisher. It is not ideal to pay for a blog post that is posted on a number of websites!

As a Publisher, having a Blogger Agreement that includes an indemnity clause can limit your liability for the published content on your blog. As a loose illustration, if you publish a blog that smears another company, by contravening the Blogger Agreement, the Blogger has to indemnify you for any damages awarded from the defamation suit taken out against you.



## Tip

Before you allow guest bloggers to post content on your blog, make sure that the blogger agreement has been signed by both the publisher and blogger.

## Create a Privacy Policy

The most common question we get asked from business owners is whether they need a [Privacy Policy](#) for their website. We tell them it's pretty simple to figure out: If your website gathers any sort of personal data (such as email addresses) then a Privacy Policy is a no-brainer. You are also obligated to do so under the Privacy Act 1988 [Cth]. A Privacy Policy is an ideal first step to getting your blog legally compliant, and deals with points such as how personal information is collected, what it is used for and how it is stored and managed.

It's crucial that any website using Google Analytics for web measurement (there's over 10 million out there) has a robust, local Privacy Policy, particularly if you use Google Analytics Advertising Features. By enabling the Advertising Features, you enable Google Analytics to collect data about your website traffic via Google advertising cookies and anonymous identifiers, in addition to data collected through a standard Google Analytics implementation. Google explicitly states in its terms of use that if you've enabled any Google Analytics Display Features then you must notify your visitors of this in your Privacy Policy.



### Tip

8 in 10 Australian consumers check the security of a website before providing their personal information. Having a Privacy Policy from the get-go will show your readers that you value their privacy.

# Create a Website Terms and Conditions of Use

Under Australian Consumer law, you are required to have a [Website Terms and Conditions of Use](#) on your website if you sell goods or services. Website Terms and Conditions of Use are needed for every goods or services website as they explain to consumers their rights when purchasing.

A well drafted Website Terms and Conditions of Use will deal with issues such as refunds and returns, consumer guarantees, deliveries, disclaimers and ownership. For a blog owners, they have the effect of limiting liability for any information and material that may be on your site (such as guest posts and comments). Additionally, it should lay down the rules for people visiting the website as well as providing protection of intellectual property (your content and ideas) on the website.

While the terms and conditions apply to clients that are engaging in a transaction, the website terms of use apply to all users who visit the website. The terms of use express what visitors can or cannot do with the information displayed on the website. It is an important tool for blogs as it protects your intellectual property from being republished without consent, while incorporating a disclaimer that specifies your limitations for liability.



## Tip

Do not copy and paste a similar business's website terms and conditions of use. While this may seem like a shortcut, it is important that your T&Cs reflect what makes your business unique.

# Next Steps

Creating necessary legal foundations for your website is important to avoid potential legal and commercial disputes. Having these legal policies in place, in addition to relevant compliance reaffirms the suitability of your website, protecting the consumer, your product and the website you've taken time to perfect.

