

Avoid These Five Common Website Mistakes

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Websites that have been up and running for a while tend to have features added over time by well-intentioned marketing and technical staff. Although good businesses should encourage innovation and keeping their websites up to date, websites must avoid inviting legal problems. Here's a survey of five common website mistakes.

- 1. "Guiding" User Comments on Social Network Pages.** Although Section 230 of the Communications Decency Act generally gives websites immunity from liability for statements posted by users on social networking pages of a site, several recent cases suggest that the websites risk losing that immunity when they get too close to shaping the user-generated content. In general, do not try to edit user comments.
- 2. Testimonials in Blogs.** Many bloggers are unaware that the Federal Trade Commission (FTC) has guidelines regarding endorsements and testimonials in blogs. In general, the guides require that bloggers disclose any material connections between themselves and the products that they are reviewing or discussing.
- 3. Not Updating the Privacy Policy.** When was the last time your website's privacy policy was updated? How many changes has the site implemented since then? If evolving website practices turn out to conflict with what the privacy policy states, the site could face charges that it is misleading or deceptive.
- 4. Offering a Mobile Application Without Thinking Through the Data Flows.** Knotty legal problems can emerge when mobile apps are launched before the developer has fully considered what information the apps collect and who handles that data.

5. *Copyright Infringements.* Websites must maintain their procedures in order to earn the protections of the DMCA "safe harbor." A website that loses its Digital Millennium Copyright Act (DMCA) safe harbor protection due to inattentiveness may face substantial losses. Is your designated agent up to date? Make sure your takedown procedures operate properly.