



HOW TO SELL ON THE INTERNET IN SAFETY

There are many misconceptions often by 'experts' on the *real* legal and practical implications of selling over the web.

Do bear in mind that if you sell over the web, you are bound by any small print just as much as if it is on the back of an order form. Because web sites are often purposefully informal, they often have a button to click, with the words 'The Legal Stuff' or similar! As a buyer, that is good news, the terms probably do not apply. If the web order form says something like "sold subject to our terms which you can see if you click here and click here to confirm you agree them?", that is probably enough to cover the seller.

I have heard many comments such as "who cares about the small print, nobody reads it". This is probably true, but dangerous. Amongst many examples, a clever seller will make sure a buyer has to notify any problem with the item within a short period, or they have no claim for any defect, also avoid consequential loss of profit by the buyer and so on.

Beware the private buyer (often referred to as a "consumer") rather than a business-to-business (b2b) transaction. Legally b2b is the safest for a seller by a long way! This is often a difficult distinction when buyers are one person "businesses"! But - as against the complex rules which protect a "consumer" you can protect yourself against increasing claims via such things as "no win no fee" by careful small print.

A small business supplied a few parts for a conveyor system. It broke down, the user sued for their loss of profits - that breakdown was said to be caused by the small business's parts, they had to pay out many thousands of pounds in respect of which they were not fully insured -this could have been avoided by the careful use of legal advice.

Practical tips for Internet Sellers

- Make sure there is an easy record of the part of the site people order from, so that you have an easy record of what has been 'said'.
- Enable users to print off the terms and conditions on your site (THE "SMALL PRINT")
- If you ask buyers to use a site and pay by card, then make sure the page they put details on is secure.
- Many potential buyers will (sensibly) not send their credit card details by ordinary insecure email or via an insecure web page (or one that is not encrypted).
- Make sure your site has full details of the site owner and how to contact you in full. An email address alone is not much use.
- Some sites have digital certificates. Users can often find this out by looking at your homepage. The certificates identify the site and people can be as sure as they can in the high street who they are dealing with.
- Make your small print clear, easily readable and fair - people will tend not to argue against it then. Remember an argument - even if you're right - costs money and reputation.
- Make sure you keep up to date with the ever-changing regulations in this area - or start to use a lawyer who will do that for you. But make sure they explain it in a practical way - i.e. how will it *affect* my business.

Woolley & Co are specialist lawyers advising on Internet trading and E-Commerce. If you want practical, plain English advice call us now on 01789 267377 or email your query to us at info@business-lawfirm.co.uk