

Considerations for website design for “clickwrap” Terms of Use agreements:

1. Conspicuously present the TOU to the user prior to any payment (or other commitment by the user) or installation of software (or other changes to a user’s machine or browser like cookies, plug-ins, etc.);
2. Allow the user to easily read and navigate all of the terms (i.e. be in a normal, readable typeface with no scroll box);
3. Provide an opportunity to print, and/or save a copy of, the terms;
4. Offer the user the option to decline as prominently and by the same method as the option to agree; and
5. Ensure the TOU is easy to locate online after the user agrees.