

Selling your products online:

Get Terms and Conditions right

1 – KNOW YOUR AUDIENCE: Who are you actually selling to? Are your customers consumers or businesses? The law around what you can and cannot do varies significantly depending on who you're selling to and your terms need to reflect that.

Similarly, are your customers all UK-based or do you deliver internationally? If you're selling to customers overseas you'll need to consider how your terms apply to those customers and whether their own countries have any laws which could affect your supply of products now or in the future.

2 – KNOW YOUR PRODUCTS: Are you selling physical goods, services or digital content? Again, there are different rules for each type of product, including in key areas like cancellation and refunds.

There will also be specific issues to consider based on the type of products you're selling. For example, if you're selling clothes or shoes, how do you avoid having to pay for returns when people have worn and damaged the items? If you're selling food, how do you cover the risk of someone having an allergic reaction? These are things that won't be covered by a generic set of terms.

3 – KEEP IT SIMPLE: A bit rich coming from the lawyers? A fair point but nonetheless it is important to make your terms as simple and easy to read as possible. This will help you avoid complaints and disputes in the long run, by giving your customers and your staff a clear set of

rules to follow. The key thing to remember - if you can't understand your terms, how do you expect your customers to?

4 – LEAVE OUT THE SALES PITCH: E-commerce is a competitive business and good quality content on your website can make all the difference to whether a customer buys your products or someone else's. However, your terms and conditions are not the place to make your sales pitch. Not only does it clutter up your terms with unnecessary detail, but it could also land you in hot water by turning marketing claims into legal obligations.

5 – REVIEW REGULARLY: A good set of terms and conditions is one that not only complies with the current laws but also reflects how your business actually works. Both of these things will change over time so your terms need to as well. We recommend diarising to review your terms and conditions at least every couple of years (more often in particularly fast-changing environments like technology).

Terms and conditions of sale are often seen as a necessity rather than something that adds value to the business, but this couldn't be further from the truth. Your terms and conditions are the legal basis on which all of your products are sold and can make all the difference between a business that has clear processes and protections and one that is constantly fighting fires.

These 5 pointers featuring selling online, UK and GDPR have been prepared by **Howes Percival**, a leading commercial law firm with clients ranging from individuals and families to global businesses and government departments. Howes Percival has offices in Cambridge, Leicester, Manchester, Milton Keynes, Northampton and Norwich, UK. If you would like to know more about Howes Percival please contact **Edward Lee** Edward.Lee@howespercival.com. If you would like to know more about reviewing or updating your terms and conditions, please contact **Miles Barnes** miles.barnes@howespercival.com.

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