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The Ninth Circuit Addresses Website Design for Enforceable Terms of Service



Many companies use browsewrap or related sign-in agreements to present their terms of service for consumer acceptance.

On April 5, 2022, the U.S. Court of Appeals for the Ninth Circuit refined the standard for enforcing terms of service presented on websites via hyperlinks. The decision affects how companies should design their webpages and present their terms of service to ensure that those terms—including their accompanying arbitration agreements, class-action waivers, product licenses, and warranty disclaimers—are enforceable.

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