



**Protecting your
business interests with a
Terms and Conditions
document**

WHAT ARE THE TERMS AND CONDITIONS AND WHEN ARE THEY NEEDED

Though not always legally required, Terms & Conditions (also called ToS - Terms of Service, Terms of Use or EULA - End User License Agreement) **set the way in which your product, service or content may be used**, in a legally binding way.

Because they are essentially a legally binding agreement, it is not only important to have one in place, but also necessary to ensure that it meets legal requirements.

This means that your Terms and Conditions must be up-to-date with all applicable regulations, precise, visible and easily understandable so that users can both easily see it and agree to it.

WHAT ARE THE TERMS AND CONDITIONS AND WHEN ARE THEY NEEDED

Terms and Conditions are **crucial for protecting businesses from potential liabilities.**

They typically contain copyright clauses, disclaimers, terms of sale, allow you to set governing law, list **mandatory consumer protection clauses**, and more.

Everyone from bloggers to e-commerce, SaaS, and enterprise businesses can benefit from setting Terms of Use. However, in some cases it can be mandatory, such as in the case of **e-commerce**, where payment data is processed.



TERMS AND CONDITIONS

The Terms and Conditions should at least include the following – as applicable to the business model:

- Identification of the business
- Description of the service that your site/app provides
- Information on risk allocation, liability, and disclaimers
- Warranty/Guarantee information (where applicable)
- The existence of a withdrawal right (where applicable)
- Safety information, including instructions for proper use (terms of delivery of product/service)
- Rights of use
- Conditions of use/purchase (e.g. age requirements or location-based restrictions)
- Refund policy/exchange/termination of service and related information
- Information related to methods of payment



VISIBILITY AND AGREEING ACTIONS

Terms and conditions should be visible and easily accessible throughout your site or app. Users should be able to easily understand and agree to your Terms and Conditions.

With best practice in mind, “agreeing actions” should be done in an unambiguous way – e.g. clicking a checkbox with a visible link to the document before being able to create an account or use the service.

It is advisable to make the agreeing action “opt-in” for the clearest indication of agreement (e.g. using an unchecked checkbox so that the user must click to agree, rather than using a pre-checked box).

It is also a good idea to keep track of these actions so as to prove that the user read and agreed to your document.

ABOUT IUBENDA

iubenda is the most **simple**, **complete** and **professional** way to comply with international regulations & privacy laws

iubenda adopts a comprehensive approach to legal compliance.

More than 65,000 companies worldwide trust our solutions for compliance with the GDPR, EU Cookie Law, California's CCPA and other global privacy laws.

We offer a complete set of SaaS solutions which allows you to easily manage cookies, create consent records and generate customized Privacy Policies, Cookie Policies and Terms and Conditions.

IUBENDA CONSENT SOLUTION

Easily collect **GDPR consent**, document opt-ins and **CCPA opt-outs**

✓ FOR GDPR

✓ FOR CCPA

Record and manage GDPR consent, document opt-ins and CCPA opt-outs for each of your users. It smoothly integrates with your consent collection forms, syncs with your legal documents and includes a user-friendly dashboard for reviewing consent records of your activities.





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