



ARI KAPLAN: THE HOT LINE

# LOOK BEFORE YOU LINK TO OTHER WEB SITES

**T**HE INTERNET OFTEN REMINDS ME OF A GIANT KALEIDOSCOPE with its colorful maze linking users from one Web site to another. But beware as you go about making your site part of the maze. Connecting your site to others by linking and framing has some black-and-white pitfalls. Though the legal issues are still evolving, two biggies include potential copyright and trademark infringement.

When linking other sites to yours, try not to use a graphic or a picture from the other site without permission, especially the other site's logo or trademark. Doing so may mislead people into believing that the other site actually endorses yours. In addition, avoid linking to a site that is sharing copyrighted material without permission. By doing so, you might be contributing to possible infringement. And, hey, just for fun—review the terms and conditions of the target site for any tasty morsels of linking info that you should probably follow.

As for protecting your own site from unwanted linking, you may want to surf the Net periodically using targeted searches to identify unacceptable sites linking to yours that could upset your advertisers, your users or your company. If you find one, consider contacting that site and asking its operator to remove your link. In addition, if your logo is being used for linking purposes on any site, you may want to do the same. Posting some terms and conditions for linking to your site probably wouldn't hurt, either.

Framing—which permits the visitor to remain on the current site

while viewing information from a different location that is simply surrounded by the current site's border—presents a different set of issues. If your company operates a commercial site with original content, it probably generates revenue from advertisements. If you find that someone on another site is framing your material

## TWO MAJOR LEGAL ISSUES ARE POTENTIAL COPYRIGHT AND TRADEMARK INFRINGEMENT.

on their site, receiving advertising revenue from it and potentially confusing visitors into believing that the content is theirs, you may be able to force that other site to remove its frames or face legal wrangling. The same goes for you if you are framing another site's content.

To minimize difficulties, you may

also want to get permission from the entity to which you are linking or whose information you are framing by using a linking agreement or even an e-mail verifying that permission has been granted. If that is not practical, you could try to reduce your risk of future problems by using a disclaimer on your site that confirms you do not endorse

any other Web site and that you do not approve of any one else's products or advertisements.

Linking and framing are all the rage these days, but be sure to look before you link. If you don't, you may become lost in the maze of cyberlaw. **e**

---

*Ari Kaplan is a corporate associate in the New York office of McDermott, Will & Emery. Contact him at [alkaps@yahoo.com](mailto:alkaps@yahoo.com). The information in this column is intended for reference only and should not be construed as legal advice.*