
K-Notes: Terms of Service Agreement

from Twitter

Clear language can be the best defense

Making Terms of Service abundantly clear reduces the chance that someone will be able to claim they didn't understand it.



"Now there's online abuse that wasn't there [a hundred years ago]. If you were to have crafted a definition that didn't include it, you might unintentionally exclude something. So they want to leave it broad [to] exercise their discretion."

Nada Alnajafi
Corporate Counsel,
Franklin Templeton

"Terms of Use you want to keep focused on the legal duties and liabilities. The rules and policies are [centered] around company culture and branding."

KEY TAKEAWAYS

- **Use Rules and Policies in tandem with TOS**

Having a separate document that cites rules and policies in a way that is consistent with company culture can help users understand what they need to know, without the legalese.

- **When your audience is broad, give yourself room**

By giving comprehensive powers of interpretation and the authority to have sole discretion, it allows the company to act in varying ways. If you have a broad audience, there will be many variations that require a unique response.

- **Keep it simple to understand**

The language should be as free of legalese as possible. This is not always possible, but where you can, draft in a way that a seventh grader could understand it.

- **Make it flexible**

To keep up with changing laws, customs, and cultural norms, make the process of modifying the Terms and Conditions as seamless as possible. Take into account how many people would need to be notified of these changes, and whether that is feasible.