

WEBSITE LINKING

It is a still somewhat unsettled area of law, but generally your site can link to another site's home page without permission. Courts have taken the analogy that a home page is like a business telephone number.

However, you can run into trouble if you use "Framing" or "Deep Links".

Framing is taking the content of another site and "framing" it with the border of your own site, so that it appears that the linked content is yours. Framing can constitute a copyright infringement by creating an unauthorized derivative work. You could also be subject to certain unfair business practices claims based on state law. Finally, this practice also raises issues of vicarious liability if people think it's your content.

A "deep link" is a link on your site to pages on another site that are not the home page of that site.

Before linking, review the website you wish to link to in order to determine if there are restrictions or prohibitions on linking. This information usually can be found in a site's terms of use policies on a link on their home page. While these restrictions are not always legally enforceable, it's a good idea to follow them.

** Remember that even with a link to a home page, you can only use a plain text link (i.e. just the name- such as microsoft.com). You cannot use their trademarks (for instance the little "windows" symbol they use) without express permission. The link should also not imply any endorsement of your site.

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