Solving the Mystery of Contracting By Hyperlink

A **discussion** on the Troutman Sanders website addresses the current state of the law governing a key link to remote contracting – hyperlinks – with the goal of advising how to successfully incorporate by reference separate contract terms using hyperlinks for purposes of contract formation.

"In a series of recent decisions, courts are developing an increasingly consistent view of what is required to successfully incorporate contract terms by reference using hyperlinks," write **Alan Wingfield** and **Troy Jenkins**. "This emerging consensus focuses on four elements: labeling of the hyperlink; the location and prominence of the hyperlink; the accessibility of the information hyperlinked; and the consumer's assent."

They discuss those four elements and offer a list of rules to do and another list of methods to avoid.

Read the article.