How Binding Is Your Browsewrap Agreement?

Anyone who has purchased a product online or downloaded software for a computer, tablet or mobile device has likely encountered “browsewrap” and “clickwrap” agreements, write **Carolyn S. Toto** and **Kimberly Buffington** on **Pillsbury Winthrop Shaw Pittman**‘s Social Media & Games Law Blog.

In **the article**, they write, “Such agreements are the bread and butter of companies that sell or license products or provide services via websites or web applications. Clickwrap agreements require a user to affirmatively click a button to affirm his or her assent to the agreement’s terms, whereas with a browsewrap agreement, the user’s assent to the agreement’s terms is inferred from the user’s use of the website. (Often, the terms of a browsewrap agreement are accessible from a hyperlink placed on one or more webpages of the company’s website.)”

The discuss a few recent cases that have addressed what exactly constitutes a valid, legally binding and enforceable contract.

Read the article.