

E-Contracts

Shrink Wrap, Click Wrap e Browse Wrap
Contracts

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Agenda

E-contracts

Types of E-Contracts

Shrink Wrap

Click Wrap

Browse Wrap

API License Agreement (Clickwrap)

Clickwrap Software End User License Agreement (EULA)

Mobile App End User License Agreement (EULA)

Software License Agreement (Pro-Licensee, Short Form)

Software License Agreement (Pro-Licenser, Short

Website Terms of Use

E-contracts

Contracts in electronic forms. These contracts are important to form contracts at large scale.

Types of E-Contracts

There are 3 types of E-contracts:

- 1) Shrink Wrap Contracts;
- 2) Click Wrap Contracts;
- 3) Browse Wrap Contracts.



Shrink Wrap Contracts



Shrink-wrap licenses refer to a license associated with a physical product

The usage of the particular products depends on an acceptance of the terms and conditions of the Contract. In order to be most effective, shrink-wrap licenses need a notice on the outside of the box visible through the shrink-wrap notifying the consumer that the software is copyrighted and the end-user is subject to the terms of agreement within the box. Then within the shrink-wrapped box, the full terms of the license are printed.

Characteristics

RETURNING OPTION

The user has the option of returning the software if the new terms are not fitting user's personal preference. In this case, the user will have a full refund.

CD OR SOFTWARE

Usually, these contracts are containing in the CD Rom or software.

USE/ACCEPTANCE

The use of the CD Rom is considered as an acceptance of the terms and conditions of the contract.



Click Wrap Contracts

A clickwrap contract is mostly found as a part of a software

These agreements are rigid and there is no choice of negotiation in it. Or you agree with the terms and conditions of the contract or you disagree.

Examples

DOWNLOADING OR
INSTALLING SOFTWARE

PURCHASING AN
AIRLINE TICKET OR
ONLINE MUSIC

REGISTERING AN
ACCOUNT ON A SOCIAL
MEDIA WEBSITE

Click Wrap Contracts




⁰⁹ A Browse Wrap contract is mostly found as a part of a software

Typically, the website's terms of use or service. Browse wrap agreements do not require a user take action to affirm his consent to be bound. Browsewrap terms typically states that the use of the website is deemed acceptance of the agreement.

Browsewrap Agreements

Courts have found that terms of use presented in this manner do not create an enforceable contract unless the website owner presents evidence that the user had actual or constructive knowledge of the terms.



API License Agreement (Clickwrap)

CLICKWRAP AGREEMENT

for a licensor that makes its
application programming
interface (API) available to
developers or other users.

THE TERMS PROVIDED BY THE LICENSOR

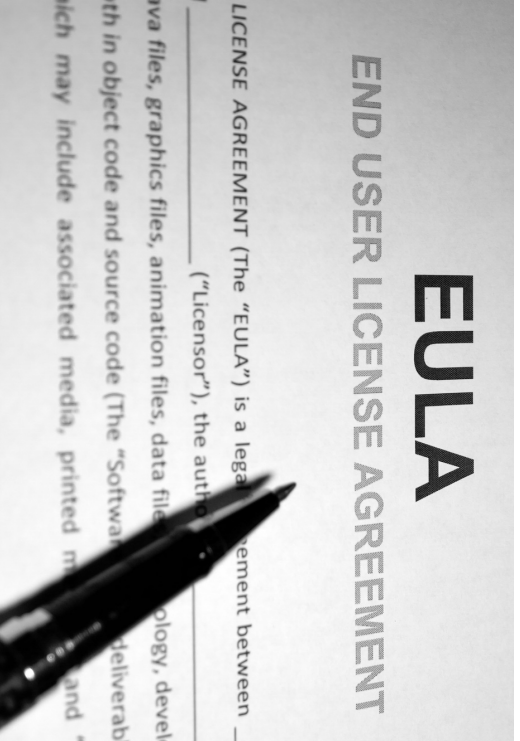
Are not negotiated or signed
by the Parties.

LICENSEE ACCEPTANCE

By clicking a link or a
button.

For a mobile app available for download and personal end use on licensees' mobile devices.

The term EULA refers to license terms that are provided by the licensor and are not meant to be negotiated or signed by the parties.



Software License Agreement

Pro-Licensee, Short Form

A short-form agreement for the license of off-the-shelf, unmodified software for the licensee's internal business purposes, drafted with terms favorable to the licensee.

Pro-Licensor, Short Form

A short-form agreement for the license of off-the-shelf, unmodified software for the licensee's internal business purposes, drafted with terms favorable to the licensor.

Website Terms of Use

Terms and conditions for access to and use of a website,
drafted from the website owner's perspective.

Thank You!

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