

Poster: CommonTerms - Magnifying the Fine Print

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ABSTRACT

Though few consumers read online Terms & Conditions (aka click-wrap agreements), most sign the agreements anyway. By signing, consumers expose themselves to legal, financial and privacy risks. To mitigate these risks, the CommonTerms project has proposed a preview format for online Terms & Conditions. CommonTerms hypothesizes that a preview can make consumers more aware of what they agree to before agreeing.

This work-in-progress report outlines our proposal, and asks for feedback.

Categories and Subject Descriptors

H.5.2 [User Interfaces]: Standardization

K.5.m [Legal aspects of computing]: Miscellaneous - contracts

General Terms

Design, Human Factors, Standardization, Legal Aspects.

Keywords

Click-wrap, Terms of Service, ToS, Privacy policy, EULA, preview

1. INTRODUCTION

It is well documented [2, 3] that most consumers accept online agreements (such as website Terms of Service, Privacy Policies and EULAs) without reading them beforehand. Agreements are typically presented in an arbitrarily unreadable format, lacking hierarchy, content chunking, and emphasis. Further, the terms are written in language that is suitable for a courtroom, but not human-readable. This combination of poor formatting and inaccessible language is difficult to overcome for most users.

Often, this is non-problematic: Providers of online services are expected to abide by national laws, to protect their respective brands, and to refrain from "being evil." However, blind acceptance does bring many problems, including the following:

- Some users are exploited by providers who include unreasonable terms in the agreements.
- Some users expect something other than what's actually in the agreement, and so risk getting disappointed or misbehaving.
- Users who do not want to sign unknown agreements get excluded.
- The potential value of some services is not fully realized, because users do not know what behaviour is acceptable and what guarantees apply.
- Some users may become less respectful of agreements in general, having ignored so many of them.

The Swedish Consumer Agency reported [4] that many people file complaints even after having agreed to things they did not know they had agreed to. Thus the problem is real and not just a curiosity.

The CommonTerms project, started in 2010, is trying to contribute a solution to these problems.

2. COMMON TERMS

We started by analyzing existing agreements to identify the most common terms and create icons to symbolize them, much like Creative Commons did for copyright terms.

We downloaded the Terms of Service from over 20 popular websites and categorized every single term found in those documents. In this limited selection of agreements over 450 different terms were identified. For a summary, see [1].

Making hundreds of icons would not be practical, so we gave up on creating icons for every common term. However, besides studying existing agreements, we also surveyed reports from related projects. One of the projects – the Privacy Label project [5] – inspired us to try a tabular summary format instead.

2.1 Proposed solution

Instead of displaying a set of icons next to "I have read and agree," we designed a "magnifying glass" for users who would like to get an at-a-glance preview of what they're about to agree to (or not).



Figure 1: Preview button in context

In our alpha version, published [1] in January 2012 and deployed for the first time in May, the preview can be displayed by clicking a button labeled "Preview Terms" (Figure 1). When clicked, a tabular preview of the most important terms is opened in a separate pop-up window (Figure 2).

2.1.1 Standardize but embrace change

The Privacy Label project has showed [10] that a standardized selection, ordering and presentation of privacy terms can significantly enhance accessibility. We believe this conclusion applies to terms in general, and not only privacy policies.

If common terms always appear in the same position and use the same wording, users will locate them easier and understand them better. We intend to submit CommonTerms to a standardization body and publish it under a forever royalty-free license.

Website owners should be able to generate a preview by filling out an online form (so far, it is manually produced).

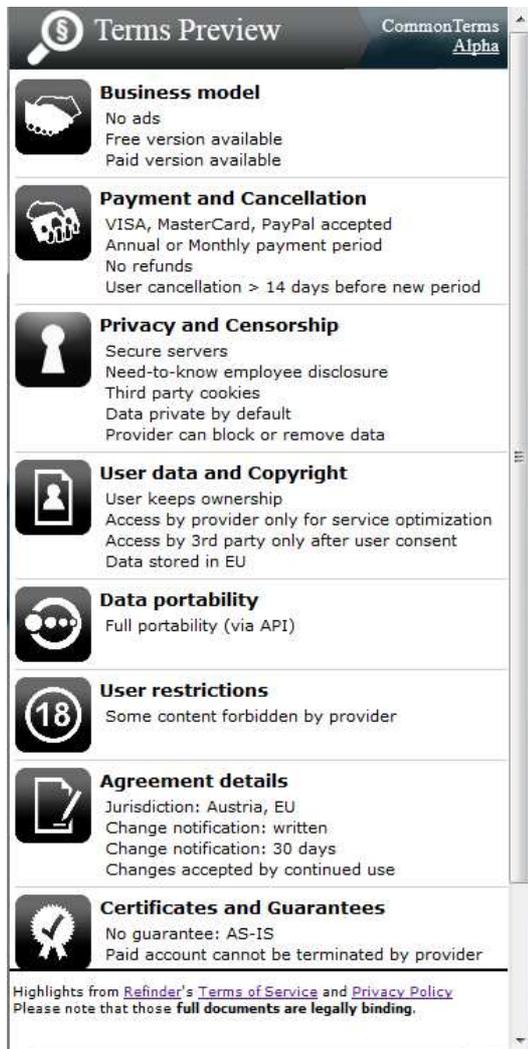


Figure 2: The CommonTerms alpha version applied to the Terms & Conditions of Austrian web service Refinder.

New terms will continue to be drafted, so the design must provide a simple method to expand and adapt the set of standardized terms and formulations. Most likely, website owners will be free to provide custom terms, but such non-standard terms will be presented in a way that makes them stand out from the rest until they have been vetted and added to the standard set.

2.1.2 Bolt-on approach

The Mozilla Privacy Icons [7] project proposed a “bolt-on approach,” meaning that the icons/summaries are to complement, rather than replace, the full agreement. Similarly, the simplified terms column in the Terms & Conditions of 500px.com [8] are not legally binding but provided as a convenience for (the majority of)

users who do not have the time or knowledge required to read the full document. CommonTerms strongly supports this approach.

Some argue [9] that providing a simplified version can give users a false impression of the content of a contract. This argument posits that the actions of a user who misunderstands a contract can lead to graver consequences than a user who is aware that he does not understand the contract. We think this observation can be true in a few cases, but that the overall benefits of people being more aware of what they agree to outweigh that risk.

Furthermore, we believe that a user who reads the preview screen may find something of interest and proceed to read more. Thus, the preview would not only inform users through the summaries, but could also increase readership of the full agreement.

2.2 More details and request for comments

Our report from January, 2012 [1] contains more detailed thoughts regarding challenges and success factors, machine-readable representations, multi-linguality et cetera.

This is a work in progress. We submit this poster because we want to get in touch with people who can provide feedback.

3. ACKNOWLEDGMENTS

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