

Protecting Your Site Copyright and Domain Name

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Before you hire a site designer, you'll want to carefully read the contract they offer to see who holds the copyright for the site and who is listed as the owner of the domain name.

Many site designers advertise that they will handle all of the technical aspects of the site for you including getting your domain name and hosting service set up. In fact, they may offer a discount on your site design if you sign up for hosting with them. While this may sound enticing, doing so could actually work against you later because you will not be listed as the owner of the domain and you likely will not be provided with any of the security information needed to access the accounts for your domain or hosting. You may not even be listed as the owner of the site.

So, why would a site designer want to set things up this way? Obtaining a host provider, which is where the files for your site are stored, requires knowing the technical requirements of your site including how big it is, how much bandwidth you'll need (less for text, more for videos), the operating system platform that it will run on (Windows or Linux), and what type of bells and whistles will be included, like a blog, which requires a database. In addition, most host providers offer discounts if the domain name is purchased along with the hosting space. It's much easier for a site designer to set all of this up for you than to explain it to you and hope that you can set it up correctly yourself. Ultimately, letting the designer set everything up saves you, the client, money, time, and frustration.

Give all that, why in the world would you want to purchase your domain name and hosting yourself? In one word, ownership. Generally, the person who sets up these accounts lists themselves as the owner with their name, email address, and credit card number. They also set up the security information for the account including the username and password. If you don't have this information, you can't access these accounts to make any changes. In effect, you are not the owner, the designer is. The designer usually includes the cost for these accounts in their initial design fee and then bills you again at the renewal time.

When most designers create a site, they often include some tiny text on it somewhere that advertises their business, like "Site designed by XYZsites" and it includes a link directly to their site. They may also include a notice in that line that states they own the copyright as well.

If these two conditions are true for you, it's likely that you don't actually own any part of your site. If you ever default on a payment to the designer or want to switch to another designer, they have the right, as the owner of the site, to make it unavailable for public viewing.

Most designers are reputable people and don't follow these practices to hold your site for ransom. They do it as the only means they have to protect their work and ensure timely payment from the client. If they don't own the copyright, you could easily switch to a cheaper designer for maintenance and there's nothing to stop that new person from changing the "Site designed by" line in the code to take credit for the work. So, it's easy to see the original designer's point.

There is a compromise to this situation about ownership. With your designer's help, you can purchase your own domain and hosting and list yourself as the owner and the designer as the technical contact for both. That way the designer has the right to make any necessary technical changes but you retain ultimate ownership. You will have to work out terms for copyright ownership with your designer as well as their desire to advertise on your site with a byline. Each designer handles that in a different way.

The other reason you want to have ownership and the security information for your site is that if the design firm goes belly up or you switch designers, you will need to retain control over your site and change the technical contact to another firm. Unfortunately, too many clients have had to build entirely new sites with new domain names because their original designer suddenly became unavailable or because the client wanted to switch design firms and discovered that they didn't hold the copyright and couldn't use any part of the original design.

It's important for you, as the one paying the bill, to protect yourself and ensure that you own all aspects of your site. It may actually cost you a little more up front, but it will be well worth it to you in the end.