

Checklist of Matters to be Considered in Drafting a Website Hosting Agreement

I. Services provided.

- A. Website hosting.
- B. Continuing maintenance of site.
- C. Registration of domain name.

II. Technical requirements and performance of host.

- A. Capacity of server.
- B. Speed/type of connection to Internet backbone.
- C. Number of simultaneous users.
- D. Type of host hardware.
- E. Type of host software.
- F. Uptime/maximum server downtime.
- G. Response time of server.
- H. Service/maintenance response time.
- I. Schedule for backups.
- J. Whether mirror sites required.
- K. Updates of hardware and server software.

III. Pricing.

- A. Storage space charges.
- B. Transmission or traffic charges.
- C. Continuing maintenance.
- D. Domain name registration.
- E. File Transfer Protocol account for site updates.
- F. E-mail accounts.
- G. E-mail forwarding.
- H. Common Gateway Interface scripts.
- I. Programming applets.
- J. Technical support.

IV. Security.

- A. Adequate firewalls (to prevent unauthorized individuals from accessing and modifying owner's Website).
- B. Passwords.
- C. Virus checking.
- D. Physical access to host.

V. Confidentiality/nondisclosure agreement.

VI. Assignments.

- 1. Host's right to assign.
- 2. Owner's right to assign.

VII. Acceptance.

- A. Shadow site.
- B. Hardware platforms to be tested.
- C. Features to be tested.
- D. Load simulations.

- E. Confirmation of link information.

VIII. Site information.

- A. Confidentiality.
- B. Server log files.
- C. Format of log files.
- D. Ownership of log files.
- E. Processing of log files.
- F. Methods of information collection.

IX. Termination—duration of agreement.

X. Warranties.

- A. Performance.
- B. Compliance with applicable state, federal and international laws.

XI. Disputes.

- A. Governing law.
- B. Venue.
- C. Arbitration.
- D. Attorney fees.