

Don't let your web-site get hijacked

In previous articles, I've alluded to needing to stay in control of your web site property. If you're not technically inclined, or if you're too busy to stay on top of everything, it's easy to leave the details to someone else, but in the wrong set of circumstances, you can get burned. Imagine buying a house and years later when you go to sell it, you find it's registered in the name of a real estate agent or a lawyer, or maybe it's in your partner's name. Unlikely? Probably. What if you found your domain name doesn't belong to you, it belongs to the developer who set up your web site, and that developer refuses to transfer control to someone else?

If this has happened to you already then you may need legal advice specific to your situation. Whether you decide to fight or fold depends a lot on your tolerance for a whole lot of hassle, because however right you think you are, it's possible that, legally, you're wrong. The purpose of this article is to save some of you from that hassle in the future. Here are some of the points you would be wise to consider:

1. Get the domain name registered in your own name. Probably the easiest way to ensure this is to do it yourself. It's very easy to do. For a .ca registration, the important thing is that the administrative contact e-mail address is one *you* control. Then if anyone else tries to change details of your account, that e-mail address will get an e-mail from CIRA (the Canadian registration authority) asking if this is OK. Unless you respond positively, nothing happens. (This means it's very important that CIRA has an up-to-date e-mail address. Don't cancel this address without changing CIRA's contact point first, or you'll find yourself in a catch-22 situation!) For more information about protecting your .ca domain registration, go to <http://www.cira.ca/en/brochure/intro.html#3>.

2. Know where your site is hosted and what the administration password is. For .ca domains, you can find out the first part from CIRA, by logging in and looking at your account. Any responsible hosting company should provide access to your site once you prove you are the owner. They might do this by e-mailing the information to the Administrative contact. Your developer has to have access to the host server to make changes to your site, but should not change the password without your approval.

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He is semi-retired but accepts contracts to help finance his expensive hobbies. David retired from a 33-year career in corporate IT and now specialises in developing database applications for Windows platforms, web-sites, and generally in improving business processes by simplifying, clarifying and beautifying all kinds of business documents.

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You can learn more about the work he does at www.creekwood.ca.

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3. Make sure you know which content is yours. Sounds obvious? Maybe not. Suppose the developer provides a photo from a stock photography company. Does he have the rights, or do you? Or, maybe the developer included some fancy code to protect your e-mail address from being “scraped” by a web-bot. If you move to another developer, can you still use that code? The moral and logical answer is of course, “yes” — the developer should provide you a licence to continue to use all of the content provided in your website regardless of who maintains it, but I’ve heard of cases where there has been conflict. (Of course, you should not take that developer-supplied code and re-use it in a totally different site unless it was developed specially for you.) I can hardly perceive a context in which the design and words would not be yours to take away, but I wouldn’t be surprised to hear of a problem some day.

As a consultant to small businesses, I’ve had to take over maintenance of existing sites on several occasions, and usually the relationship is extremely professional and even cordial. However, it appears that I have a potential client whose developer is making life very difficult, and from what I hear is refusing to allow the site to be relocated. In effect, this site is being held hostage and that’s what inspired this article — wish me luck!