

Contract Terms and Conditions

The Importance of the Written Word



Clarify Your Agreement from the Beginning

The business world revolves around contracts. If you do not have an effectively drafted contract detailing the terms and conditions of your agreement with your customer, sooner or later you will be stung.

Unfortunately, customer memories tend to fade. While you may have one understanding, the customer may have another. It may be an honest disagreement or you may have entered into business with an unscrupulous criminal.

To avoid future headaches, you need to have your key points of understanding in writing. If you fail to do so, it's only a matter of time before it costs your business significant dollars.

How Epiphany Law Can Help

A business contract does not need to be a 27-page agreement filled with needless legal jargon. It is often more effective to have a simple one-page document addressing the key points.

Determining the critical points to be addressed in your business's agreement requires the assistance of an experienced business law attorney. Epiphany Law has the expertise to help ensure your business is properly protected.





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Q Is it important to address warranties in writing?

A Absolutely. Not only do you want to explicitly call attention to the warranties you provide, you also need to address the warranties you do not provide. If your contract is silent on warranties, the law will often imply certain warranties such as the implied warranties of merchantability and fitness for a particular purpose. The results can be disastrous.

Q What are “consequential damages?”

A Consequential damages include lost profits, loss of business reputation and business interruption damages. Most business owners incorrectly believe that, if the \$100 widget they sold doesn't work properly, the only responsibility is to replace the widget. However, consequential damages may allow your business to be sued for millions—\$100 for replacing the widget and millions for your customer's theoretical loss of future sales and business reputation. If your agreement doesn't address consequential damages, you are generally on the hook.

Q What other issues should my terms and conditions address?

A Ultimately, the issues that are critical for your business to address will depend on the specific risks of your business. Common issues include:

- Choice of Law & Venue
- Ownership of Copyrights & Other Intellectual Property
- Payment Terms
- Interest
- Collection of Attorney's fees

Rely on Epiphany Law as your source of business law expertise for your growing organization.

