

What Do You Mean, I Don't Own My Website?

by David Evans, OD, PhD, MBA

Physicians can protect a practice website investment by asking a few questions up front to ensure that they own all aspects of the site and domain name.

The assessment started out routine. An ophthalmologist recently wanted to upgrade his practice's website to improve its appearance, as well as improve its rankings on Google.

During an evaluation of the website, the ophthalmologist was surprised by what he discovered. The content on the procedure pages seemed canned and definitely not individualized, particularly on the LASIK- and cataract surgery-related pages. After additional research, what he discovered was even more startling—the content from the surgeon's site appeared on about 150 other ophthalmology websites.

Who owns the copyright?

The copyright notice at the bottom of the website indicated that both the website company and the surgeon held the copyright. Although this is not a great finding, it might have been tolerable.

Unfortunately, when the surgeon contacted the company to learn more, he found out that he had no rights to any of the content or the design of "his" website. In fact, he did not even own the domain name of the site ("www.drxyzlasik.com").

The website company had registered "his" domain name, but retained all the ownership rights. What this registration means is that when this ophthalmologist decides to expand, upgrade, or improve his website, he either has to continue working with



the current website company or start over from scratch—new content, new design, and, more critically, a new domain name.

Five important questions to ask

Attaining the maximum benefit from a practice website requires a long-term strategy. The website should be upgraded and enhanced regularly over a number of years. To avoid being held captive by a website development company, here are a few key questions to ask.

1) Who owns the domain name of my website?

The domain name of a website, e.g., www.johnsmithlasiksurgonmd.com, is important for branding the practice. It should appear on all marketing materials and brochures, both physical and electronic.

It also is important to remember that the age of the domain name can influence how well the website ranks on Google—usually, the older the name, the better. The domain name is a practice asset and should be completely owned and controlled by the practice.

When starting out with a new website company, always ask who owns or will own the domain name. If a domain name already exists, check the ownership by visiting www.whois.sc. If the physician is not listed as the registrar of the domain name, then there may be a problem.

2) Do I have duplicate content on my site?

Customized, educational website content is essential for creating a unique image for a physician's practice and for achieving high rankings on Google. Notably, if the content is the same as other websites, then Google is less likely to give the site high rankings.

When developing a new website or upgrading a current website, always ask whether the content will be unique and whether the same content appears in other websites.

An easy way to check if website content is duplicated is to copy a sentence or two of the content from a page on the site. Enclose the content with quotation marks, and then paste this text into the Google search box. Google will show matches for other websites that have exactly the same content.

3) Do I own the design of my site?

When contracting with a company to have a new website built, determine who will own the graphic images and design. Even if the physician personally writes the content for the website, he or she still may not own the design. If the physician does not own the design, moving the website to a different company for expansion may require

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that the site be redesigned and rebuilt—at the physician's expense.

4) Who pays the licensing fees for photos on my site?

Many of the photos that appear in ophthalmology websites are derived from online photo catalogs that require a licensing fee. Always find out who will own the photos in the website and whether there are any ongoing licensing fees associated with the site.

Some of the larger suppliers of photos, such as Getty Images, are aggressive about pursuing website owners who use their images without proper licensing fees.

5) What about flash and video files?

Access to and ownership of the source code for the flash and video files is essential if the physician wants to transfer the website without a hitch. When contracting with a website company for a site that contains flash, video, or both, always find out who owns the rights to the source code. If the physician does not own the source code, then often he or she may have to pay significant amounts to have these files re-created once the decision is made to expand or redesign the site.

Take steps to avoid having to start over each time a decision is made to update or expand a website and improve online visibility. Protect the website investment by asking a few questions up front to ensure ownership for all aspects of the site and domain name.

Read the contract closely and review any terminology that includes “owns-

or is just renting—the website.

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