

Author's Introduction **Advising eBusinesses 2025–2026**

This edition of *Advising eBusinesses* includes many updates and new resources, including:

- Artificial Intelligence. A description of the Trump Administration's "AI Action Plan" and recent state laws regulating artificial intelligence usage [Section 1:8].
- Guidance on Use of Artificial Intelligence in Patent and Trademark Filings. Sections 2:78 (trademark) and 7:51 (patent) describe recent pronouncements of the U.S. Patent and Trademark Office regarding the use of artificial intelligence in patent and trademark filings.
- The Americans with Disabilities Act and Websites. Section 3:4 contains updated information about website compliance with the ADA, including a sample Website Accessibility Statement [Appendix 3-HHH].
- Copyright Infringement Cases Against AI Developers. Section 3:88 discusses several recent cases brought by content creators against AI developers alleging copyright infringement caused by the AI software's "scraping" of copyrighted content.
- The U.S. Supreme Court's decision in *Free Speech Coalition v. Paxton*. Section 4:52 discusses the Supreme Court's upholding a Texas law requiring eBusinesses to verify the ages of minors accessing their website content.
- Federal Trade Commission enforcement actions. Section 5:62 discusses recent FTC enforcement actions centered on "AI washing," or deceptive advertising regarding use of AI software.
- "The U.S. Take It Down Act". New section 6:48 discusses the U.S. Take It Down Act which makes it a crime to knowingly publish intimate images or deepfakes without consent, especially when done to cause harm.
- Contract Formation. Section 8:6 has been updated to discuss recent case law providing clearer guidance as to when "scrollwrap," "clickwrap," "sign-in wrap" and "browsewrap" online agreements will be enforceable.
- Digital Sales Taxes. New section 10:37 discusses the adoption of "digital sales taxes" by several countries in the European Union and elsewhere.
- New Forms and Appendices: This edition contains a number of new forms and materials, including the following:
 - ABA Formal Opinion 512 relating to the ethical use of artificial intelligence (AI) software by attorneys [Appendix 1-A];
 - A short-form Intellectual Property License Agreement between a parent corporation and a subsidiary [Appendix 2-T];

- A sample “representation and warranty” clause for an asset or stock purchase agreement containing language regarding use of generative artificial intelligence (AI) software in creating intellectual property [Appendix 2-U];
- A sample Website Accessibility Statement [Appendix 3-HHH];
- A provision for a website Terms of Service regarding use of artificial intelligence [Appendix 3-III];
- A clause for a consulting agreement regarding use of artificial intelligence by the consultant [Appendix 3-JJJ];
- Supplemental terms to a SaaS subscription agreement regarding use of artificial intelligence [Appendix 3-KKK];
- A free-standing artificial intelligence usage policy for a website [Appendix 3-LLL];
- An employment policy providing privacy guidance for use of artificial intelligence by employees [Appendix 4-QQ];
- A clause for an employee handbook regarding privacy considerations when using virtual meeting and collaboration platforms [Appendix 4-RR]; and
- A privacy and confidentiality notice for the website of a law firm that relies on third-party AI software [Appendix 4-SS].

My goal each year is to make *Advising eBusinesses* the most up-to-date and easy-to-use “quick reference” guide for professionals who represent eBusinesses. I hope that you will find it as invaluable for your practice as I do for mine.

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