Your small print could **change the world**

(this is an open letter to Apple.)

Small print is broken*

*In these digital and Social media times, trust and privacy are the defining subjects of our relationships with the brands we use. Yet brands insist on managing that part of their relationship with us through blurbs that are longer than most novels and harder to understand than Shakespeare. It's like trying to have an intimate conversation with someone down a very long tube while putting on a silly voice. I started thinking, what would be the quickest way to fix this once and for all? Answer: it would be for Apple to change their end user agreements. Because where Apple leads, entire industries follow. So I wrote Apple an open letter. Lots of people have read it and cheered. A couple of big law firms called and said 'oh, interesting'. As yet, I've not heard from Apple. Here's the letter. Have a read. If you know someone from Apple, pass it on to them. If you're a brand with a small print problem, call me. Please click here to say you have read and understood this message.

Dear Apple,

I have a challenge for you. There's a bit of user experience out there in the world that really, really sucks. And it's not just 'out there in the world' – it's in every single one of your products.

I'm challenging you to change it. Everyone else is acting like this is basically impossible. And, well, we all know you have form when it comes to doing the things nobody else can.

The good news is, compared to designing the iPod, this will be a complete breeze. In fact, I've already made a start for you, just a few paragraphs further on. So let me explain what this challenge is, and why you should care so much about it:

Every single day, billions of people across the world are bored, confused and frustrated by the way businesses write to them. Not the glossy advertising stuff.

The important stuff: the contracts, the terms and conditions and so on. The words which are meant to explain where we stand, what we're all signing up to. You take meticulous care over even the tiniest details of all your products and services. Yet when it comes to your own end user agreements, you seem to have a complete blind spot. They're a horror show.

The last time my iTunes updated, a menu popped up asking me to click to agree to the updated terms. In the bottom of the screen, the page count said '*page 1 of 99*'. Your Apple Music terms are nearly 20,000 words long. They'd take nearly two hours of my life to read.

And not only are they too long, they're also difficult. If you check the Flesch-Kincaid readability level of your terms, they score in the low thirties. That's about the same level as the *Harvard Law Review*.

I've asked lots of people if they've ever read one of your end user agreements. Every single one of them has said something along the lines of, '*Of course not! I just click accept!*'**

Frankly, Apple, I think you should be ashamed by that. That's the equivalent of saying: '*It's tricky to make the battery small enough to fit into this iPhone, so we'll just stick a big bulge on the back*.'

It's lazy and inelegant. And very unApple.

But it's actually a breeze to fix. I'll show you how easy it is. Below are a couple of paragraphs from your current end user agreement. (Check out '*force majeure*' and '*thereto*' in the same sentence!) Followed by a few more paragraphs in which I've made them sound more, well, Apple.

You said:

iTunes will provide the Apple Music Service with reasonable care and skill. iTunes does not make any other promises or warranties about the Apple Music Service and in particular does not warrant that:

(i) your use of the Apple Music Service will be uninterrupted or error-free. You agree that from time to time iTunes may remove the Apple Music Service for indefinite periods of time, or cancel the Apple Music Service at any time for technical or operational reasons and will, to the extent practicable, notify you of this;

(ii) the Apple Music Service will be free from loss, corruption, attack, viruses, interference, hacking, or other security intrusion which shall be events of Force Majeure, and iTunes disclaims any liability relating thereto. You shall be responsible for backing up your own system before, during and after using the Apple Music Service, including any content or data used in connection with or acquired from the Apple Music Service.

(Word count: 273. Reading ease score: 33.1)

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But you could say:

We do our best to make Apple Music as reliable as possible. But we can't promise there won't sometimes be problems. For instance:

(i) **We might need to turn off Apple Music because of technical problems.** And sometimes, we might need to do it at short notice, and might not always be able to warn you first.

(ii) **Apple Music might get hacked, be infected with a virus, or be affected in other ways that are beyond our control**. (What lawyers call 'force majeure'.)

We're always working to try to make sure these things don't happen. But if they do, we're not responsible for the effects it might have on your system and data.

If you're worried about that, you should back up your stuff. Ideally before you use Apple Music, but during and after too if you want to be extra safe.

(Word count: 151. Reading ease score: 73.3)

Isn't that already feeling more Apple? And that's just the absolute basics. We haven't even got into what could happen if we have a serious conversation about which bits you actually, really need to say, which you don't really, what could be put elsewhere, how you could radically restructure it, how you could use graphics and icons...

And the thing is, if you do this, it'll change the world. Because where you lead, entire industries follow. And while I'm happy to go round to them one by one and make the case for them fixing up their writing, frankly, if you do it, then everyone else will just do it too. Overnight, it'll become the new default standard for communicating legal stuff to customers.

Which would be pretty cool, right?

Cheers, Nick

** from page 5: Obviously, *some* people have read them. Otherwise, a Google search wouldn't bring up all those examples of the bit that says you can't use iTunes for the development, design, production or manufacture of nuclear, missile, chemical or biological weapons. Funny.

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