

A smiley face may end up being no laughing matter

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Sending a smiley face or thumbs-up emoji could land you in legal trouble.



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Seemingly innocent emoticons attached to an instant message or e-mail can lead to you being bound by unwanted contracts and held liable for damages, warns Johannes du Plessis, legal adviser at insurance and risk specialists Risk Benefit Solutions.

"Many individuals negotiate lease agreements with landlords or agents, or make purchase and sale agreements with sellers they found in newspaper or website classifieds.

"Placing a thumbs-up, smiley face, bottle of champagne, dancing figures, sunshine, rainbow, heart, or any other emoticon which creates the impression of positivity, acceptance or agreement in the mind of the receiver, might result in the conclusion of a legal contract."

Du Plessis said this could result in the sender being bound "as if he had the will and intention to enter into the contract".

"Should you then breach the contract, you might become liable to the other party for damages."

The Electronic Communications and Transactions Act provides that contracts concluded wholly or partly by a data message are legally binding.

Source: The Times

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