

Marisa Roman Cautions Clickwrap Agreements Are Not Enough to Let Companies Off “Scot-Free”

Quoted in *Massachusetts Lawyers Weekly*

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Hinshaw attorney Marisa Roman was recently quoted in *Massachusetts Lawyers Weekly* discussing a significant Superior Court ruling holding that a Massachusetts choice-of-law provision in Tripadvisor’s online terms-of-use agreement barred a California resident from bringing a privacy class action under the California Invasion of Privacy Act. In so ruling, the judge did note that there “can be no question” that Tripadvisor could have provided more conspicuous notice of the contract terms.

In her comments to *Massachusetts Lawyers Weekly*, Marisa cautioned that companies should not assume clickwrap agreements will provide blanket protection from privacy claims. “You have to show that the user actually engaged with the terms of agreement rather than blanketly clicking on them,” she noted, emphasizing that a mere pop-up is not enough to let companies off “scot-free.”

This ruling highlights the importance of well-drafted choice-of-law clauses and the role clickwrap agreements play in defending companies against out-of-state privacy claims—an increasingly crucial consideration as digital privacy litigation continues to grow.

[Read the full article \(subscription may be required\)](#)

- *Massachusetts Lawyers Weekly*: “[Privacy-tracking class action vs. Tripadvisor dismissed](#)” (September 14, 2026)

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