“Marketing Your Meetings and Events With Social Media: It’s All Legal….Or Is It?”

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Introduction

• Balancing the Benefits with the Risk

• Our two mottos for the day:
  – Hope for the best, but plan for the worst
  – It’s easier and cheaper to keep you out of trouble than to get you out of trouble
Basic Risks

• Web 1.0 and before
  – Phone calls
  – Faxes
  – E-mail
  – Expectations of privacy

• Web 2.0 and beyond
  – Social networking
  – Expectations of privacy
Basic Considerations

• Who Determines What We Say?
• Who is Authorized to Say It?
• Diamonds and Social Media Postings are Forever
Consequences of On-duty and Off-duty Use of Social Media

- Disclosure of Sensitive Information/Data
- Discrimination
- Defamation/Libel
- Copyright Infringement
- Trademark Infringement
- Music Licensing
- Unfair Competition
- Sexual Harassment
- Time Wasting
Copyright Infringement

- Copyright Protection is Automatic
- Do You Own What You Think You Own?
- Access + Substantial Similarity = Infringement
- Though It May Seem “Fair,” Your Use May Not Qualify as “Fair Use”
Trademark Infringement

• Use of Another’s Trademark Is OK if Referring to the Product or Service in Connection with Which the Mark is Used

• Infringement Results Where There Is a Likelihood of Confusion
  – Consider LinkedIn or Facebook Groups
Suggested Policies

• Address what is prohibited
• Monitoring and auditing
• Consent to disclosure of email and texts
• Company can release to 3rd parties
• Employee acknowledgement of receipt and understanding
• Waiver of privacy when using company property
• See www.socialmediagovernance.com for sample policies
Social Networks

Legal Risks and Remedies

• Risks:
  - User Generated Content (UGC)
  - Communities/Groups
  - Personal
  - Privacy Protection

• Remedies:
  - Adequate Policies, Procedures, and Agreements
  - Ability to report as inappropriate
  - Advanced Opt-Outs
Blogs

Legal Risks and Remedies

• Risks:
  – Defamation
  – Unfavorable remarks
  – Infringing material
  – Disclosure of Confidential Information

• Remedies:
  – Blog policy
  – Blog agreement
  – Disclaimers
  – Insurance and Indemnification
Twitter

Legal Risks and Remedies

• Risks:
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  – Disclosure of Confidential Information

• Remedies:
  – Twitter policy
  – Twitter agreement
  – Insurance and Indemnification
Hot Topics

- Squatting v. Qwikster
- Facebook Contests
- Trademark Issues as to Promoted Tweets
- Hash Tags as Trademarks?
What Else is On Your Mind?

Questions? Email them to njb@howehutton.com

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