



Marketing Your Meetings and Events With Social Media: It's All Good ... Or Is It?

Presented by:

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Howe & Hutton, Ltd.

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Introduction

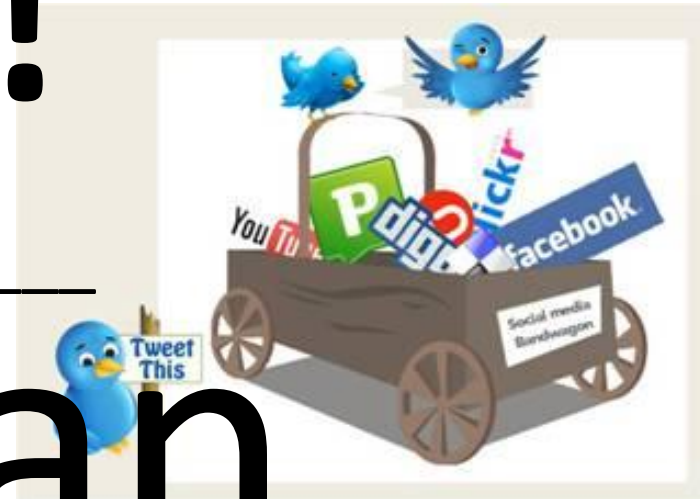
- Social media and technology
 - Have changed the way people network, market, and discuss events and business issues
- Personal time v. work time
- Communications and social media policies
- Law having trouble catching up, let alone keeping up





Basic Considerations

- What can we say?
- Who can





Social Media and Technology Applications

- Facebook & LinkedIn
- Twitter Mini-Blogs
- Apps
- YouTube
- Video/Audio Synching of Speakers
- Virtual Meetings/Trade Shows





What Should I Be Concerned About?

- Copyright Infringement
- Trademark Infringement
- Geotags and Geocaching
- Protected Concerted Activity
 - NLRB
- Time Wasting





What Should I Be Concerned About?

- Disclosure of Sensitive Information/Data
- Defamatory Comments
 - Cybersmearing & Cyberbullying
 - Texting
- Disparaging Photographs
- Privacy
- Discrimination and Harassment
- Antitrust





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”
- Licenses



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Trademark Infringement

- Use of another's trademark is ok if referring to product or service in connection with which mark is used
- Infringement results where there is likelihood of confusion
 - Consider LinkedIn or Facebook Groups





Geotags

Full View - GXP XPLORER - Mozilla Firefox

Full View - GXP XPLORER

GXP Xplorer

Home Product Manage

VIEW CART 0 Items SIGN IN

Any Time

By Date Collected

Catalogs Types Advanced

Favorite Searches Search Clear 37 Total Results

Geotagged Non-Geotagged Auto-Search

Preview Panel

Close Hide All

CEB 1M

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TIF Image

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01/02/03
8.8 years ago

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-58.447733 -39.726562

prev next

Show 100 per catalog

Delete	ERR	Filename	Title	File Size	Tags	File Type	Coordinates	Order
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		googleearthplugin.t		630 bytes	Executable TXT	text/plain		Order



Geotags

- Metadata markers that record where an image or message was created
 - Embedded in photos, videos, text messages
 - Tracking and broadcasting location information
- Posting with photo identifies where photo was taken
 - Even if you didn't when you posted it on Facebook
- Information being innocently publicized by those trying to stay in touch
 - Creating safety and security issues!



Geocaching

- Recreational activity of hunting for and finding hidden objects using GPS coordinates posted on a website.





Key Laws You Should Be Aware Of





Communications Decency Act

- Provides that “[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”
- ISP is immune from liability if content was written by a third party rather than the ISP itself
- Excludes allegations involving the violation of a criminal statute, the infringement of intellectual property and a website’s inducement or encouragement of illegal activity.
- Only applies to claims under United States law.



Online Copyright Infringement Liability Limitation Act (Part of 1998 Digital Millennium Copyright Act)

- Intended as a shield for internet service providers from monetary damages as a result of copyright infringement by users.
- Liabilities will be limited as long as it first adopts and reasonably implements a policy of addressing infringement and terminating accounts of users who are found to be repeat infringers



FTC Guidelines on Endorsements and Testimonials – December 2009

- Adds social networking blogs and bulletin board postings to rules
- Material connections must be disclosed when it is not expected by audience (celebrities are expected to be paid endorsers)
- Disclosure is key



Children's Online Privacy Protection Act

- Websites that collect information from children under age 13
- Need verifiable consent to collect personally identifiable information such as name, address, birth date





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Employee Terminations

- Electronic discussions that raise concerns over wages, hours, or other employment conditions
 - Protected concerted activity
- Social media policy that restricts employee's right to react to or interact with co-workers' posts about something at work through blogging, Internet posting, tweeting, "friending," Facebook communications
 - Overly broad and unfair labor practice



Employee Terminations



Gripping - Unprotected Activity

- Posting unprofessional remarks about their employers on their Facebook pages
- Making disparaging, discriminatory or defamatory comments about their superiors on their Blogs
- Posting pictures of themselves on the Internet that depict the company negatively
- Without group engaging in discussion



Recommendations

- Confirm all appropriate licenses have been obtained
 - Video/audio synching
 - Music, film clips, photographs
- Make sure speaker/entertainment contracts include indemnification provisions
- Ask permission and provide attribution
- Acquire rights and licenses
 - Content capture, reproduction, distribution, archiving



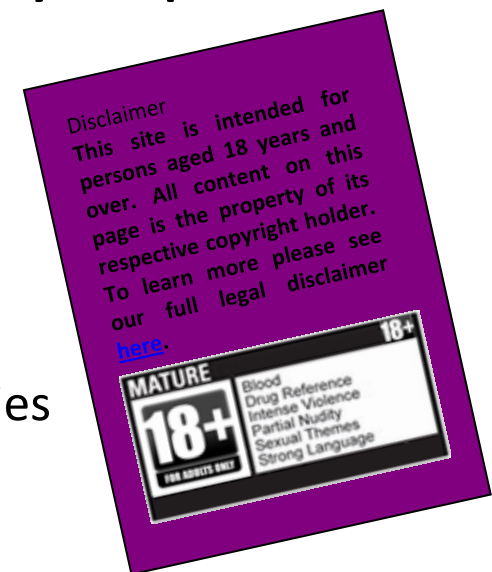
Recommendations

- If using geolocation-linked social media networks
 - Only follow people you know personally
 - Don't connect those accounts to others where you have extensive following, i.e. Twitter
 - Disable mobile GPS on smartphones when doing anything work-related
 - When checking into location based network, do it when you are leaving, not arriving



Recommendations

- Review all social media, communications, confidentiality and other policies to ensure that they do not violate the NLRA.
- Develop limiting language or clarifying examples in the policies – clearly express what is prohibited.
- Include but don't rely on
Policy Disclaimer.
- www.socialmediagovernance.com – sample policies





What Else Can You Do?

- User Agreements – Do's/Don'ts
- Adequate Policies/Procedures – Checklists
- Notices and Disclaimers
- Restriction on Use
- Indemnification in Contracts
- Insurance
 - General liability
 - Cyber liability
- Monitor and Enforce





Conclusion

- Social media is all around us and it's here to stay
- Technology can help or haunt us
- Protect your organization
- Diamonds and Social Media Postings Are Forever





NAOMI R. ANGEL is a partner with Howe & Hutton, Ltd., a law firm that specializes in the representation of individuals, firms and organizations in the travel, tourism, hospitality, incentive and meetings industries, as well as not-for-profit organizations, including trade associations, professional societies and other related organizations.

Naomi works with individuals and organizations in the meetings, travel and hospitality industries, including corporate and independent planners. Additionally, she serves as General Counsel to national and international trade associations of manufacturers, suppliers, and professionals, providing guidance in the areas of antitrust, intellectual property, standards development, certification and accreditation, governance, contracts, international organizational issues, product liability, and risk management. Naomi has appeared before federal and state agencies and worked with national research laboratories, advocating positions on behalf of client associations. She is a trained mediator with extensive commercial litigation experience at state and federal levels, and is admitted to practice before the Supreme Court of Illinois; the Trial Bar of the U.S. District Court, Northern District of Illinois; and the U.S. Court of Appeals, Seventh and Federal Circuits.

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What Else is On Your Mind?



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