

SOCIAL MEDIA AND THE LAW

Presentation to PRSA

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REMEMBER THE BASICS

- ⦿ The tools and media may change, but the law remains the same
 - Defamation
 - Privacy
 - Copyright & Trademark
 - Deceptive Advertising
 - Federal regulations ([FDA](#), FTC, SEC)
- ⦿ You (and/or your client) remain responsible for statements/publications made in the promotion of a product or service
 - Under CDA & DMCA, some extra protection for you as an ISP if you host forum/discussions

HAVE A POLICY IN PLACE

- ◉ No longer a clear division between personal life and professional life, so presume all is public
 - No anonymous comments, always ID who you are
 - Anything can be traced back to you or your organization
 - Transparency & professionalism are key
 - Should organization allow employees to use?
- ◉ Policy should be defensive: protect against worst-case scenarios
 - Crisis situations, rogue tweets, private uses, security breaches, 24-hour monitoring
- ◉ Follow state / local policy or other relevant policies (ex: CDC)

RECENT ISSUES

- ◉ Federal Trade Commission issues [guidelines](#) for advertisers for product testimonials in blogs & social media
- ◉ Copyright, copyright, copyright - “so I found this photo on Flickr...”
 - Just because it’s on the Web doesn’t mean it’s public domain
 - Consider Creative Commons for free images
- ◉ You haven’t made it big until there’s a fake Twitter account about you
 - “e-personation” law considered in [California](#)
 - Fake [@AustinPD](#) and [@BPGlobalPR](#) accounts