



NORTHERN CALIFORNIA CHAPTER

MEETING PROFESSIONALS INTERNATIONAL

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

Presented by:

**Nathan J. Breen, Esq.**

Partner

Howe & Hutton, Ltd.

**Fairmont Hotel**

San Jose, CA

January 24, 2012



©Copyright 2012. Nathan J. Breen, Esq., Partner, Howe & Hutton, Ltd., Chicago, Washington DC and St. Louis, Missouri. All rights reserved under both Pan-American and international copyright conventions. No reproduction of any part may be made without the prior written consent of the copyright holder.

# 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



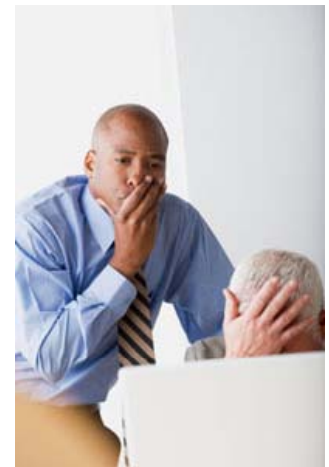
# Basic Considerations

- 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”



©1999 Dennis Cox

# 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](http://www.socialmediagovernance.com) for sample policies

facebook

Email  Password

Keep me logged in [Forgot your password?](#)

[Sign Up](#) Facebook helps you connect and share with the people in your life.

Meeting Professionals International (MPI) [Like](#) [Create a Page](#)

Wall (0)  
Info (0)  
Welcome (0)  
MPI Job Bank (0)  
Events (0)  
YouTube (0)  
Photos (0)  
Videos (0)  
Questions (0)

About  
Meeting Professionals International (MPI), the meeting and event industry's...  
more  
Meeting Professionals International (MPI), the meeting and event industry's most vibrant global community, helps its members thrive by providing them an connections to knowledge and ideas, relationships, and marketplaces.

**5,773**  
like this  
**58**  
talking about this

Likes [See All](#)

- MPI Orlando
- Clean the World
- Ottawa
- Fans of One+ Magazine
- IncentiveWorks

[Create a Page](#)

Facebook © 2012 · English (US) [Mobile](#) · [Find Friends](#) · [Badges](#) · [People](#) · [Pages](#) · [About](#) · [Advertising](#) · [Create a Page](#) · [Developers](#) · [Careers](#) · [Privacy](#) · [Terms](#) · [Help](#)

# 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

NORTHERN CALIFORNIA

**MPINCC**

@MPINCC

*Northern California Chapter of Meeting Professionals  
International*

A grey button with a blue Twitter bird icon and the text 'Follow'.

7,046 TWEETS

425 FOLLOWING

# Twitter

## Legal Risks and Remedies

- Risks:
  - Defamation
  - Unfavorable remarks
  - Infringing material
  - 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](mailto:njb@howehutton.com)

©Copyright 2012. Nathan J. Breen, Esq., Partner, Howe & Hutton, Ltd., Chicago, Washington DC and St. Louis, Missouri. All rights reserved under both Pan-American and international copyright conventions. No reproduction of any part may be made without the prior written consent of the copyright holder.