Legal pitfalls on social media or legal risks that can go viral

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Use of content

*Intellectual property & copyright infringement
  • photos/video on social media
*Usernames and names
  *Twitter does not allow users to transfer their usernames onto others in exchange for money
*Logos & registered trademarks
*UGC
Copyright

- Curation/aggregation and creation
- Fair Use doctrine: balance between intellectual property rights & public interest
- Are you using the work to create something new? Repurposing it? Parodies?
- Market value: Pinterest controversy, avatars (does common practice matter)

*Tweets are not copyrightable
Fair Use vs. ‘Hot News’ Doctrine

- Breathing room
- *INS vs. AP* (WWI) -- protection
- ‘Hot News’ claim exists but the window is narrow
Complying with rules

Ads and promotions on social media

- LinkedIn prohibits dissemination of unauthorized and unsolicited ads and promotional material
- Twitter prohibits ‘spamming’
Crediting

- Proper credit counts
- Always h/t or RT when relevant
Other important things

- Ethical considerations

- What do you gain by posting/reposting/linking/publishing that photograph or that story?
*Interacting with your readers
*Interacting with your colleagues
*Talking about choices, endorsements on social media
Data: How to protect it

*Commenting and your audience
*Your reporters/colleagues vs. trolls
*Employer/employee issues (*Pietrylo v. Hillstone Restaurant Group*)
References and helpful tips

Legal risks of social media http://bit.ly/1Db1YIU
Lawyers’ opinion http://sxsw.is/1xNQDYX