

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

Mila Sanina, @pgmila @PittsburghPG

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?

Guidelines & policies

- *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>