

October 3, 2012

## *Protecting Your Digital Investment & Brand is Critical to your Business*

Most businesses today interact through the business's website and/or through social media - and for very good reasons - *it drives business*. A recent Social Media Marketing Report shows that over 63% of companies will spend 1-10 hours per week promoting brands on various platforms. The report also estimates, however, that 49% of employees that manage the accounts have less than one year of experience working with social media marketing. In addition, 40% of companies admit to having no training or governance of social media.

The rewards for well implemented social media programs are great. But the use of these methods is not without risk, especially for companies with inexperienced staff and no training or governance. Key areas of trouble include:

- intellectual property infringement,
- defamatory posts,
- endorsement issues,
- trade secret problems,
- confidentiality concerns,
- monitoring of employee discussions, and
- brand hijacking.

There are a variety of ways to avoid these potential legal woes. To protect the company brand and social media investment, businesses should ensure that they are protected by implementing *at least* these three measures:

1. **A current and robust Terms of Use policy for the company website.** Given the rapid development of the law, Terms of Use should be reviewed at least every six months, and perhaps more often, depending on changes in the law.
2. **A policy that protects the company's ownership of its website and its social media accounts.** This is often overlooked by companies until an employee walks out the door with the company's passwords and electronic "Rolodex<sup>®</sup>" with valuable customer information.
3. **A social media policy.** The policy should assist in preventing brand hijacking, infringement, and trade secret problems, among other things.

Comprised of experienced media, intellectual property, commercial litigation, corporate, and employment attorneys, Butzel Long's **Social Media, Privacy, & Technology Specialty Team** has extensive experience in advising clients on social media and digital media including: agreements; advertising and branding; libel; privacy; data protection and cybercrimes; copyright, trademark and patent registration and enforcement; anonymous posters; the Communications Decency Act; the Digital Millennium Copyright Act; international privacy protection; endorsement issues; content licensing; and cybersquatting.

Among the services we offer are the development of:

- Terms of Use
- Social Media Policies
- Privacy Policies
- Employment Policies
- Data Breach Policies

Additional services include:

- Web Development Contracts/Review
- Website Review
- Pre-publication Review
- Domain assistance
- Trade Secret Review
- Management/employee Training
- Intellectual Property review of assets

Our Social Media, Privacy, and Technology Specialty Team offers customized audits for nominal sums that can be applied to follow up services. We also offer special options for startups; customized bundled services; and a range of alternative fee arrangements.

Please contact your Butzel Long attorney or Social Media, Privacy, and Technology Specialty Team Chair Robin Luce Herrmann at [Digilaw@butzel.com](mailto:Digilaw@butzel.com) (or 855-Digilaw) for more information.

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