



*Trademarks and Social Media:
Practical Solutions to
Emerging Issues*

Paul Mussell and Aparna Dave, Wells Fargo & Company
Midwest IP Institute, June 22, 2010

The New Normal

"It
a
th
d

The image shows a screenshot of a Facebook profile for Warren Buffett. A large white text overlay reads "20 years to build a reputation" and "5 minutes to ruin it. If you think about that, you'll do things differently...". The post itself is from Warren Buffett, dated June 15 at 6:23pm, with 309 likes. Below the main post are several comments from other users, including Nadia Jones-Kirkman, Billy Glass, Ewnetu Taye, Pin Simamora, and Faisal Shahzad, all discussing the quote and their own experiences or perspectives on success and reputation.

facebook

Search

Warren Buffett Like

Wall Info Photos Boxes Events Discussions >>

Warren Buffett + Others Warren Buffett Just Others

Warren Buffett It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently...
June 15 at 6:23pm · 309 likes

View previous comments 50 of 309

Nadia Jones-Kirkman This is so true. I am a realtor in South Lake Tahoe. I am trying to build my reputation as we speak. I have only been in this town for 1 year. All of my hard work and effort could go down the drain overnight. This is why it always says to believe it and then do it.
June 15 at 12:38pm · 51 person · Flag

Billy Glass amen brother
June 15 at 7:59pm · Flag

Ewnetu Taye After two decades of rule by a tyrant who still is deceiving the west, Ethiopia's poor is getting poorer and millions have joined the starving group of Ethiopians .. His lies were unbearable to this Bloomberg journalist and asked him if he can allow what he said can be verified, but then zemawi showed his real nature of a despotic dictator.. see the link until the end.. <http://www.youtube.com/watch?v=odnnYdztdto&feature=related>
June 16 at 12:44am · Flag

Pin Simamora yes...but not many people who suffer the same fate as you
June 17 at 11:53am · Flag

Faisal Shahzad ya absolutely u r rite..... u r extraordinary no doubt..... but still the luck is more important and i believe dat luck 51% and hardwork 49% is the major factor of every success.....but every person has his own thinking about his/her success.....so Good Look Sir 4 ur more success.....
June 19 at 11:42pm · Flag

Suggest to Friends

Information

Affiliation:
Berkshire Hathaway

Location:
1 Hillside Drive, Omaha, Nebraska, NE, 68102

Birthday:
August 30, 1930

61,955 People Like This

Joyce Holbrook James Smith Tommy Monsoor

Russell Cliff Powell Holly Johnson Perkins Anita Robotka

ion

What is Social Media?

- 
- Social media is “an umbrella term that defines the various activities that integrate technology, social interaction, and the construction of words, pictures, videos, and audio.”

<http://www.wikipedia.org>

- It's also a fancy way to describe the zillions of conversations people are having online 24/7.

Social Media Landscape



Why Should You Care?

- Because 2/3 of global internet population visits social networking sites
- Because users spend 8 billion minutes *per day* on social networking sites
- Because social media has overtaken porn as the #1 activity on the Web
- Because if Facebook were a country, it would be the world's 3rd largest, behind China and India
- Because there are over 200,000,000 blogs
- Because there are over 100 million Twitter users, a significant percentage of which tweet opinions about products & brands
- Because, because, because . . .

Because social
media is word
of mouth on
STEROIDS





CHUCK NORRIS

Resistance is futile.

BECAUSE . . .

“For companies, resistance to social media is futile.

Millions of people are creating content for the social Web.

Your competitors are already there.

Your customers have been there for a long time.

If your business isn't putting itself out there, it ought to be.”

BusinessWeek, February 19, 2009

Benefits of Social Media

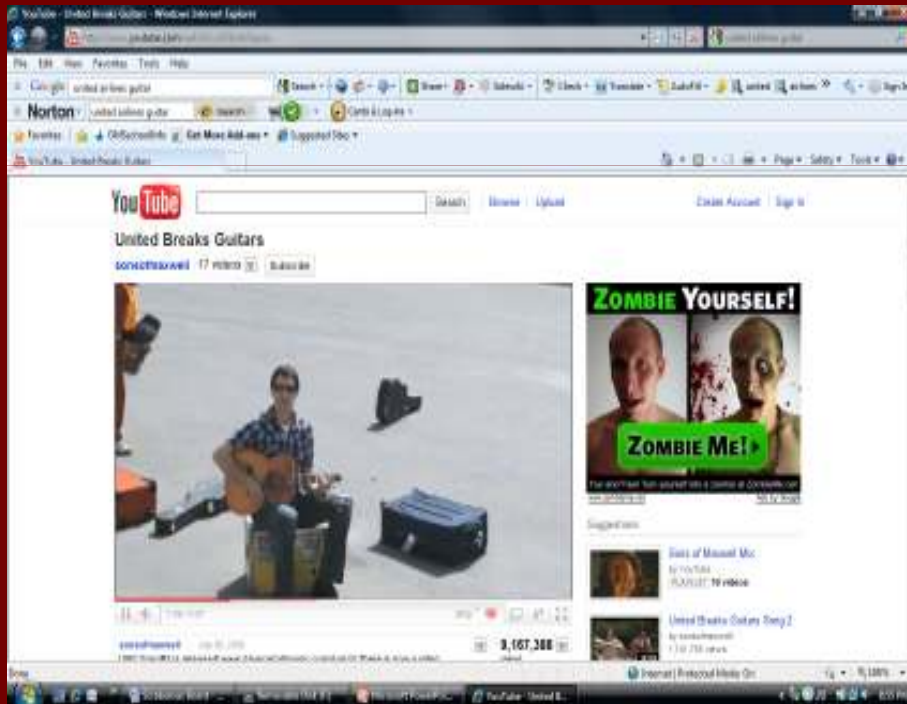
- Customer engagement and communication
- Customer service and improved feedback
- Increased brand recognition and awareness
- Complements top-down communication with P2P word-of-mouth conversations
- Reputation management
- Crisis response
- Product development
- Being where your customers are

Not Simply Old Problems, New Media

- Represents a paradigm shift for brand owners
- Complicates corporate media (old and new) investor relations, and customer service
- Challenges conventional IP enforcement
- Presents significant administrative challenges
- Involves legions of relatively anonymous users –
 - some brand detractors, others brand champions
- Poses a new risk profile

Complicating Customer Service

United Breaks Guitars



"...within four days of the song going online, the gathering thunderclouds of bad PR caused United Airlines' stock price to suffer a mid-flight stall, and it plunged by 10 per cent, costing shareholders \$180 million. Which, incidentally, would have bought Carroll more than 51,000 replacement guitars."

Complicating Media Campaigns

Motrin "Mommyblogger"



Moms! Watch the <https://www.motrin.com/> Mom-ologue ad and let me know what you think!
Me: I'm all for babywearing and NO for Motrin.

about 3 hours ago from web

 **KatjaPresnal**
Katja Presnal

@Karoli My baby is 7 but picking on new mothers is vile, it's as vulnerable as we will ever be and they should know better. #motrinmoms

2 minutes ago from web in reply to Karoli

 **JessicaGottlieb**
Jessica Gottlieb

Wow motrin, you REALLY messed up with that ad. No more motrin for my family #motrinmoms

1 minute ago from web

 **MobileMommy**
LaurieMM

The background image shows a yellow sign with the word "RING" in large, bold, black letters. The sign is partially obscured by the social media posts.

Complicating IP Enforcement

“Unicorn - the new white meat”

Home > Caffeine & Edibles > Wacky Edibles >

Canned Unicorn Meat



Pâté is passé. Unicorn white meat.

To Whom It May Concern:

This law firm represents National Pork Board in connection with its intellectual property rights.

We are writing to you in connection with your activities at the website www.thinkgeek.com wherein you have been marketing a product called "Radiant Farms Canned Unicorn Meat" using the slogan "Unicorn - the new white meat." A copy of the website page advertising the unicorn meat is attached for your reference. In addition, it appears that a number of other websites that refer to this product use the wording "The Other White Meat" in connection with the product, including www.facebook.com/pages/Unicorn-Meat/116348375047769 and www.thefrisky.com/post/246-unicorn-the-other-white-meat/?trackID=fool (see attached copies of website pages).

... (on one point); it even ... from our site. And we know they're not ... invested in the best and brightest legal minds.

... makes this cease and desist so very, very special is that it's for a fake product we launched for April Fool's day.

It wasn't the [iCade](#), or the [Dharma Initiative Clock](#), or even the [Tribbles 'n' Bits Breakfast Cereal](#).

No, it was the [Canned Unicorn Meat](#).

By CARRIE

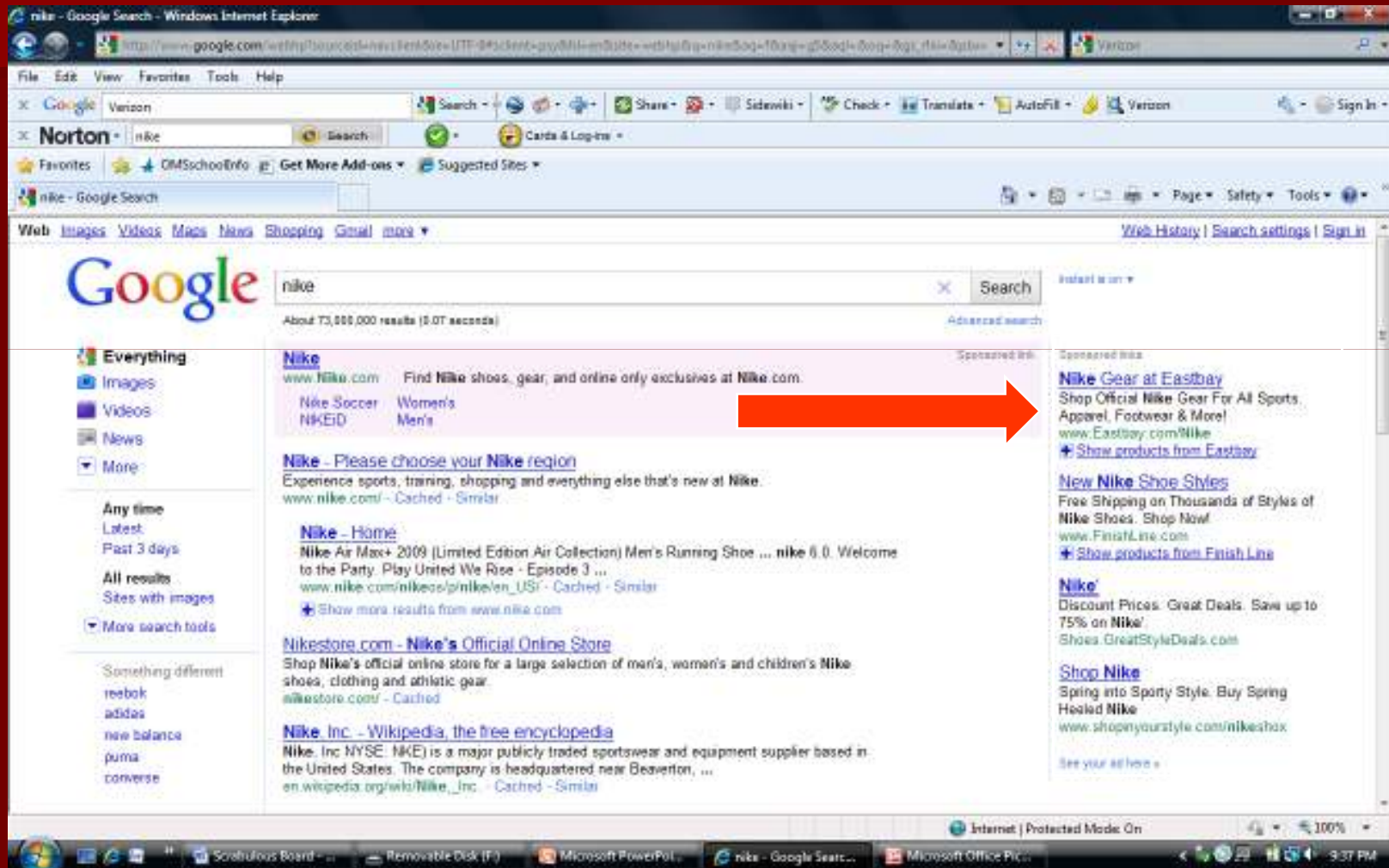
re genre,

Trademarks and Social Networks

The New Risk Profile

- Keyword ads and social media profiles
- Infringement, dilution, counterfeiting
- Impersonation and parody
- Username/handle-squatting
- Fan pages, news feeds, community pages
- Employee participation
- Ambushing branded sites
- 3rd party platform terms and conditions

Keywords



Sponsored Links Based on Keywords in Social Media Profiles

The screenshot shows a Facebook profile page in a Windows Internet Explorer browser. The browser's address bar displays the URL: <http://www.facebook.com/?ref=home#?f16=7784p43>. The page features a navigation bar with "Home", "Profile", and "Account" links. The main content area is divided into several sections:

- Profile:** Shows the user's name "Paul Hesse" and a profile picture.
- Friends:** A section titled "We'd like to help you find your friends" with a sub-header "Find People You Email". It includes a search box for email addresses and a "Find Friends" button. A red arrow points from this section to the sponsored ads.
- Sponsored:** A section containing several advertisements, including "Make Your Own Solar Panel", "Build An Army", and "The 1st True Game on FB".
- People You May Know:** A section displaying a grid of suggested friends with their names and "Add as friend" buttons.

The browser's taskbar at the bottom shows several open applications, including "Scribbles Board", "Removable Disk (F:)", "Microsoft PowerPoint", "Facebook - Window...", and "Microsoft Office Fi...". The system clock indicates the time is 3:43 PM.

Google Adwords in the US

- Google v. Rescuedcom – 2nd Circuit vacated dismissal of Rescuedcom's claim that suggestion and sale of its mark as keyword was infringement
- May signal end of "not use in commerce" defense
- Several subsequent class actions against Google

Google Adwords In Europe

- Google France v. Louis Vuitton
 - ECJ C-236-238/08 (March 23, 2010)
- ECJ held keyword ads are “use”
- But, “use” by advertisers, not Google
- Google may be indirectly liable if not entitled to safe harbors of E-Commerce Directive

Keywords in Social Media Profiles

- Part of “identity creation”
- Improves visibility of profile/page
- Similar to Adwords cases?
 - Use in commerce; nominative fair use
- Similar to Meta-Tags?
 - Initial interest confusion
- Will hashtags (social tagging) prompt keyword-like trademark infringement lawsuits?

Counterfeit Goods & Social Networks

Tiffany, Inc. v. eBay, Inc., No. 08-3947-cv
(2d Cir., April 1, 2010)

- Generalized knowledge of third-party infringement remains insufficient to impute contributory liability of trademark infringement but may be sufficient to support liability for false advertising

Counterfeit Goods & Social Networks

OpSec Study Exposes Counterfeiting and Grey Market Diversion in Recent Smartphone Product Launches

September 22, 2010 12:16 PM EDT

Monitoring of e-commerce and social media platforms provide intelligence on unauthorized online sales, distribution, and circumvention

BOSTON--([BUSINESS WIRE](#))-- OpSec Security, Inc., the global leader in anti-counterfeiting and brand protection, identified notable occurrences of counterfeiting and grey market diversion in the online marketplace for recent highly-anticipated smartphone product launches. By monitoring auction sites, trade boards, blogs, and web forums immediately before and after the launches, significant intelligence was garnered on when counterfeit postings appear, where product diversion occurs, and how social media is used to buy, sell, and circumvent manufacturer restrictions.

Key Findings on Counterfeiting, Grey Market Diversion & Social Media Interaction

The study focused on the [market](#) launch of four smartphones introduced this summer between June 24th to August 24th, and distributed in the US and other regions around the world on a planned release schedule. The new smartphones were amongst the popular models launched by the big six manufacturers, namely Nokia, RIM, Apple, HTC, Samsung, and Motorola. The study revealed salient examples of product counterfeiting, grey market operations, and use of social media to drive market interaction.

Ten top key findings include:

1) Weeks and days before official launch dates, suspicious listings of each of the

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More News related to OSG

- [OpSec Study Exposes Counterfeiting and Grey Market Diversion in Recent Smartphone Product Launches](#)
- [Overseas Shipholding Group \(OSG\) Declares \\$0.4375 Quarterly Dividend; 5.1% Yield](#)
- [Overseas Shipholding Group Announces](#)

Counterfeit Goods & Social Networks

Some Key Findings:

- New smartphones were listed for sale by users on social media platforms, including Craigslist, Facebook, and Twitter, as alternative distribution channels.
- Consumers generated online discussions on ways to obtain a new smartphones in regions where they were not yet released by the manufacturer.
- Consumers used social media sites to follow release of jailbreaking software to unlock new smartphone

Counterfeit Goods & Social Networks

Suggested Strategies:

- Monitor trade boards and auctions to analyze availability and sources of counterfeit and grey market products
- Investigate online mechanisms deployed to exploit consumer demand for new products via unauthorized distribution of grey market and counterfeit goods
- Survey social media to identify online consumer buzz and address issues concerning product availability, new features, release schedules, etc

Trademark Infringement

Twitter Policy

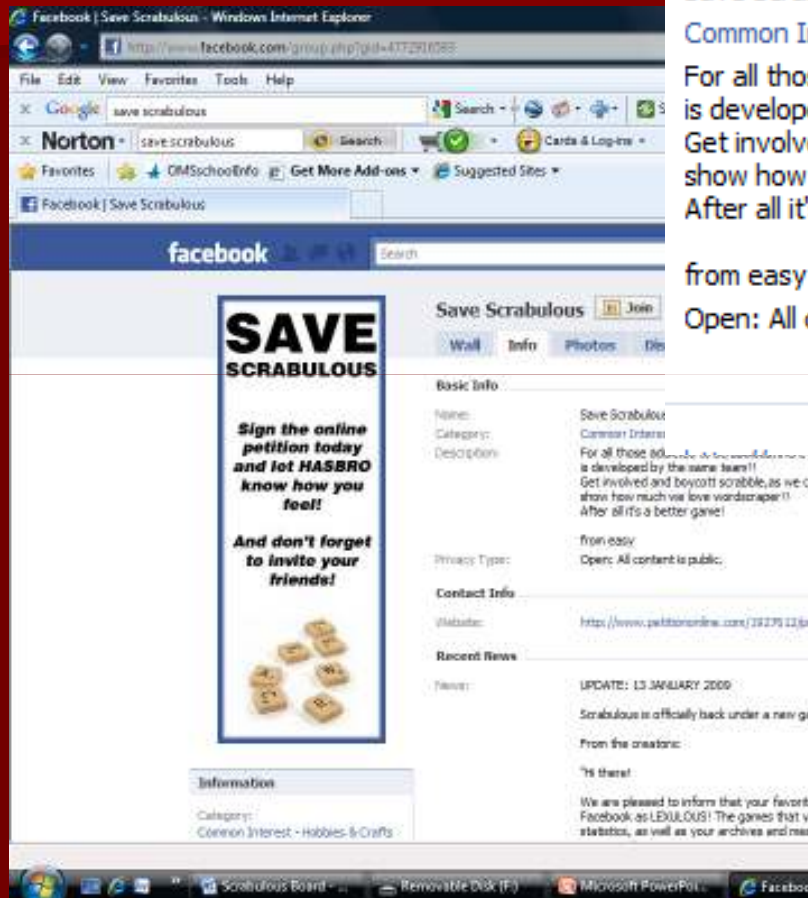
- **What is a Trademark Policy Violation on Twitter?**
 - Using a company name, logo, or other trademark-protected materials in a manner that may mislead or confuse others with regard to its brand or business affiliation may be considered a trademark policy violation.
- **What Is *not* a Trademark Policy Violation?**
 - Using another's trademark in a way that has nothing to do with the product or service for which the trademark was granted is not a violation of Twitter's trademark policy.

Oneok Sues Twitter Over Name-squatting, Then Drops Suit

- Oneok sued Twitter for trademark infringement in Sept. '09 over user account "Oneok_i" which used the company's logo
- Suit dropped the next day when Twitter suspended account
- Oneok's real Twitter account:



Scrabulous



Save Scrabulous

Common Interest - Hobbies & Crafts

For all those addicted to Scrabulous, there is now Wordscraper, which is developed by the same team!!

Get involved and boycott scrabble, as we cannot save Scrabulous, let's show how we feel!

After all it's a better game! (from a passionate member, Ryan)

from easy

Open: All

On January 11, 2008, the world learned that Hasbro, creators of the popular game Scrabble, has sent a cease and desist letter to Facebook and others over the popular Facebook application Scrabulous. The copyright infringement is obvious and, in retrospect, the developers of Scrabulous should have done more to create their own spin on it (rather than using the same color systems and numerical systems and having the rules to Scrabulous game link to the Scrabble Wikipedia page).

We in this group realize this, but we urge Hasbro to make the right decision. Rather than kill this application, they should work out a peaceful compromise with the developers to keep this success going. Many of the daily 500,000+ users of Scrabulous never played Scrabble before, but they were introduced to it using this friendly and convenient format. This application earns roughly \$25,000 monthly in revenues from advertisements, which part of which could theoretically go to Hasbro if the parties come to a peaceful compromise.

We urge Hasbro to make the right decision. Don't tick off the millions of Facebook Scrabulous fans that use this application

(From Jess)

UK: (thanks Sarah)
helplineuk@mattel.com

USA:
hasbrogamesor@hasbro.com

Impersonation

- Usernames/handles – possible liability for usernames that confuse others about source or dilutes a famous mark
- Twitter Policy
 - Impersonation is pretending to be another person or entity in order to deceive. Impersonation is a violation of the Twitter Rules and may result in permanent account suspension.

Would the REAL LaRussa Please Tweet?

- LaRussa sued Twitter for infringement (and other claims) in May '09 over user account "TonyLaRussa" which included LaRussa's photo
- Twitter suspended the account and the case settled



John Stumpf has 12 Friends



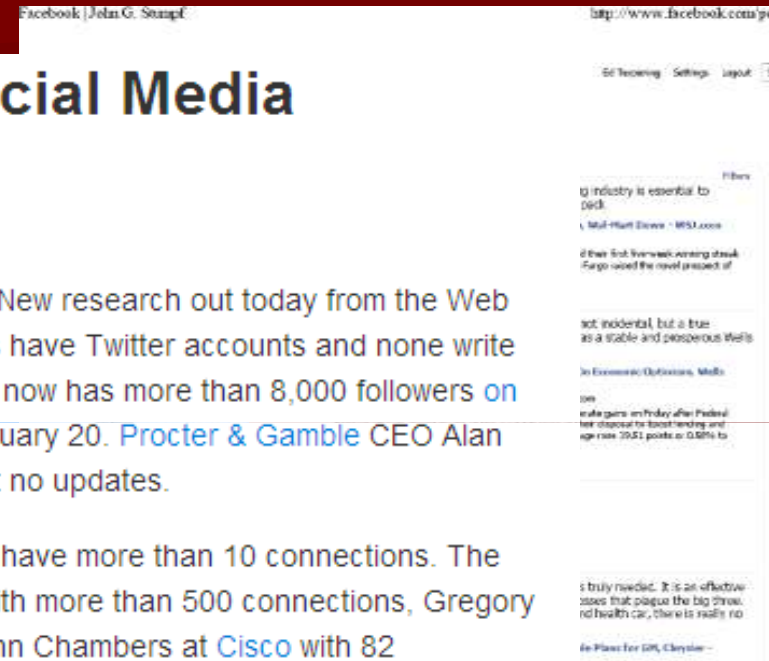
Fortune 100 CEOs are Social Media Laggards

Posted by: Rachael King on June 24, 2009

Fortune 100 CEOs are late adopters of social media. New research out today from the Web site [UBERCEO](#) has found that only two of those CEOs have Twitter accounts and none write blogs. While [Berkshire Hathaway](#) CEO Warren Buffett now has more than 8,000 followers on his [Twitter account](#), he only posted one tweet on February 20. [Procter & Gamble](#) CEO Alan Lafley now has 55 followers on his [Twitter account](#) but no updates.

As for LinkedIn, 13 CEOs have profiles but only three have more than 10 connections. The most connected CEOs on LinkedIn are [Michael Dell](#) with more than 500 connections, Gregory Spierkel at [Ingram Micro](#) with 213 connections and John Chambers at [Cisco](#) with 82 connections.

There are about 19 CEOs on Facebook but most don't have very many friends. Kenneth Lewis at [Bank of America](#) has 13 friends, John Stumpf at [Wells Fargo](#) has 12 friends and Vikram Pandit at [Citigroup](#) has only 8 friends. A handful only have one friend each and Rex Tillerson, CEO of [Exxon Mobil](#), doesn't have any Facebook friends.



But What About Parody?

Twitter Parody Policy

- Twitter users are allowed to create parody, commentary, or fan accounts (including role-playing). Twitter provides a platform for its users to share and receive a wide range of ideas and content, and we greatly value and respect our users' expression. Because of these principles, we do not actively monitor users' content and will not edit or remove user content, except in cases of violations of our Terms of Service.

Accounts with clear intent to deceive or confuse are prohibited as impersonation accounts and subject to suspension.



chucknorris_



Follow

Lists



Name [chucknorris_](#)

Location [Chuck Norris](#)

Web <http://www.guilhe...>

Bio [Watch your teeth.](#)

6,754 following 15,920 followers 520 listed

Tweets 174

[Favorites](#)

[Actions](#)

[block chucknorris_](#)
[report for spam](#)

[Following](#)



There are only two things that can cut diamonds: other diamonds, and Chuck Norris.

1:17 PM Apr 13th via Seesmic

When Chuck Norris goes to donate blood, he declines the syringe, and instead requests a hand gun and a bucket.

1:36 AM Jan 14th via Seesmic

Should You Stop Parody Sites?



After initially demanding that Twitter shut down the accounts of users who were posting unauthorized updates based on the 'Mad Men' characters, AMC was persuaded to let the accounts be reactivated.



After initially demanding that Twitter shut down the accounts of users who were posting unauthorized updates based on the 'Mad Men' characters, AMC was persuaded to let the accounts be reactivated.

@BPGlobalPR

BP Public Relations (@BPGlobalPR) on Twitter - Windows Internet Explorer provided by Wells Fargo Co

https://twitter.com/BPGlobalPR

File Edit View Favorites Tools Help

BP Public Relations (@BPGlobalPR) on Twitter

@bpglobalpr

Destroying the Gulf for: 87 days free \$25 t-shirts. streetgiant.bigcartel.com

BP GlobalPR

Follow

Come on people, let's take this BP victory lap through Austin, TX at SXSW next spring. Vote 4 us here. - <http://bit.ly/ddMjL6>

Brad Pitt went and wished death on us, so now we've gotta take down all our Fight Club Posters! No fair! #copostroyal

Our hearts go out to Michael Steele's PR Team. RT @MSteeleRNC - I put the lickin' in Republickin, baby!

That's funny, the "Weekend Without Oil" & BP's "Weekend Without Worrying About It" both start tomorrow. www.weekendwithoutoil.org

Reports of 70% of the oil remaining in the Gulf are false according to the pie chart we made ourselves. <http://ow.ly/2s580>

Instead of money, we'll be paying claims in free \$25 t-shirts. File your claim today! www.streetgiant.bigcartel.com

Why BP Isn't Fretting Over Its Twitter Impostor

Oil Giant Says Humorous Feed's Followers Are Expressing Frustration

By [Rupal Parekh](#) and [Michael Bush](#)

Published: [May 24, 2010](#)

Tweet



NEW YORK (AdAge.com) -- You would think that BP would be fretting over the hijacking of its brand on Twitter, because, in less than a week, the handle [@bpglobalpr](#) has amassed a following double the size of BP's real feed. But part of the reason the impostor is still going strong is the company hasn't contacted Twitter to take it down, and it might not, BP told Ad Age today.

BP GlobalPR

Follow

Catastrophe is a strong word, let's all agree to call it a whoopsie daisy.

about 23 hours ago via Twitterrific

The account started last Wednesday afternoon with this tweet: "We regretfully admit that something has happened off of the Gulf Coast. More to Come."

Fewer than 50

Username/Handle Squatting

- Facebook allows user to register Vanity URL
 - www.facebook.com/yourbrand
 - www.facebook.com/yourname
- Twitter allows user to create unique “handle”:
@TMProfessor
- Username Squatting: registering or using a user name with a bad faith intent to profit from goodwill belonging to someone else.

Username/Handle Squatting

■ Facebook Policy

- If you select a username for your account we reserve the right to remove or reclaim it if we believe appropriate (such as when a trademark owner complains about a username that does not closely relate to a user's actual name).

Username/Handle Squatting

Twitter Policy

- Username squatting is prohibited by the Twitter Rules... if an account has had no updates, no profile image, and there is no intent to mislead, it typically means there's no name-squatting or impersonation. Note that we will not release inactive or squatted usernames except in cases of trademark infringement.
- Attempts to sell, buy, or solicit other forms of payment in exchange for usernames are also violations and may result in permanent account suspension.

Twitter-Squatting

- Many major brands subject to brand squatting
- In 2009, Michael Werch conducted an experiment to test brand squatting via Twitter:
 - Dec. 1, 2009: set up account “@HJ_Heinz”
 - Tweeted 175 times, gathered 367 followers
 - Dec. 14, 2009: account changed to “@NOThj_Heinz”

Twitter-Squatting

- Welch received an email from Twitter:
 - “It has come to our attention that your Twitter account, @username, is in violation of the Twitter Rules, specifically the section on Trademark. . . . To avoid confusion regarding brand and/or official affiliation with the business or company in question, we've made the following changes to your account...”

UDRP Equivalent or Amended ACPA for Social Networks?

- Neither is applicable to user names
- Uniform procedural standards and assessment criteria for disputes
- Risk mitigation for operators

Fan Pages

- In August 2008, two individuals started a Coca-Cola fan page on Facebook
- In November 2008, a new Facebook policy required all pages to be authorized by or associated with the brand
- Coca-Cola asked Facebook to let the individuals keep the page as long as they shared it with Coca-Cola

“It’s the real thing”



Dusty loved Coca-Cola and was in search for The Coca-Cola Fan Page on Facebook. He couldn't find one that felt official enough, so he set out to create his own. With the help of his friend Michael J, they created this Page.

This is your Fan Page and we encourage you to leave comments, photos, videos, and links here. However, we will review all comments and will remove any that are inappropriate or offensive. We will leave what you share that relates to the subjects covered on this Page. Please understand that comments posted to this Page do not represent the opinions of The Coca-Cola Company.

Wells Fargo Community Page

facebook

Wells Fargo Bank

[Info](#) [Related Posts](#) [Wikipedia](#)

Our goal is to make this Community Page the best collection of shared knowledge on this topic. If you have a passion for **Wells Fargo Bank**, [sign up](#) and we'll let you know when we're ready for your help. You can also get us started by suggesting the Official Facebook Page.

Description

From Wikipedia, the free encyclopedia

Wells Fargo & Co. is a diversified financial services company with operations around the world. Wells Fargo is the fourth largest bank in the US by assets and the third largest bank by market cap. Wells Fargo is the second largest bank in deposits, home mortgage servicing, and debit card. In 2007 it was the only bank in the United States to be rated AAA by S&P, though its rating has since been lowered to AA- in light of the financial crisis of 2007-2010.

Although its headquarters are in San Francisco, the company's East Coast banking operations are controlled from Charlotte and is legally chartered in Sioux Falls.

Wells Fargo is a result of an acquisition of California-based Wells Fargo & Co. by Minneapolis-based Norwest Corporation in 1998. The new company decided to keep the name Wells Fargo, capitalizing on the 150-year history of the nationally-recognized name and its trademark stagecoach. Following the acquisition the company maintained its headquarters in San Francisco and charter in Sioux Falls.

In 2009 Wells Fargo had 6,650 retail branches (called stores by Wells Fargo), 12,260 automated teller machines, 276,000 employees and over 48 million customers. Wells Fargo currently operates stores and ATMs under the Wells Fargo and Wachovia names. As of March 20, 2010 Wachovia Dealer Services became Wells Fargo Dealer Services. Wells Fargo Phone Bank and Wachovia Direct Access became Wells Fargo Customer Connection in January 2010. This included the National Business Banking Center and Credit Card Customer Service.

[Read More](#)

685 People Like This

 Meekayla Daniele Montoya	 अमित शाक्य	 Daniel Santos
 Denisse Jimenez	 Alejandro Marcial	 Crystal Wilson

[Create a Page](#)
[Report Page](#)

Twitter News Feed & Fan Accounts

Profile should make clear not actually the company that is the subject of the news feed/commentary/fan page:

- **Username:** should not be trademarked name of the subject of the news feed, commentary, or fan account.
- **Name:** profile name should not be the trademarked name of the company or include trademarked name in a misleading manner.
- **Bio:** should include a statement to distinguish it from the real company, such as “Unofficial Account”
- **Background image/Avatar:** The account should not use another’s trademark, logo or other copyright-protected image without express permission.

Employee Pranks



“When [Dominoes] realized that the blogosphere was already ablaze and that overnight the YouTube video had reached more than a quarter million viewers, Domino's changed course and responded with a viral video of his own.

It featured all the elements of effective crisis management. The company president apologized. He thanked the online community for bringing the issue to his attention. He separated the company from the wrongdoers and announced their prosecution. And he outlined the steps that Domino's was taking to deal with the issue to make sure it never happens again.”

Bloomsberg Businessweek April 21, 2009

Employee Engagement



The image shows a screenshot of a Twitter post from the account 'WellsFargoLoans'. The post text reads: 'SBA Lines of Credit \$50K - \$350K, limits available. Floor and Cap rates for 36 months. Most fees waived through the new stimulus package;'. An orange arrow points to this text. Below the main text is a link: 'http://bit.ly/1C1D1ue'. The right sidebar of the tweet shows 'Retweets' and 'Favorites' counts, and a 'Who to follow' section with several profile pictures.

twitter

WellsFargoLoans

Follow

SBA Lines of Credit \$50K - \$350K, limits available. Floor and Cap rates for 36 months. Most fees waived through the new stimulus package;

10 year Treasury yield has been striding higher over the last few weeks, could this be the end of the recovery party?
<http://bit.ly/1C1D1ue>

Retweets 44

Favorites 14

Who to follow

Ambushing Branded Sites

Nestle v. Green Peace



Paul Griffin Not sure you're going to win friends in the social media space with this sort of dogmatic approach. I understand that you're on your back-foot due to various issues not excluding Palm Oil but Social Media is about embracing your market, engaging and having a conversation rather than preaching! Read www.cluetrain.com and rethink!

March 19 at 1:51am · Report



Nestle Thanks for the lesson in manners. Consider yourself embraced. But it's our page, we set the rules, it was ever thus.

March 19 at 1:53am · Report



Darren Smith Freedom of speech and expression

March 19 at 1:53am · Report



Nestle you have freedom of speech and expression. Here, there are some rules we set. As in almost any other forum. It's to keep things clear.

March 19 at 1:55am · Report



Paul Griffin Your page, your rules, true, and you just lost a customer, won the battle and lost the war! Happy?

March 19 at 1:56am · Report



Nestle Oh please .. it's like we're censoring everything to allow only positive comments.

March 19 at 1:58am · Report

Activists Prevail

GREENPEACE  *Ask Nestlé to give rainforests a break*

SHARE THIS    

SWEET SUCCESS...

Thanks for the break!

Nestlé announces it will stop using products that come from rainforest destruction.

▶ [Read more.](#)



WATCH THE VIDEO



Greenpeace International | [Get full story](#) | [Blogs](#)

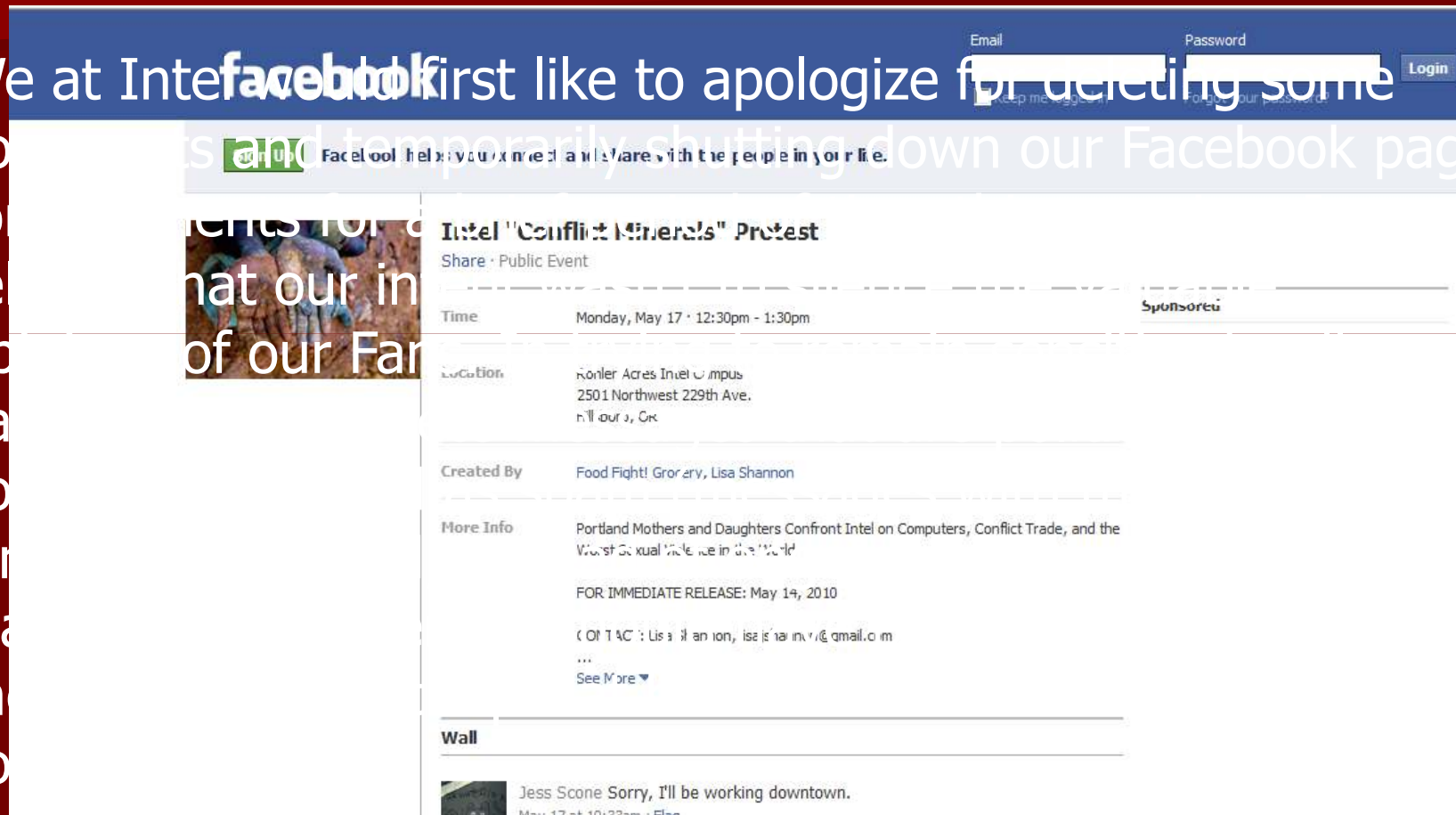
GET INVOLVED

SELECT YOUR REGION:

- ▶ Africa (EN)
- ▶ Africa (FR)
- ▶ Argentina
- ▶ Australia Pacific
- ▶ Austria
- ▶ Belgium (NL)
- ▶ Belgium (FR)
- ▶ Brazil
- ▶ Canada (EN)
- ▶ Italy
- ▶ Israel
- ▶ Japan
- ▶ Lebanon
- ▶ Luxembourg
- ▶ Mexico
- ▶ Netherlands
- ▶ New Zealand
- ▶ Norway

Activists Protest Intel's Use of Conflict Minerals

We at Intel first like to apologize for deleting some posts and temporarily shutting down our Facebook page. We are sorry for the inconvenience that our intel has caused for our Facebook community. We are sorry for the inconvenience that our intel has caused for our Facebook community. We are sorry for the inconvenience that our intel has caused for our Facebook community.



A Note on SM Etiquette

Towing Company Feels The Streisand Effect After Suing A College Kid For \$750k

from the *tow-trucking* dept

Many readers have submitted the the story about a Kalamazoo towing company who is suing a college student for \$750,000 for defamation of character and libel. Justin Kurtz started the "Kalamazoo residents against T&J Towing" group on Facebook earlier this year after his car was allegedly towed under shady circumstances. The Facebook group quickly grew to a few thousand Kalamazoo residents in about a week. In an attempt to quash the negative comments on the group's page, T&J filed the suit, which then garnered the group even more attention thanks to posts on Consumerist and Jalopnik. Now, at over 10,000 members, the group is over 1/7th the total population of Kalamazoo itself. Once again, another company is starting to learn that using lawyers in an attempt to silence criticism can have the exact opposite effect. The Streisand Effect Hall of Fame continues to rack up inductees.

The Empty Reservoir

The image shows a screenshot of a Twitter search results page for the keyword "skittles". The search bar at the top contains "skittles" and a "Search" button. Below the search bar, there are navigation links: HOME, PRODUCTS, MEDIA, CHATTER, FRIENDS, CONTACT. The search results are displayed in a list format. The first tweet is from a user named "OTHER GOBBLEDEYGOOK" and features a large advertisement for Skittles candy. The advertisement has a red background with the text "TRANSPLANT THE RAINBOW" in white and yellow, and a picture of two men in hospital beds holding a large bag of Skittles candy. The second tweet is from a user named "xjazik" and says "is with helena doing some arty farty work and eating skittles :)". The third tweet is from a user named "nicolalalala" and says "Ok folks, I have skittles flavour vodka, lemonade, apple juice and normal vodka. Oh, and some whisky. What can I create?". The fourth tweet is from a user named "keepingitlol" and says "@BobbyRay! They do make an antidote: skittles and sprite! http://rryloc.mktSG". On the right side of the page, there are several utility buttons: "Feed for this query", "Twitter these results", "Show tweets written in: Any Language", "Translate to English", and "Trending topics" which includes links for "Happy Star Wars Day", "#musicmonday", "#starwarsday", "Swine Flu", "H1N1", "#swineflu", "#EcoMonday", "Wolverine", "MVP", and "#RailsConf".

HOME PRODUCTS MEDIA
CHATTER FRIENDS CONTACT


skittles Search Advanced Search


skittles 0.02 seconds


Wanting **skittles** really badly. no idea why...
web · Reply · View Tweet

lalala Where do I get **skittles** flavour vodka from?!
web · Reply · View Tweet · Show Conversation

OTHER GOBBLEDEYGOOK

 [xjazik](#) is with helena doing some arty farty work and eating **skittles** :)
11 minutes ago from web · Reply · View Tweet

 [nicolalalala](#): Ok folks, I have **skittles** flavour vodka, lemonade, apple juice and normal vodka. Oh, and some whisky. What can I create?
19 minutes ago from Tweetie · Reply · View Tweet

 [keepingitlol](#): [@BobbyRay!](#) They do make an antidote: **skittles** and sprite!
<http://rryloc.mktSG>
24 minutes ago from Über7witter · Reply · View Tweet

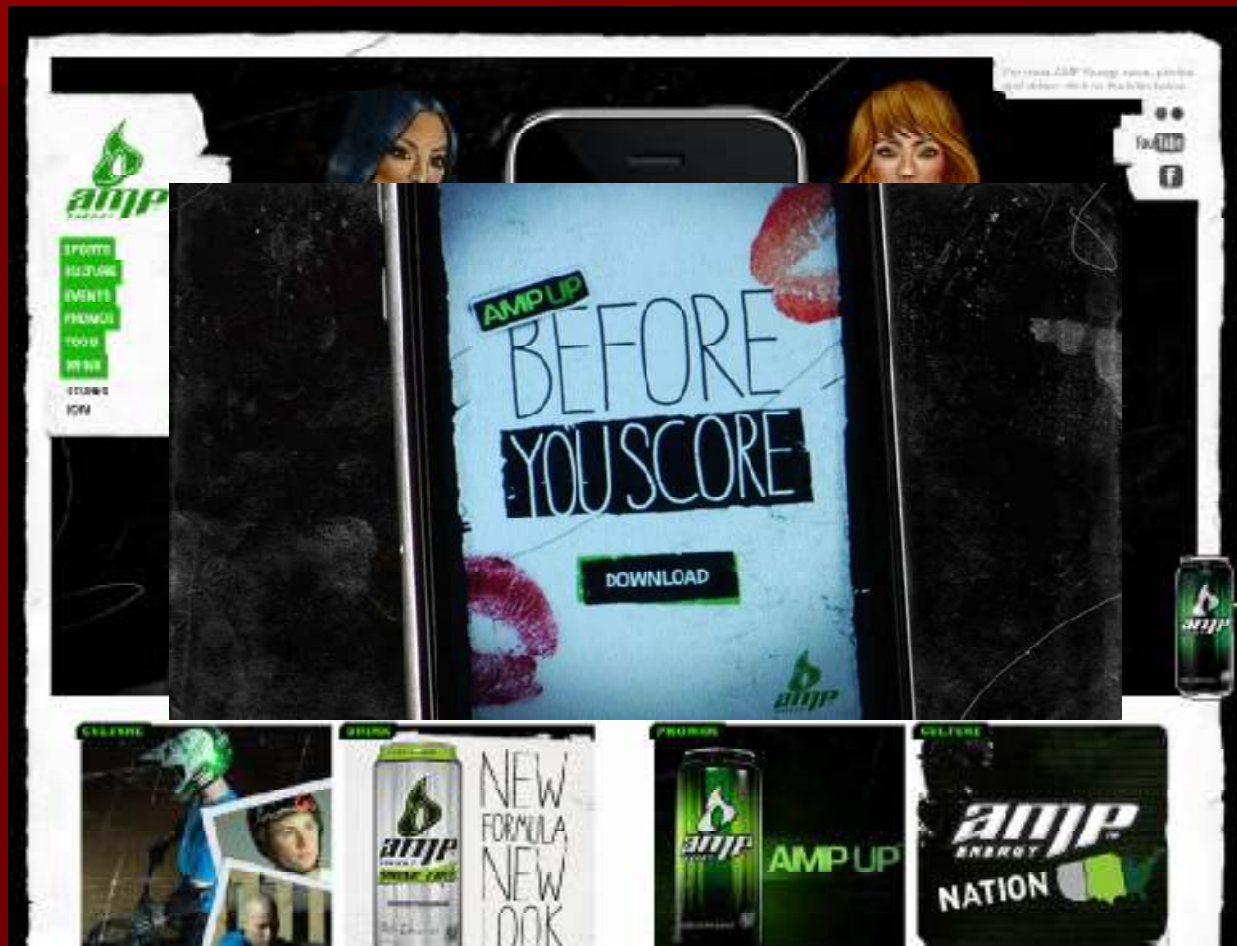
Feed for this query
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Show tweets written in:
Any Language

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#musicmonday
#starwarsday
Swine Flu
H1N1
#swineflu
#EcoMonday
Wolverine
MVP
#RailsConf

And When [you] Screw Up?



Address It, Own It and Move On

'AMP UP Before You Score': Twitter Users Reject Pepsi's Apology For "Sexist" iPhone App

First Posted: 10-13-09 08:52 AM | Updated: 10-13-09 09:25 AM



WHAT'S YOUR REACTION?

Google™ Cust

Amazing Inspiring Funny Scary Hot

Read More: [Amp Before You Score](#), [AMP Up, A'](#) [You Score App](#), [AMP UP iPhone App](#), [Before Yo](#) [Pepsi](#), [Pepsi App](#), [Pepsi iPhone App](#), [Technolo](#)

17

tweets

Retweet this story!

retweet



Get Breaking News Alerts

SIGN UP

never spam



Share Print Comments

Pepsi and AMP offered an apology over Twitter: [AMPwhatsnext](#) wrote,

Our app tried 2 show the humorous lengths guys go 2 pick up women. We apologize if it's in bad taste & appreciate your feedback. #pepsifail

looked up with, then brag about conquests over Twitter and Facebook.

Pepsi and AMP offered an apology over Twitter: [AMPwhatsnext](#) wrote,

Our app tried 2 show the humorous lengths guys go 2 pick up women. We apologize if it's in bad taste & appreciate your feedback. #pepsifail

Checklist of Considerations

- ❑ Create a cross-organizational social media team (e.g., Brand, Social Media, PR, HR, IT, Legal)
- ❑ Develop a comprehensive Social Media strategy
- ❑ Have established communication protocols
 - ❑ Who should be alerted
 - ❑ Who will respond to comments
 - ❑ Process for how they will be handled
 - ❑ Authority to make quick decisions
 - ❑ Disaster response plan

Checklist of Considerations

- ❑ Social Media Policy
 - ❑ Internal and external communications
- ❑ **You** need to know how social media sites work
 - ❑ Consider joining some of the social media sites
- ❑ Train your employees
 - ❑ Educate agencies, bloggers and street teams
- ❑ Pilot and test sites
- ❑ Establish controls for identifiable risks (e.g., scripted responses where possible, use linking, staff)

Checklist of Considerations

- ❑ Monitor your trademarks
- ❑ Review and utilize Terms of Use on Social Media Platforms
 - ❑ Do you need your own or supplemental Terms of Use?
 - ❑ Community Guidelines
 - ❑ External disclaimers
- ❑ Find out what your competitors and customers are doing
- ❑ Keep apprised of legal developments in this area
 - ❑ adlawbyrequest.com

Checklist of Considerations

- ❑ What result is desired?
- ❑ Is there customer deception or confusion?
- ❑ Has the company suffered monetary, reputation or other damage?
- ❑ Brand enthusiasts vs customer “gripes”
- ❑ Is there an opportunity for collaboration?
- ❑ Can you generate positive feedback?
- ❑ What level of control do you want?

Checklist of Considerations

- ❑ Evaluate the scope and context
 - ❑ Influence of the Poster
 - ❑ Number of Pages
 - ❑ Number of Participants
 - ❑ Number of Followers
 - ❑ Number of Clicks
 - ❑ Number of Responses
 - ❑ Date of responses
- ❑ Be flexible but firm
- ❑ Learn when to let go

Resources

- ❖ *Network Interference: A Legal Guide to the Commercial Risks and Rewards of the Social Media Phenomenon* (2nd Edition):
http://www.reedsmith.com/publications/white_papers.cfm?cit_id=26419&widCall1=customWidgets.content_view_1&usecache=false
- ❖ *Social Media Risks & Rewards: A guide to the steps companies can take to minimize the risks associated with the revolution in the use of social media:*
http://www.reedsmith.com/db/documents/Feb2010_SocialMediaRisks-Rewards.pdf