

A man with grey hair, wearing a light blue button-down shirt, is sitting at a dark desk in an office. He is looking at a laptop screen with a thoughtful expression, his hand resting on his chin. Behind him is a large world map on the wall. In the foreground, there are two black office chairs with mesh backs. The overall scene is brightly lit, suggesting a window to the left.

# What General Counsel Need to Know About Protecting Their Company's Trademarks on Social Media Sites Such as Facebook, Twitter, YouTube & Others

**April Besl**

# About the Speaker

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- April L. Besl is an attorney with the law firm of Dinsmore & Shohl in Cincinnati Ohio. She focuses her practice on intellectual property issues including trademarks, copyrights, trade secrets, social media, and internet law and has extensive experience assisting clients with emerging issues related to the impact of social media, the web, and technology on their business and marketing strategies.
- April has given multiple presentations on the intersection of the law and social media to legal professionals, businesses, and students. She was also quoted in the Cincinnati Business Courier article, “Meet Your Latest Facebook Friends: Your Boss, His Boss” and was featured in the “Fifth Third Business Beat” TV program that originally aired on CET-PBS on Friday, June 5, 2009, discussing the ways in which business owners and management can protect their companies when employees are using social networking sites.

# Overview – Why Do You Care?

---

- (1) Social Media is the fastest growing communication medium EVER!
- (2) Social Media impacts **EVERY** facet of your brand.
- (3) Marketing campaigns are becoming more interactive and demanding quicker action – putting greater pressure on in-house counsel.

# What to Know

---

- (1) We Are Not Just Talking About Infringement of Your Trademarks on Social Media
- (2) Your Brand Is On Social Media – Even If YOU Are Not!
- (3) The Risks Are Not Only External, But Internal
- (4) Each Social Media Site Has Its Own Takedown Procedures
- (5) The Issues Associated with Social Media Change Rapidly

# It's More Than Just Infringement

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- When Dealing with Social Media You Have to Think Outside the Traditional “Norms” of Trademark Enforcement.
- Don't Just Look for Infringement on Social Media
  - Look for Things That Can Significantly Impact The Brand as a Whole.
- Don't Just Think of the Negatives
  - You Can Even Use Social Media to Obtain Information and Insight About Your Brand and The Public's Opinion of Your Brand

# Your Brand is Out There

---

- *Even If You Are NOT!*
  - Customers Are Talking About Your Brand on Social Media
  - Competitors Are Talking About Your Brand on Social Media
  - Potential Clients Are Talking About Your Brand on Social Media
  - Potential Employees Are Talking About Your Brand on Social Media
  - The Press is Talking About Your Brand on Social Media



Follow

I hate my job with a passion. A real, fiery passion. Aviva sucks arse, I tell you.



20 minutes ago from mobile web

Jeez I love Scrubs. Especially JD. And Dr. Cox. And Turk. And Elliot. What to have for tea?

about 22 hours ago from mobile web

Bored bored bored. I think I might just go to bed.

5:21 PM Aug 18th from mobile web

Sometimes I really love Sundays. This particular one's been ace!

5:02 PM Aug 16th from mobile web

Just had to deal with the RUDEST man ever. Some people just don't deserve good lives!

9:26 AM Aug 15th from mobile web

Planning the BEST night in ever. I so heart having an empty house!

7:14 AM Aug 14th from mobile web

Watching The Big Bang Theory. It's no IT Crowd! But @murfilicious is SO Sheldon!

3:24 PM Aug 13th from mobile web

Name Charlotte Jones

Location Cardiff

Bio A little bit mental. In a good way.

70 following 19 followers

Tweets 141

Favorites

Actions

Following



View All...



Follow

Name Charlotte Jones

Location Cardiff

Bio A little bit mental. In a good way.

70 following 19 followers

Tweets 141

Favorites

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Watching The Big Bang Theory. It's no IT Crowd! But @murfilicious is SO Sheldon!

3:24 PM Aug 13th from mobile web



← Back to Home

+ Save this search

# Results for i hate AT&T

Tweets · Top



**VanessaSwag** Vanessa Baptiste  
Wth, I freakin' hate at&t.  
7 minutes ago



**RINunu** Nury Crawford  
[@atlantalocal](#) Don't know about AT&T and Cox...but I HATE Delta!!!! A 1 1/2 hr trip turned into a 11 hr trip...ran out of fuel? Technical?WTH?  
16 minutes ago



**lookaliveSARAH** Sarah McMillan  
I hate people who didn't go to T in The Park but still join the "... At T in The Park" Facebook groups.  
29 minutes ago



**buggybug314** Holly  
dear, AT&T i hate yur FREAKING guts!  
35 minutes ago



**la\_LuhvAaahBull** Aye-Oh Irene.(♥)  
I hate lying about my age when the AT&T man has to come.. then they try to talk to you. [#juststoprightthere](#)  
1 hour ago



**cocolatte22** Coco Puffs  
i need to make a move smh RT [@KeemGriffey,Jr](#): Verizons calling

## People results for i hate AT&T · view all



**iHateATT123** | Hate AT&T · Follow



**BadserviceATT** | Hate AT&T · Follow  
*Why are your reps saying they cant send out a propo...*



**ATTHatesYou** AT&T Hates You! · Follow  
*AT&T is the true conversation killer.*



**ATTParkSF** AT&T Park · Follow  
*There are World Champions inside!*

## Trends · Cincinnati · change

[#SUBWAYAllStarBBQ](#) Promoted

[#hrderby](#)

[#iloveaboy](#)

[#ifihadanickeleverytime](#)

[Robinson Cano](#)

[Skyscraper](#)

[NCAA](#)

[Demi](#)

[Harry Potter](#)

[#homerunderby](#)

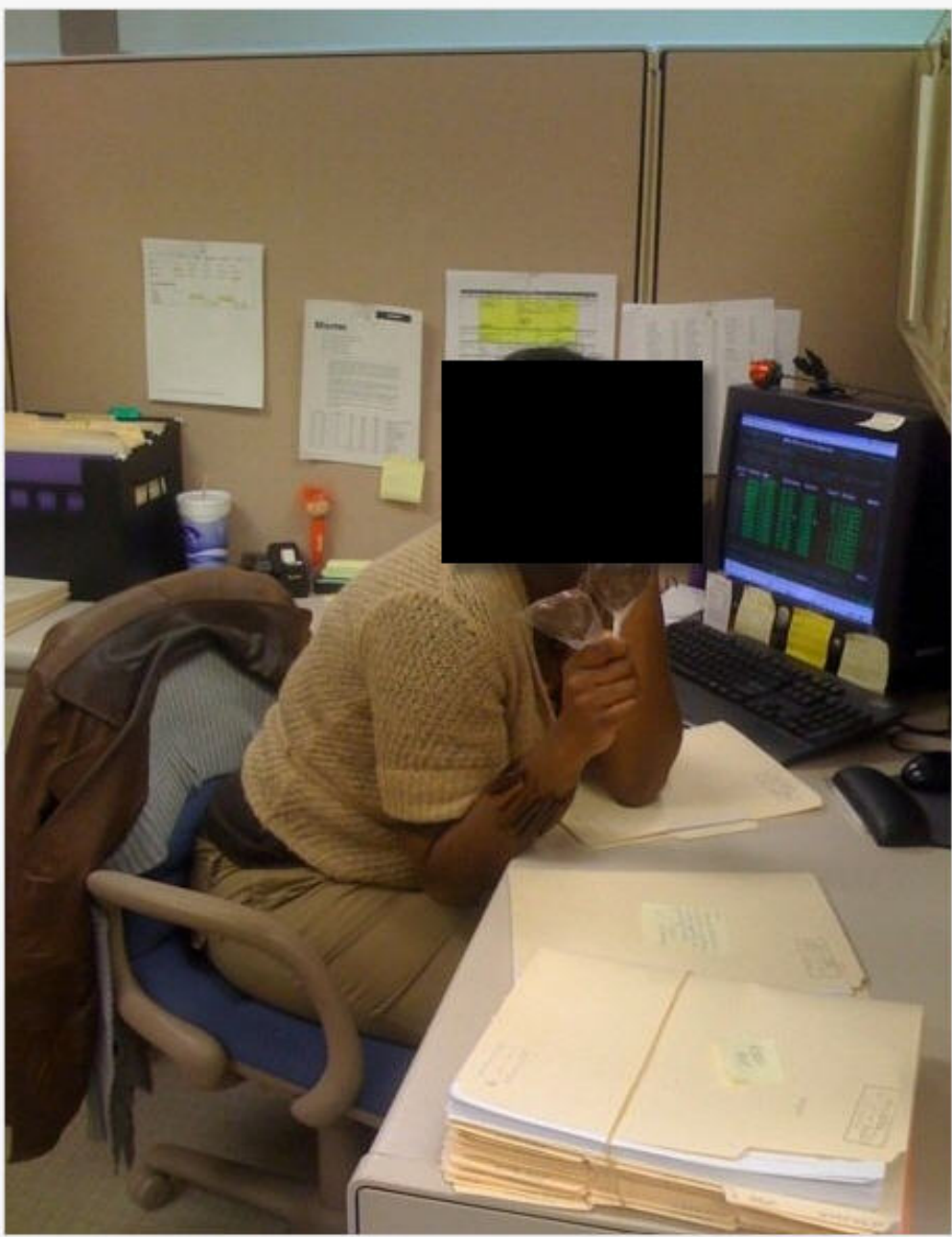
# The Risks Are Not Only External

---

- Employee Use of Social Media Websites Can Have a Significant Impact on Your Trademarks and Your Brand As a Whole
- Employees Can Create Trouble By Saying Things On “Behalf” of the Company
- Employees and Representatives Can Say Things on Social Media Sites That Create Controversies and Negative Consequences on the Brand
- Authorized Employees Can Inadvertently “License” Images to Social Media Sites
- Employees Can Disclose Confidential Information Without Realizing It

Photo 4 of 68 | Back to Album |

Previous Next



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### College of Photography



Earn a Bachelors or Masters Degree in Photography from Brooks Institute in California. Learn more, or apply online by clicking here!



AT&T U-verse™ TV

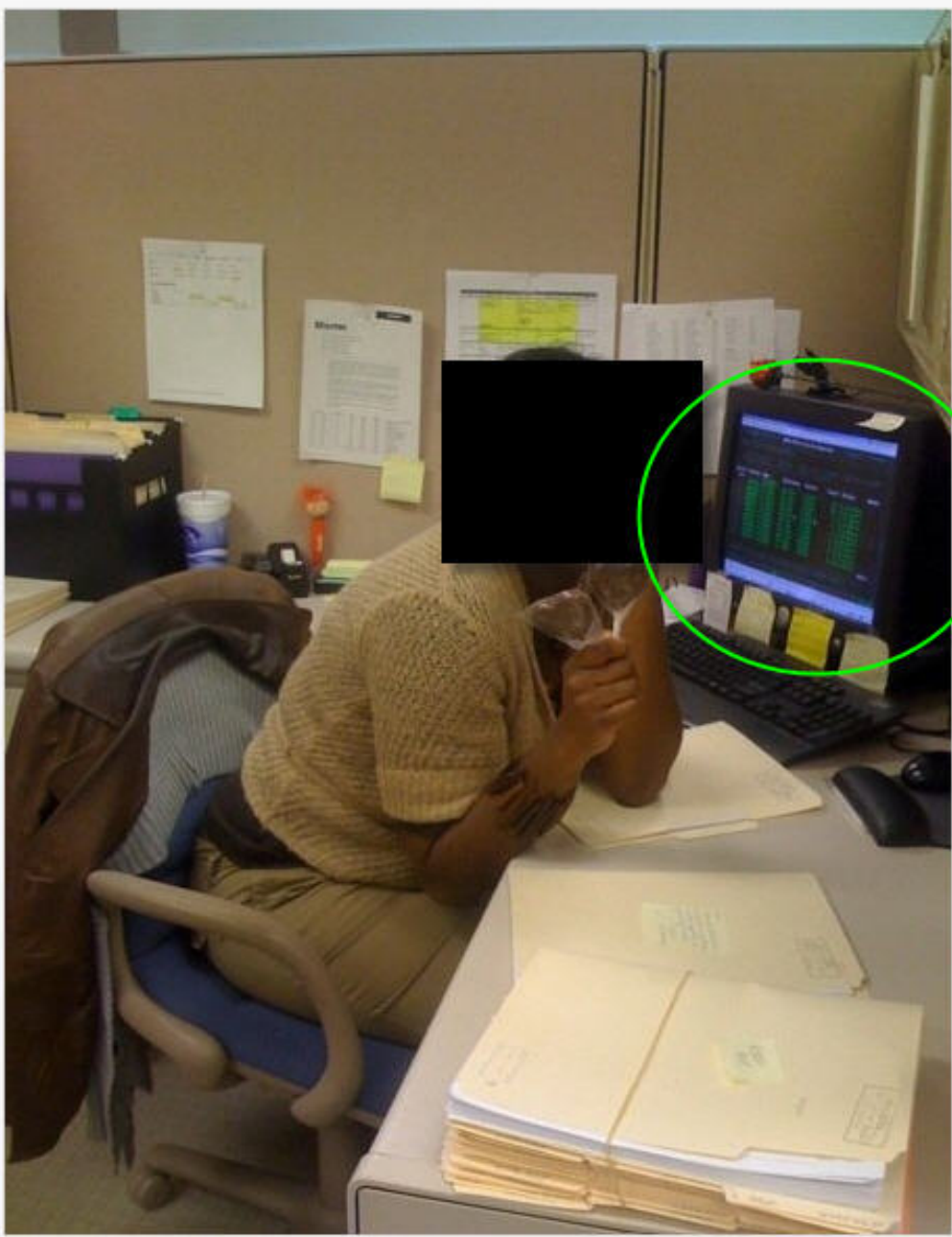
Don't wait! For a limited time, get \$250 cash back when you order online.

UNDER \$50<sup>00</sup> /mo

[LEARN MORE >](#)

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Earn a Bachelors or Masters Degree in Photography from Brooks Institute in California. Learn more, or apply online by clicking here!



AT&T U-verse™ TV

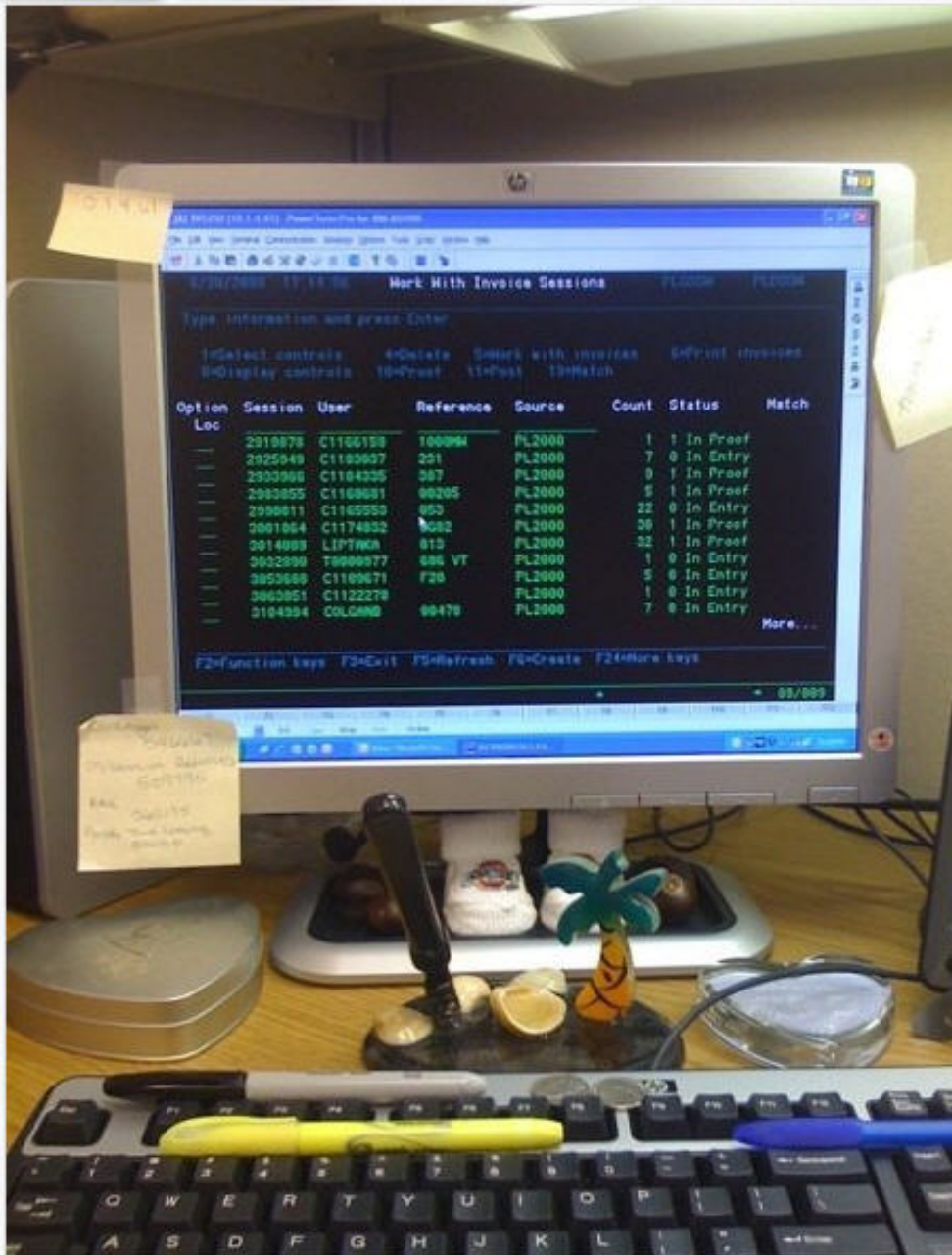
Don't wait! For a limited time, get \$250 cash back when you order online.

UNDER \$50<sup>00</sup> /mo

[LEARN MORE >](#)

Mobile Uploads

Photo 1 of 1 | Back to Album |



My kick ass new flat screen :)

Uploaded via Facebook Mobile.

From the album:

Create an Ad



mutual friends.

Add as Friend



Create Your Website in Just Minutes!

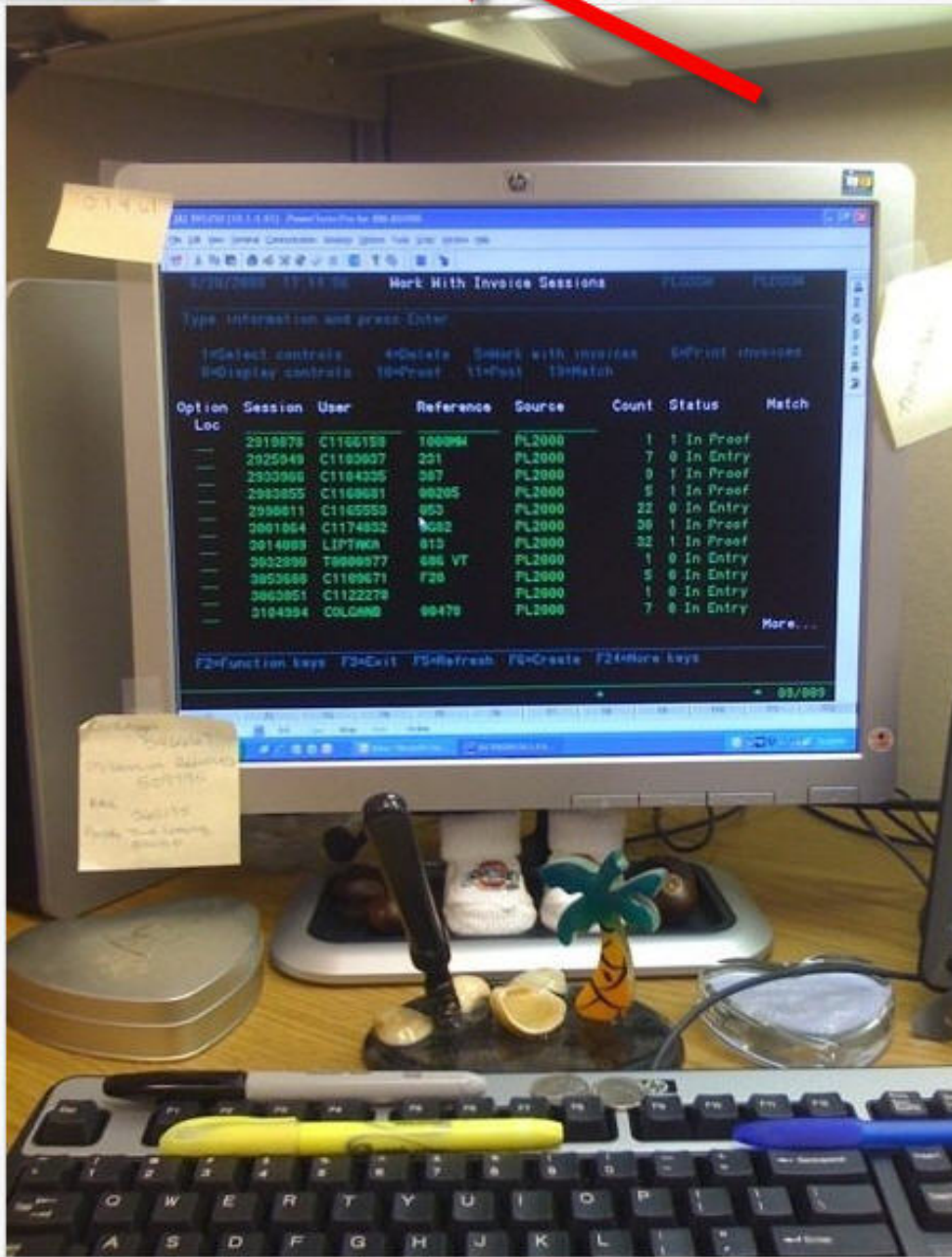
Try Our Website Builder Tool **FREE!**

For 30 Days



Mobile Uploads

Photo 1 of 1 | Back to Album |



My kick ass new flat screen :)

Uploaded via Facebook Mobile.

From the album:

Create an Ad

[Redacted Name] x



[Redacted Name]

mutual friends.

[Add as Friend](#) [?]

Create Your Website in Just Minutes!

Try Our Website Builder Tool **FREE!**

For 30 Days

Get Online

2008 For Online Success



# Social Media Site Procedures

---

- Each Site Has Its Own Takedown Procedures
  - Digital Millennium Copyright Act Takedown Notices Only Work for Copyright
  - Some Takedown Policies Require Registered Trademarks (e.g. Twitter)
  - Use Creative Methods to Takedown Infringing Sites – Like False Impersonation
  - Learn the Buzz Words in Filing Takedown Notices

# The Issues Change Rapidly

---

- You Can't Just Protect Against One Issue and Drop Your Guard!
- Examples of Recent Social Media Issues Include:
  - .XXX Domain Names
  - Twittersquatting
  - Facebook Usernames
- It Goes Beyond Just Searching, It Is Being Aware of New Technologies, Products, and Applications and How They Can Be Used Against Your Brand and Your Business



# You Can't Fight Parody Accounts

---

- Parody Accounts Are Growing in Popularity on Social Media Sites – Especially Twitter
- Celebrities, Popular Characters, Politicians, and Spokespersons Are Being Targeted
- Most Social Media Sites Recognize Them As Valid and Will Not Take Them Down
- Most Are For Humorous Purposes But Some Are For Political and Social Statements
- Fighting Them Can Be More Negative Than Joining in the “Fun” or “Humor”



# Death Star PR

**@DeathStarPR** In a galaxy far, far away...  
*The Galactic Empire has been getting a bad rap recently. We're here to set the record straight.*  
DeathStarPR@gmail.com  
<http://deathstarpr.blogspot.com>

Following [Share] [More]

Tweets Favorites Following Followers Lists

**DeathStarPR** Death Star PR  
Stormtroopers don't miss, they're just incredibly enthusiastic fans of laser-based wall art. #StarWars  
2 hours ago

**DeathStarPR** Death Star PR  
#ifihadanickeverytime I found the droids we were looking for, I'd have 2 nickels AND not be blown up. But the nickel thing is good too.  
14 hours ago

**DeathStarPR** Death Star PR  
#Follow potential replicant, wife of R2-D2 and #StarWars Queen herself: @bonniegrri. Have an evil birthday, Bonnie!  
18 hours ago

**DeathStarPR** Death Star PR  
Give a man a fish and he'll eat for a day. Give an Emperor a Death Star and nobody on Alderaan is eating fish ever again.  
11 Jul

## About @DeathStarPR

2,294 Tweets 74 Following 119,946 Followers 3,422 Listed

## You and @DeathStarPR

You follow an account that follows @DeathStarPR - view



## Similar to @DeathStarPR - view all

**hansolo** Han Solo - Follow  
*Don't get cocky.*

**bonniegrri** Bonnie Burton - Follow  
*Author, sci-fi/horror geek, Editor/Writer at Starwars...*

**ActuallyNPH** Neil Patrick Harris - Follow  
*I act some. Dig variety acts, Pixar, puppets, theme p...*

## Following - view all





# The Batman

**@God\_Damn\_Batman** The rooftop behind you.  
*The hero Twitter deserves, but not the one it needs. So you'll follow him. Because he can take it.*  
GDB@batcomputer.net

Tweets Favories Following Followers Lists

**God\_Damn\_Batman** The Batman  
Hey Gordon, I don't come to your office and tell you how to do YOUR job... Actually, I just do your job for you don't I?  
7 hours ago

**God\_Damn\_Batman** The Batman  
Dark Knight Rises poster. <http://bit.ly/r6q5z2> I would have just made it my middle finger with the word CRIME written on it in Sharpie.  
19 hours ago

**God\_Damn\_Batman** The Batman  
If you're not Batman, you're part of the problem.  
11 Jul

**God\_Damn\_Batman** The Batman  
And I looked and behold, I saw a pale horse. And the rider's name was Batman. And Hell followed with him.  
8 Jul

**God\_Damn\_Batman** The Batman  
Whv ves. I do have Shark Repellent. It's called MY FISTS.

About @God\_Damn\_Batman

**491** Tweets   
 **0** Following   
 **216,341** Followers   
 **6,762** Listed

You and @God\_Damn\_Batman

You follow accounts that follow @God\_Damn\_Batman · [view](#)



Similar to @God\_Damn\_Batman · [view all](#)



**DC\_NATION** DC Nation · [Follow](#)  
*The home of Batman, Superman, Wonder Woman, G...*



**imagecomics** Image Comics · [Follow](#)  
*Image Comics: The world's greatest creator-owned c...*



**CobraCommander** Cobra Commander · [Follow](#)  
*How dare you anticipate my strategy!*

Following · [view all](#)



Search

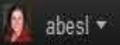


Home

Profile

Messages

Who To Follow



Destroying the Gulf for: **87** days  
 free \$25 t-shirts:  
[streetgiant.bigcartel.com](http://streetgiant.bigcartel.com)

\$20,000 lost to [healthygulf.org](http://healthygulf.org)

July 10th  
 BP Cares Art Show & Sexy Party

July 19th  
 VH1 Do Something Awards



# BP Public Relations

@BPGlobalPR Global

This page exists to get BP's message and mission statement out into the twitterverse!  
<http://www.streetgiant.bigcartel.com>

Following

Timeline Favorites Following Followers Lists

**BPGlobalPR** BP Public Relations  
 Have we upset you? If so, please direct your anger to @MrJoshSimpson this Monday at #SXSW. <http://bit.ly/ee8zp9>  
 11 Mar

**BPGlobalPR** BP Public Relations  
 Beads are made of plastic and plastic is made of oil. The way we look at it, the ocean owes us some boobage. #FatTuesday  
 8 Mar

**BPGlobalPR** BP Public Relations  
 ATTN: @healthygulf: We SAID we'd clean up the Gulf coast. What more do you want from us? <http://youtu.be/nbxpleL7IbU>  
 7 Mar

**BPGlobalPR** BP Public Relations  
 In these dire economic times, we all must make sacrifices... let's be honest, we don't really NEED oysters. <http://bit.ly/ieneoZ>  
 23 Feb

**BPGlobalPR** BP Public Relations  
 The bad news: The Gulf bottom is covered in oil. The Good News: The GULF BOTTOM IS COVERED IN OIL! <http://yhoo.it/h8UToY> #EUREKA  
 21 Feb

**BPGlobalPR** BP Public Relations

About @BPGlobalPR

510 Tweets 954 Following 176,603 Followers 8,511 Listed

Connections

Also followed by @LegallyBlondLaw, @LaurenKellum, and @dave\_menninger.

You both follow @shitmydadsays, @BreakingNews, and @cnnbrk.

Following 954

Similar to @BPGlobalPR · view all

**BorowitzReport** · Follow  
 Andy Borowitz

**jasonmustian** · Follow  
 Jason Mustian

**scottsimpson** · Follow  
 Scott Simpson

**Zaius13** · Follow  
 Doctor Zaius

# There is an Impact

---

- (1) Genericide of Trademarks
- (2) Loss of Control of Brands
- (3) Know Who You Want Holding the “Keys”
- (4) Picking the Right Strategy
- (5) Going Forward Without a Social Media Policy

# What It Means for the Company

---

- Genericide is a Bigger Danger Than Ever
  - The fast moving pace of social media can make it harder to avoid genericide – it is harder to turn the tide of public opinion than with traditional advertising!

- How to Fight Genericide:



- Monitoring of Usage of Your Mark (*E.g.* Hash tags)
- Training of Consumers – On a More Frequent Basis

# What It Means for the Company

---

- Loss of Control of Brand
  - If not properly managing brands on social media you are ***giving up control.***
    - Leads to one major concern is **naked licensing!**
  - Social media inherently requires some loss of control, but you can manage that loss of control and even control the conversation!
- Monitoring the conversation allows you to control the conversation and respond to issues customers have with your brands.
  - It also lets you know what your competitors may be saying!

- All Results
- People
- Pages
- Groups
- Applications
- Events
- Web Results
- Posts by Friends
- Posts by Everyone

Show: All Page Types Filter Results



Name: **Kroger**  
 Type: Retail  
 Fans: 2,845 fans

[Become a Fan](#)



Name: **Kroger**  
 Type: Grocery  
 Fans: 236 fans

[Become a Fan](#)



Name: **John Kroger**  
 Type: Politician  
 Fans: 212 supporters

[Become a Supporter](#)



Name: **Shannon Kroger**  
 Type: Musician  
 Fans: 20 fans

[Become a Fan](#)



Name: **Murder Kroger**  
 Type: Grocery  
 Fans: 27 fans

[Become a Fan](#)



Name: **Marina Kröger**  
 Type: Other Public Figure  
 Fans: 34 fans

[Become a Fan](#)

Sponsored Results


**Safeway Grocery Delivery**  
 Groceries & Drinks Delivered. Save \$12.95 on Your Next Order!  
[Shop.Safeway.com](#)

**Kroger Co**  
 Get address locations, business overviews & information at Hoovers  
[Industries.Hoovers.com](#)




- All Results
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 Type: Other Public Figure  
 Fans: 34 fans

[Become a Fan](#)

**Sponsored Results**

**Safeway Grocery Delivery**  
 Groceries & Drinks Delivered. Save \$12.95 on Your Next Order!  
[Shop.Safeway.com](#)

**Kroger Co**  
 Get address locations, business overviews & information at Hoovers  
[Industries.Hoovers.com](#)

# Murder Kroger [Become a Fan](#)

- Wall
- Info
- Photos
- Discussions
- Notes

**Murder Kroger** Just Fans



**Murder Kroger** You can download the song for free on Amiestreet.com  
<http://tinyurl.com/lhsfm4> (you'll have to register)

Artist: Attractive Eighties Women  
Album: Live - Coup D'é Ta-Ta's

**T5LLGz1CMYsx**  
Source: amiestreet.com  
Tue at 4:41pm · Share · Report

Jon Lee likes this.



**Murder Kroger** Saw a guy at Trader Joe's in midtown wearing this t-shirt, had to ask where he got it from.



**Murder Kroger | Beer Me that Shirt**  
Source: beermethatshirt.spreadshirt.com  
This snug-fitting lightweight cotton jersey tee for men has a stylish contoured fit and is ideal for those with a smaller frame. Reinforced shoulder construction maintains shape after repeated washings. ...

Tue at 10:41am · Share · Report

Kevin Snodgrass likes this.



**Murder Kroger** Photos of Murder Kroger

### Photos



Add to my Page's Favorites

It's a grocery store with a deadly twist  
You'll get shot in the head for your shopping list!

### Information

Location:  
725 Ponce De Leon Avenue  
Atlanta, GA, 30306

Phone:  
(404) 875-2701

### Fans

6 of 27 fans [See All](#)



Create an Ad

**Krause Financial Services**



Nationwide Practice  
Serving Elder Law  
Attorneys

We specialize in crisis Medicaid planning with Medicaid Compliant Annuities. Become a fan to stay up-to-date on planning techniques!

[Become a Fan](#)

**Free Wave Riot**



Free Wave Riot: 09.05.09  
Featuring Culture Queer, Tigerlilies, J Dorsey, Losanti, Frankl Project, Fourth Letter Gang, IsWhat? and more.

RSVP to this event

**Calling All Wine Lovers**



- All Results
- People
- Pages
- Groups
- Apps
- Events
- Web Results
- Posts by Friends
- Posts by Everyone
- Posts in Groups

Pages

kroger

 **Kroger**  
 1014 Vine Street, Cincinnati, OH 45202  
 96,495 people like this.  
 2 check-ins.

[Like](#)

 **Kroger Careers**  
 Page  
 321 people like this.


[Like](#)

 **Kroger**  
 Page  
 3,520 people like this.

[Like](#)

 **Kroger**  
 Page  
 118 people like this.

[Like](#)

 **Kröger**  
 Page  
 15 people like this.

[Like](#)

 **Kroger**  
 Page  
 9 people like this.


[Like](#)

 **Kroger**  
 Page  
 8 people like this.

[Like](#)

 **Kroger**

Previous Status Updates [Show More](#)

 **Christy Cooper** Soooo, instead we got the all black canopy and it should (should being the key word) be here by Friday. Woo-Hoo!!!!

[2](#) [Like](#)

Find Friends from Dinsmore & Shohl



3 of your friends have worked at Dinsmore & Shohl. Find more people you know from Dinsmore & Shohl.

[Find Friends](#)

Sponsored [Create an Ad](#)

**ING Becomes Capital One**  
perkstreet.com



Don't get left in the cold by your bank. Get great service and 2% cash back. Click here to see how.

**Can you beat me?**  
bmw-golfsport.com



Challenge Martin Kaymer: BMW is giving three lucky golfers the chance to team up against the superstar on August 15, 2011. Join now!

# Murder Kroger Like

Local Business · Atlanta, Georgia

Wall Murder Kroger · Top Posts

**Murder Kroger**  
 Murderous Monday Everyone!  
 June 27 at 9:46am

37 people like this.

**Scott Jackson** and Murder be with you!  
 June 27 at 10:21am

**Shane Von Russell** I can smell it.  
 June 27 at 10:52am

**Jennifer Stacia Pittman** EWWW THAT SMELL, THE SMELL OF DEATH AROUND YOUUUU....  
 June 27 at 11:28am

**Timothy Sneed** X  
 Can we petition to have this restaurant built inside murder kroger?

 <http://i.imgur.com/zcJ0u.jpg>  
 i.imgur.com

July 4 at 10:30pm · Share

3 people like this.

**Kiish Hickerson**



## Wall

- Info
- Friend Activity
- Photos
- Discussions
- Notes
- Welcome

## About

It's a grocery store with a deadly twist You'll get shot in the head for your shopping list!

196 check-ins

5,756 like this

## Likes

The Clement

## You and Murder Kroger

Paula Pant likes this.

## Event Invitations See All

**Contempo Cocktail Mixology Happy H...**  
 Friday, July 15



RSVP: Yes · No · Maybe

## Birthdays See All

**Anne McCarley**  
 It's her birthday.  
 Say Happy Birthday

## Sponsored Create an Ad

### AdKeeper



Behold, a better Internet. Click "Like" to learn about how we are changing the Internet.

Like · 2,508 people like this.

## Free House \$ Analysis

c-reps.com

Get a free, detailed

Chat (32)

# What It Means for the Company

---

- Know Who You Want Controlling the “Keys” to Your Brand
  - There is risk in hiring social media companies to run your brands.
  - You can create a “disconnect” with your target audience if they know the posts are “fake” from celebrities, representatives, or others that are part of your brand.
  - If you can manage the risk, and create safeguards, the benefits of using an outside firm with expertise can be substantial.

# What It Means for the Company

---

- Important to Select the Right Strategy for Your Brand on Social Media
- Selecting the Right Strategy Applies Not Only to Enforcement and Protection, But Use.
- Failure to Enforce Can Equal Defenses in the Future
  - Failure to Prosecute
  - Abandonment
  - Laches
  - Weakness of Mark

# What It Means for the Company

---

- Important to Select the Right Strategy for Your Brand on Social Media
- Enforcement and Protection
  - Takedown Notices Filed Regularly
  - Respond to Fix Problems: Time Warner Cable, Coke, Dell
- Company Strategy for Social Media
  - Necessary to Determine Strategy, Customer Base, Culture and Sites That Match Those Items
  - Don't Just Jump In – Jump In Strategically

# What It Means for the Company

---

- Moving Forward Without a Social Media Policy in Place is Dangerous
  - Social Media Policies are Necessary to Protect the Company Against Improper Use By Employees.
  - Example: Delta Flight Attendant



**What General Counsel Need to Know About Protecting Their Company's Trademarks**

April Besl



# What It Means for the Company

---

- Social Media Policy Terms
  - Keep It Positive → Focus on “Can Do”
    - The goal is not to foreclose use of social media but to ensure that use is in harmony with organization.
  - The Policy Must Have “Teeth”
    - Make it clear that failure to comply can lead to disciplinary action, including termination

# What It Means for the Company

---

- Recommended Terms
  - Encourage Honesty in Postings
  - Require Respect to Other Employees, Clients and Competitors of the Organization
  - Address Cyber Bullying, Hacking, Fraudulent Conduct, Harassment, and Unethical Behavior
  - Responsibility of Employees When Acting As Representative of Organization
  - Address Disclosure of Confidential or Proprietary Information of Organization

# What It Means for the Company

---

- Recommended Terms
  - Include Provisions Regarding Revenues, Future Business Plans, Share Prices, And Other Financial Information (Especially for Publicly Traded Companies)
  - Detail Intellectual Property Concerns Including Use of Company IP and Third-Party IP
  - Any Site Specific Rules (Ex. LinkedIn Recommendations, Wikipedia Entries)
  - Provisions Governing Virtual Worlds

# Case Studies

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- Case Study # 1 – Red Cross' Twitter Success
- Case Study #2 – Chrysler's Twitter Blunder
- Case Study # 3 – P&G's Old Spice Success Story

# Red Cross' Twitter Success

---

- If Handled Correctly, The Impact of Social Media Mistakes Can Be Less Problematic!
- American Red Cross Dealt With Its Own Social Media Faux Pau in February of This Year
- American Red Cross Social Media Representative Accidentally Tweeted Something on The Red Cross Page Thinking It Was Her Own....

# Red Cross' Twitter Success

---



# Red Cross' Twitter Success

- The Red Cross Realized the Mistake and Removed The Tweet, Replacing It With...



# Red Cross' Twitter Success

---

- What Could Have Been a Marketing Nightmare Actually Had a Happy Ending
- Dogfish Head Brewery Encouraged Donations from Its Customers and Many Followed Through
- Red Cross Followers Also Pledged Donations Appreciating the Humor of the Situation



# Chrysler's Twitter Blunder

- But Not All Twitter Gaffes Will Necessary Lead to The Same Happy Endings.
- For Example, Last Week, A Strange Tweet Appeared on the Chrysler Twitter Page...



# Chrysler's Twitter Blunder

- The Tweet Was Quickly Deleted and Replaced By An Apology from Chrysler...



- However, Insiders At the Company Let Slip to the Media That It Was in Fact An Employee of the Social Media Agency in Charge of Chrysler's Twitter Page That Had Posted a Tweet Thinking It Was Their Own Personal Account

# Chrysler's Twitter Blunder

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- The Employee Was Fired by the Agency But It Brings Up the Question Once More...

***Who Do You Want Holding the Keys to Your Social Media “Engine?”***

# P&G's Old Spice Success Story

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- Everyone Has Seen the P&G Old Spice Commercials



**What General Counsel Need to Know About Protecting Their Company's Trademarks**

April Besl

# P&G's Old Spice Success Story

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- P&G Used the Success of the Commercials on Social Media to Build Up the Brand
- The Social Media Campaign is Hailed as One of the Best Ever
- The Series of “The Man Your Man Could Smell Like” Videos Were Released on YouTube and Publicized on Other Social Media Platforms
- YouTube Views Are in the Millions and the Old Spice Twitter Account Accumulated Tens of Thousands of New Viewers

# P&G's Old Spice Success Story

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- Live Tweeting Sessions With the “Old Spice Guy” Further Drove the Campaign
  - In-House Counsel Balanced Loss of Control, Quick Decisions and Immediate Impact of Such a Campaign
- In the End, Even Though the Brand Itself Was Never Prominently Highlighted, it Gained Recognition, Prominence, and Popularity
- Translating to Success and Sales for P&G

# FAQs

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- If I cut off access to social media sites for my employees that fixes the issue right?
- Ignoring bad comments on social media sites is better than responding.
- Should monitoring be done in-house or by outside parties?
- I need to be on every social media site to be effective.
- Facebook is for kids and personal use – not businesses.
- Social media moves fast, so results from our use should be instant.
- Social networks are only used by younger people.
- A social media presence is only useful for selling consumer products.
- Once a page is set up, you don't have to post regularly.
- I can just post press releases on Twitter and that is enough.

# Conclusions

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- Determine with Business What Kind of Culture and Presence Your Organization Wants to / Should Have on Social Media.
- Monitoring and Enforcement is Key to Success.
- Draft and Implement a Social Media Policy Yesterday.



# Thank You

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