

Are you already using social media as part of your business? Or looking to take the plunge?

Social media has created exciting opportunities for businesses. However, the use of social media websites (such as Twitter, Linked-in and Facebook) by employees and the hosting of online forums, message boards and review pages by businesses does put businesses at risk.

Hosting forums, blogs, etc

If you host online forums, message boards or provide review and comment facilities that allow users to upload content or information in the form of contributions, you need to consider

- the risk of being found to be a publisher of defamatory material where one of your users uploads defamatory material
- the risk of becoming liable for the act of communicating intellectual property rights to the public if one of your users uploads material without the third party owner's permission
- the linking by users to other internet sites
- data protection and privacy issues
- the potential positive and negative commercial impact of including posts on your website
- if your website attracts users under the age of eighteen, your additional legal and moral responsibilities.

Employees using social media

Inappropriate use by your employees of third party hosted social media sites also carries legal and commercial risks for business, including

- the risk of being found to be liable for your employee's infringement of third party intellectual property rights
- the risk of being found to be liable for your employee's defamatory or discriminatory comments
- the negative effect on employee productivity
- disclosure of confidential business information
- disclosure of information relating to other employees, without their consent.

How to minimise your risk

The business risks can be managed in various ways, including

- incorporating effective website terms and conditions and privacy policy
- adopting a forum/ bulletin board use policy setting out clearly the rules and standards you expect users to adhere to when making posts
- taking advice on whether or not to monitor contributions posted on your website and establishing a business policy of how you will deal with the forum and any complaints
- setting up a practical and enforceable policy for employees to govern their use of social media sites.

FSI's IP/Media department is able to assist you with all your social media enquiries.

If you have any questions or would like our help you please contact:-

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IP & Media Group

If you would like more information on FSI's services, please visit fsilaw.com where you will find all our latest news, publications and events. Alternatively, contact Robert Lands, head of IP & Media, +44 (0)20 7323 4000.