

A Brand Owner's Guide To Social Media

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Table of Contents

INTRODUCTION	5
Managing Social Media: Common Brand Owner Concerns	6
Social Networking Services	8
Facebook.com	9
Twitter.com	10
Linkedin.com	11
Pinterest.com	12
MySpace.com	13
Badoo.com	14
Plus.google.com	15
Tagged.com	16
Blogging Platforms	17
Blogger.com	18
WordPress.com	19
Tumblr.com	20
Media Content Sharing Sites	21
Imgur.com	22
Picasa.com	23
Vimeo.com	24
YouTube.com	25
Dailymotion.com	26
Flickr.com	28
DeviantArt.com	29
Social Information and Idea-Sharing Platforms	30
Digg.com	31
Reddit.com	32
Stumbleupon.com	33



Wikipedia.com	34
Quora.com	35
Kickstarter.com	36
Consumer Review Platforms	37
TripAdvisor.com	38
RipoffReport.com	39
Yelp.com	40
Mobile Applications	41
Flipboard.com	42
Instagram.com	43
Foursquare.com	44
Additional Resources	46



Introduction

“Social media” has become the commonly used term for a variety of Internet and mobile websites, services and applications that enable interactive, peer-to-peer communication and sharing of content by individuals and groups of users.

From the viewpoint of brand owners, social media can provide valuable, low-cost advertising platforms. Yet, by allowing easy uploading of content by infringers, parodists and critics of brands, these media also have the potential to cause significant harm to the intellectual property rights of brand owners.

This guide provides an overview of some of the most popular social media platforms as of May 2013. It is intended to introduce all brand owners to the top social media sites, provide insight on how they can best be utilized, and offer guidance on how to address the various types of intellectual property abuses that may occur in the social media space. However, because the social media world is constantly changing, readers are advised to verify the current accuracy of the data provided as time passes.

Managing Social Media: Common Brand Owner Concerns

Brand owners should be aware of the following recurring intellectual property issues and related concerns raised by many of the currently available social media platforms.

- **Ownership of Content.** The terms of service of many social media sites essentially require users to relinquish significant rights in their intellectual property. In particular, they may grant the social media site the right to use all content posted by the user, including the trademarks and copyrighted content of brand owners who utilize the site, in any manner whatsoever.
- **Changing Terms of Service.** The terms of service for many social media sites are constantly changing. Often, users are not provided with clear or direct notice of such changes.
- **User-Generated Content.** Social media websites facilitate the copying and uploading of content of all sorts, including artwork, photographs, videos, news articles, music and other types of text, audio and visual materials. This ease of publication and dissemination of user-generated content provides innumerable opportunities for infringement, disparagement, tarnishment, genericizing misuse or other activities that may be harmful to the goodwill and image of a brand.

Sites such as YouTube and Digg, which are devoted to the sharing of content, can easily encourage the unauthorized posting and dissemination of copyrighted content.

Some sites, such as LinkedIn, Flickr, Facebook and Foursquare, provide brand owners specific opportunities to create profile pages similar to those of individual users. Brand owners may want to be especially aware of sites that encourage individual users to create profile pages. Similarly, consumer review sites, such as Yelp, and social information networks, such as Wikipedia and Quora, that designate specific pages for businesses may also present similar issues. These sites may need to be monitored to ensure that a brand owner's business and marks are portrayed in a positive light, particularly where brand owners may be vulnerable to misinformation that visitors believe has come from the company itself.

Furthermore, most sites in this guide offer some sort of advertising program, which may provide a vehicle for false advertising or infringement of a brand owner's rights. In particular, sites with prominent commercial components — such as Badoo (featuring a banner ad purchase program) and Facebook (see the service's "Sponsored Stories" feature, e.g.) — can be viewed by a brand owner's competitors as an arena for potentially infringing, misleading or even disparaging material embedded in sponsored content or triggered by purchased keywords.

- **Privacy Concerns.** There is a growing trend among brand owners to offer their own social media services, perhaps through the company website or in a mobile application. This can present a host of privacy issues, including the potential for governing (and perhaps conflicting) foreign privacy laws, restrictions on how customer/user information may be used or shared and privacy protection laws for children.



- **Genericide.** Brands are at far greater risk of improper generic use as a result of the rapid proliferation of improper users through social media and the expansive reach of content generated by users. Brand owners must take extra precaution to monitor and enforce their rights against potentially genericizing uses in the social media space. For example, because Wikipedia receives so much traffic, owners of trademarks that are in danger of becoming generic should monitor the site and clean up any improper uses of the mark.
- **User Names.** Just as domain names can incorporate another's name or mark, so can the user names that are selected to identify the users or members of a social networking site. As of this writing, there are no streamlined mechanisms such as the Uniform Dispute Resolution Policy available for top level and other domain names, to prevent such abuses. If the social media site fails to respond to a complaint, the only recourse may be a lawsuit.
- **Viral Content.** Content is considered "viral" when it gets passed around, linked to or viewed by a large number of users in a short period. Marketers strive to create viral content to get a message out, but legal and PR teams will be well advised to have an emergency preparedness plan when they are called upon to halt the spread of derogatory or unlawful content.

Social Networking Services

Social networking sites focus on strengthening, building and expanding connections between people, sometimes revealing information about these people in new ways. They usually map how and why an individual is connected to other individuals, groups of individuals, content and types of ideas.





Facebook.com

What it is, what it offers and how it works:

- Facebook is the world's largest social networking site. As of December 31, 2012, the site had 1.06 billion monthly active users.
- Facebook offers an easy platform for staying in contact with multiple people quickly and easily, regardless of time or distance. The Facebook "news feed" is a compilation of the latest updates from a user's Facebook friends and is an efficient way to share information among friends.
- Facebook permits the sharing of information in every format. From embedding links in private messages to friends, adding a post on the user's own profile page, sharing a link publicly on someone else's page, or asking questions, Facebook is, in many ways, the quintessential viral and social network.
- After opening an account, a user creates a profile page with as much or as little information as desired. Users may then begin "friending" other members of Facebook and sharing news, photos, videos and other content with their Facebook friends. Users can comment and press the "like" button on posts that appear in their news feeds.

Examples of brand owner use:

- **Gap:** Gap ran a promotion that allowed users who checked in to any Gap store on Facebook to receive a free pair of jeans.
- **Target:** Target not only uses its Facebook fan page to publicize promotions and sales, but also uses humor and exclusive behind-the-scenes information to treat its Facebook friends like Target VIPs. In addition, Target job opportunities are posted on Facebook.
- **The Home Depot:** The Home Depot uses its Facebook fan page to answer commonly-asked questions about home improvement and to display the volunteering activities and home improvement efforts of its associates and customers.
- Facebook also has a robust advertising program. More information can be found here: <http://www.facebook.com/advertising/>.

Brand owner concerns:

- User-generated content
- User names
- If you want to reference Facebook, use a Facebook logo, grab a screenshot from Facebook, etc., click here: <http://www.facebook.com/brandpermissions/index.php>.

Complaint procedures:

Intellectual Property Infringement (generally): <https://www.facebook.com/help/?page=211911528839661&ref=bc>
Report Trademark Infringement: <http://www.facebook.com/help/440684869305015/>





What it is, what it offers and how it works:

- Twitter is a service that allows people to communicate and stay connected through the exchange of quick, frequent messages. Users write short updates called “tweets” containing 140 characters or less. These messages are posted to the writer’s profile, sent to his or her followers and made searchable on Twitter. Tweeting is sometimes characterized as micro-blogging.
- Twitter is also used extensively by politicians who encourage members of the public to become followers of their tweets. For example, President Obama hosted a Twitter Town Hall: <http://askobama.twitter.com/>.
- Twitter offers information that users choose to receive. Tweets may be used to quickly update followers on what is going on in local communities and/or globally. Twitter also provides instant access to news organizations, businesses and celebrities.
- Anyone can access unprotected information on Twitter, but to post pictures and tweets, users first must create a user name and password. Members do not have to tweet, but may merely read tweets from individuals or companies that they follow. Twitter is built on open-source software and now comes in English, French, German, Italian, Japanese and Spanish.

Examples of brand owner use:

- **Gap:** As of April 2013, Gap had more than 186,000 followers and is continually growing. The primary method for Gap to obtain followers is through exclusive deals and promotions. Twitter gives business owners real-time connection to their customers, wherever they are. Businesses use Twitter to quickly share information with people interested in their products and services. For example, see: <http://mashable.com/2009/01/21/best-twitter-brands/>.
- Twitter has also introduced a form of short form advertising called Promoted Tweets. For more information, visit: <https://business.twitter.com/advertise/promoted-tweets/>.
- **Advertising policy:** https://support.twitter.com/groups/56-policies-violations#topic_239

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Copyright and DMCA Policy: <http://support.twitter.com/entries/15795>

Report copyright infringement: <https://support.twitter.com/forms/trademark>

Trademark Policy: <https://support.twitter.com/groups/56-policies-violations/topics/236-twitter-rules-policies/articles/18367-trademark-policy>

Report Trademark Infringement: <https://support.twitter.com/forms/dmca>





LinkedIn.com

What it is, what it offers and how it works:

- LinkedIn is a professional social networking tool that allows users to share predominantly professional information with friends, coworkers and employers.
- LinkedIn is the world's largest professional online network with more than 200 million users in more than 200 countries/territories.
- LinkedIn displays updates on users' homepages informing them of any activity their connections have logged, such as who has changed positions, added new connections, added new education, etc.
- A basic LinkedIn membership is free. Free membership allows users to create and maintain profiles, add and communicate with connections, and view the profiles of others. For a fee, LinkedIn also offers a premium membership, which allows messaging of users you might not otherwise be able to (because they are "outside of your network"). Premium members can also see which users are viewing their profile.

Examples of brand owner use:

- Unlike Facebook and Twitter, brands tend to use LinkedIn profiles to show off the success of their brand, products, stock prices, and employment opportunities.
- Brand owners can use LinkedIn as a recruiting tool and a platform to communicate with current and potential employees.
- **Subway:** Subway maintains a LinkedIn profile that advertises its services and recent company highlights in addition to allowing employees — from "sandwich artists" to corporate executives — to list their employment with the company. Its profile is available at: <http://linkedin.com/company/subway>.
- LinkedIn also has an advertising program. More information is available at: <http://www.linkedin.com/advertising>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright Policy: http://www.linkedin.com/static?key=copyright_policy&trk=hb_ft_copy. Report Copyright Infringement: <https://www.docusign.net/MEMBER/PowerFormSigning.aspx?PowerFormId=2c942a5c-2db7-4cf1-b713-c3dd41cebe3b>

LinkedIn also receives claims of IP infringement (aside from Copyright infringement), including Trademark, Logo and False Profiles here: http://download.linkedin.com/corporate/legal/notice_of_content_and_intellectual_property_violations_en_US.pdf

Trademark Policy: http://help.linkedin.com/app/answers/detail/a_id/30365
Report Trademark Infringement: <https://www.docusign.net/MEMBER/PowerFormSigning.aspx?PowerFormId=c6fe80f8-8ab1-4e09-a4e7-a663bb08fa5f>



**What it is, what it offers and how it works:**

- The Pinterest website and mobile app provide a virtual pin-up board for sharing photos and other images. It allows users, known as “pinners,” to create and manage theme-based collections of “pins.” Most pins consist of images found online, but pinners can pin videos as well. Users can join by requesting an invitation.
- Pinterest’s rapid growth has resulted in 48.7 million users as of February 2013.
- Like many social networking sites, Pinterest’s goal is to connect users with similar tastes and interests. Users can follow other pinners, as well as comment, “like” or “repin” other users’ pins.

Examples of brand owner use:

- Brands can use Pinterest in a variety of ways, such as visually showcasing the brand, testing product/image look and feel, hosting contests and communicating with consumers. Brands should take care, though, to clear copyright ownership or license issues with images it makes available to be pinned. Brand owners should not solicit the pinning (copying) of images it does not own or have a license to on its own pin boards.
- **HGTV:** HGTV uses Pinterest to share images depicting home decorating ideas, organization techniques and do-it-yourself crafts.
- **Nordstrom:** Nordstrom uses Pinterest to engage customers in a variety of ways, including highlighting products, suggesting gift ideas and introducing trends.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Copyright Policy: <http://about.pinterest.com/copyright/>

Report Copyright Infringement: <http://pinterest.com/about/copyright/dmca/>

Trademark Policy: <http://about.pinterest.com/trademark/>

Report Trademark Infringement: <http://pinterest.com/about/trademark/form/>





What it is, what it offers and how it works:

- MySpace provides social interaction centered around entertainment, music, celebrities, TV, movies and games, including online, mobile and offline games. MySpace allows users to play games and listen to full versions of songs for free.
- The site was recently sold by News Corp. to Specific Media, which has announced that entertainer Justin Timberlake will be its new creative director. Although it began as a Facebook-like social network, after a 2005 acquisition, News Corp. repositioned MySpace as the leading entertainment destination for celebrity and entertainment news.
- MySpace is available to registered users who can connect via Facebook or create a MySpace user name and password for free. Members may follow their favorite celebrities, musicians or topics through functions similar to Twitter.

Examples of brand owner use:

- **MTV:** MTV, a leading source for celebrity news, music and entertainment, is a major user of MySpace. The company has profile pages for many of its popular reality TV shows, including “16 and Pregnant.”
- **Warner Bros.:** Warner Bros. uses its MySpace page to post highlights and news articles about its company’s television shows and movies, such as photos from episode tapings and information on new cast members and box office numbers. They also use the site to generate feedback and discussion by asking MySpace users to participate in polls on varying topics.
- **Artists and record companies:** MySpace’s focus on music and entertainment has made it a popular location for both established entertainers and new artists trying to gain exposure. MySpace makes full albums of popular music artists available for listening and purchasing, making the site competitive with iTunes and other music focused platforms.
- MySpace also has a banner advertising program. More information is available at: <http://specificmedia.com/advertising/addressable-advertising/>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Under MySpace’s Terms of Service, it lists its policy regarding “Protecting Copyrights and Other Intellectual Property” in ¶9 and accepts claims by emails that include the required information specified in ¶9 to: copyrightagent@support.myspace.com.

**What it is, what it offers and how it works:**

- Badoo is a traditional social networking site similar to Facebook. While not as popular as Facebook, it purported to have more than 178 million members as of April 2013.
- The service has become very popular in continental Europe and Latin America. Badoo has members in 180 countries who utilize 25 languages on the site.
- Users may create a profile either on the Badoo site or through an existing Facebook account. The basic profile is free and allows members to access profiles of other users to chat, upload photos or videos and message other members. Paid options provide more prominent placement throughout the site, including in search results.

Examples of brand owner use:

- Badoo does not offer advertising. See <http://corp.us1.badoo.com/advertising/>. Further, it states by its terms that users “may not post or send any content which relates to commercial activities (including, without limitation, sales, competitions and advertising, links to other websites or premium line telephone numbers).” See <http://badoo.com/terms/> at ¶ 1 § 7.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Intellectual Property Policy: <http://badoo.com/terms/> at ¶ 1 § 10

Report Infringement: <http://badoo.com/feedback/>



**What it is, what it offers and how it works:**

- Google+ is Google's social networking product. It is designed to capitalize on the enormous success of the Gmail platform by adding many sharing capabilities.
- Google+ resembles Facebook in many ways, but provides a more seamless account management and sharing process through the user's Gmail account.
- The growth of Google+ was quite rapid as discussed here: <http://www.businessinsider.com/googleplus-growth-25-million-users-2011-8>.

Examples of brand owner use:

- Brand owners can use Google+ Pages to connect and interact with consumers, which also allows brand owners to observe what consumers are saying about the brand.
- Many top brands have created pages since the introduction of Google+ Pages, including Pepsi, Apple and McDonald's.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Google has a comprehensive portal allowing IP right holders to submit an array of IP complaints (including copyright and trademark) for: AdSense, AdWords, Google Play, Blogger/Blogspot, Google+, Google Music, Image Search, Orkut, Picasa, Web Search, and more at: <http://support.google.com/bin/static.py?hl=en&ts=1114905&page=ts.cs>.



Tagged.com

What it is, what it offers and how it works:

- Tagged is centered around social discovery. It encourages its users to meet new people as opposed to helping users keep in touch with people they already know.
- Tagged facilitates this type of activity through social games, friend suggestions, profile browsing and group interests.
- Tagged allows members to express themselves by creating custom profiles to match their individual preferences. Like Badoo, it encourages users to meet each other locally rather than merely connecting and communicating online.
- To join Tagged, users may either connect using Facebook, MySpace or Twitter. Users also have the option to create a Tagged account.
- As of April 2013, Tagged claimed to have more than 300 million registered members.

Examples of brand owner use:

- Brand owners may purchase homepage takeovers, which enables a brand to re-design the entire Tagged homepage for a certain period of time with its logos and ads, much like when a company buys out a subway car and wallpapers it with advertisements and/or logos.
- Brand owners may also maintain custom profiles or interact with users through surveys, polls, contests and promotions.
- Tagged also makes traditional banner advertisements available to brand owners. For more information, see: <http://about.tagged.com/advertising/>

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Tagged.com asserts a general Copyrights, Trademarks, Patents and Intellectual Property Rights policy and Reporting.

Mechanism in its Terms of Service, ¶K – See http://www.tagged.com/terms_of_service.html.



Blogging Platforms

The term “blog,” short for “web log,” refers to a website on which individuals or groups of users record opinions and information on a regular basis, frequently with hyperlinks provided by the author. At the core, blogs help to democratize the creation and flow of information and opinion and give otherwise unknown individuals a platform to share their ideas and experiences with the entire world



**What it is, what it offers and how it works:**

- Blogger is a free blog-publishing service that allows Internet users to create private or multi-user blogs with time-stamped entries. The company created some of the earliest technology for writing blogs and continues to be one of the most popular blogging platforms available.
- Blogger permits anyone to create a blog with the ease of logging into a pre-existing Google account. Users can build a blog by designing a template, writing copy, uploading photos and videos and controlling who can write posts and see the blog.
- Blogger includes an integration feature with Facebook and Twitter, allowing its bloggers to leave comments via their Twitter or Facebook accounts and enabling users to stay logged into multiple services at one time.
- Blogger has added a “virtual tip jar” function that permits the readers of a blog to support it financially.

Examples of brand owner use:

- Brand owners may benefit from or be harmed by the activity of bloggers who can spread information about brands that they love or hate on their blogs. For example, in the past, Zappos has been praised on a blog for explaining its behavioral advertising strategy to customers. The post can be found here: <http://www.brandflakesforbreakfast.com/2011/05/just-because-youre-advertiser-doesnt.html>.
- Brands may also approach blogs to spread marketing information virally among communities that follow popular blogs or to place ads on their blogs. For example, see the ads on the side of the popular lifestyle and design blog, Black Eiffel: <http://blackeiffel.blogspot.com/>. While some small businesses use Blogger blogs as a form of advertising and marketing, larger businesses generally prefer to host their own blogs rather than using a platform like Blogger.
- Brands may invite popular bloggers to positively mention them in blogs, either blatantly or more subtly by offering bloggers discounts or inviting them to exclusive events.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Google has a comprehensive portal allowing IP right holders to submit an array of IP complaints (including copyright and trademark) for: AdSense, AdWords, Google Play, Blogger/Blogspot, Google+, Google Music, Image Search, Orkut, Picasa, Web Search, and more at: <http://support.google.com/bin/static.py?hl=en&ts=1114905&page=ts.cs>.



**What it is, what it offers and how it works:**

- WordPress is a free open-source blog tool and publishing system that gives users without technical knowledge the ability to utilize open-source publishing software. It can be used to host or power a pre-existing blog.
- WordPress offers some advantages not offered by other blog sites. Features include the ability to import other blogs from various blogging sites into its platform, a higher image storage capacity, the ability to upload more image formats and the ability to create team blogs.
- WordPress has an integration feature with Facebook and Twitter, allowing its bloggers to leave comments via their Facebook and Twitter accounts. It also allows users to stay logged into multiple services at the same time.
- To use WordPress, users must create a user name and password. Most of the services on WordPress are free, including basic blogging and designs. However, custom design and domain upgrades are available for an additional fee.

Examples of brand owner use:

- **eBay:** eBay manages its official blog using WordPress to update customers about new products and services. It also posts daily articles and “weekly roundup” articles about the company’s services. The blog can be accessed at: <http://ebayinkblog.com/>.
- **Yahoo!:** Yahoo! manages its company blog through WordPress, including links to Yahoo! on other social media sites like Facebook, Twitter and YouTube. The blog also posts links to weekly Yahoo! search trends. The blog can be accessed at: <http://ycorpblog.com/>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright and IP (trademark) Policy: <http://en.wordpress.com/tos/> at ¶¶ 8 and 9.

Report Copyright Infringement: <http://automattic.com/dmca/>

Report Other (trademark) Infringement: <http://en.support.wordpress.com/disputes/#reporting-content>





tumblr.com

What it is, what it offers and how it works:

- Tumblr is a blogging platform that lets users share text, photos, quotes, links, dialogues, audio, video, slideshows and other content. Like many social networks, Tumblr offers its own applications that users can add to their blogs.
- Tumblr offers a broad array of customization options through hundreds of “themes.” Use of Tumblr can be completely free. However, some of the themes are only available through third parties for an additional fee.
- Users are able to publish blog updates from any mobile phone and automatically synchronize posts with Twitter, Digg, WordPress and Facebook. Users can also create group blogs and control who has access to their postings.

Examples of brand owner use:

- Many publishing and broadcast media brands, such as *The New Yorker* (newyorker.tumblr.com), NPR (npr.tumblr.com) and NBC News (nbcnews.tumblr.com), have extremely popular Tumblr blogs. They populate their sites with updates and previews of their content, as well as stories, quotations and videos. Many include additional content not found elsewhere, such as photographs from events.
- Other companies have found success on the Tumblr platform as well. Fashion brands, such as J. Crew (jcrew.tumblr.com), feature different style looks using their clothing and accessories while offering special savings to their blog’s followers. Record labels, such as Universal Music Group (universalmusic.tumblr.com), showcase their artists through music videos and photographs. Even consumer product-based companies such as Huggies (highchaircritics.com) have found value in the platform, using it as a creative space for unique promotional tools and baby videos contributed by followers.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Copyright Policy: http://www.tumblr.com/policy/en/terms_of_service#dmca

Report Copyright Infringement: <https://www.tumblr.com/dmca>

Report Other Infringement: No specific method. Consider contacting Tumblr’s Designated Copyright Agent at Designated Agent via mail: Tumblr, Inc., 35 East 21st St, 10th Floor, New York, NY 10010, Attn: Copyright Agent; via fax: +1-646-513-4321; or via email: dmca@tumblr.com



Media Content Sharing Sites

These sites emphasize the publishing and distribution of original media content.





Imgur.com

What it is, what it offers and how it works:

- Launched in 2009, Imgur is an online image-hosting service company based in San Francisco that offers free image hosting to millions of users.
- Imgur makes sharing images with the Internet simple. It can be used to share pictures with friends, as well as post images on message boards and blogs. Users can manipulate the image a number of ways and automatically submit it to popular site's such as Reddit or Digg. Users can also view popular user-submitted images in the site's gallery.
- Imgur is unique because it is designed not just to share photos, but also to track the popularity of images posted elsewhere on the Internet and place those images at the forefront of its own site.
- Images shared on the site will remain on the site so long as they are viewed at least once every six months by other users; once an image stops receiving views, it is subject to removal to create more space for newer images.
- All images posted to the site are anonymous, and privacy settings prevent private images from being shared all over the Internet. The most popular images on the Internet are featured in the site's gallery, and are often initially submitted through other popular sites like Twitter, Facebook, Reddit or blogs.

Examples of brand owner use:

- The popularity of Imgur comes from viral images, gifs and memes shared on the internet. Brand owners who successfully produce content that is shared virally by users can take advantage of Imgur's platform. However, the site does not currently present an ideal space for brand owners to share content directly through the site.

Brand owner concerns:

- User-generated and shared content

Complaint procedures:

Imgur requests that any violations of copyrighted content be reported via the procedures outlined here: <http://imgur.com/tos>. The site also uses the same procedures for any claimed trademark violations or other infringements.





Picasa.com

What it is, what it offers and how it works:

- Picasa is an integrated photo-sharing freeware program that provides users with an image viewer for organizing, editing, and sharing digital photos. The company was created in 2002 by Lifescape and purchased by Google in 2004.
- Picasa provides file importing and editing features like geotagging, facial recognition, adding text to images, and more basic photo features like red-eye reduction, color enhancement and cropping. It also enables users to export images for external use or online photo printing.
- The platform does not alter the photos actually stored on a user's computer; the original photos are always preserved. Picasa simply looks at the folders on a user's computer and displays the photos within them, creating a platform for the tools Picasa provides. It also enables users to upload and share photos via Google+ through its web integration system.

Examples of brand owner use:

- Picasa allows integration with a user's Google+ page, and since Google+ brand pages were launched in late 2011, these pages are also compatible with the Picasa web albums application.

Brand owner concerns:

- User-generated content

Complaint procedures:

Google responds to notices of alleged copyright infringement and terminates the accounts of repeat infringers according to the process set out in the U.S. Digital Millennium Copyright Act.

Specific instructions for removing copyrighted content and notifying Google pursuant to the DMCA can be found by clicking the "Help Center" link under the "Privacy and Copyright Protection" section here: <http://www.google.com/intl/en/policies/terms>.



Vimeo.com

What it is, what it offers and how it works:

- Vimeo is a U.S.-based video-sharing website founded in 2004 by a group of filmmakers to allow users to upload, view and share videos. Vimeo allows users to create channels and also provides privacy to decide where their videos appear and who gets to watch them.
- Vimeo has become a place for independent filmmakers to share their work with the world, even if they are not granted the opportunity to showcase at exclusive film festivals like Cannes, SXSW, Toronto and Sundance. It also provides a greater platform for those films that have been viewed at prestigious film festivals to gain a larger audience.

Examples of brand owner use:

- Vimeo is one of the few large social networks with extremely limited use by brand owners. The draw of Vimeo is the actual content posted on the site, rather than connecting with people or brands; therefore the focus is on sharing interesting video content, rather than running promotions or sharing information about a product or brand. As a result, Vimeo's platform does not currently offer an ideal space for mass use by brand owners.
- The Sony Max Channel for Sony Pictures International is an example of limited brand owner use. The Sony Max channel is a male-skewing action and reality channel available to subscribers in 40 African countries. Britney Spears also used Vimeo as a platform to promote her brand by premiering a single in 2009, and The White House posts high-definition versions of its broadcasts to the site.

Brand owner concerns:

- User-generated content

Complaint procedures:

Vimeo respects the intellectual property rights of others and asks that users do the same. Each user is responsible for ensuring that the materials uploaded to the Vimeo site do not infringe any third party copyright.

Vimeo will promptly remove materials from the Vimeo site in accordance with the Digital Millennium Copyright Act if properly notified that the materials infringe a third party's copyright. In addition, Vimeo may, in appropriate circumstances, terminate the accounts of repeat copyright infringers. Vimeo sets out instructions for filing written DMCA notices to remove copyrighted content and also to restore removed content from the site, here: <http://vimeo.com/dmca>.



**What it is, what it offers and how it works:**

- YouTube is a video-sharing website owned by Google.
- YouTube offers a comprehensive website allowing users to view, post and share videos with the rest of the online community.
- Anyone with an Internet connection can view videos on YouTube. However, in order to upload videos, users must first create an account or sign in using their Google accounts. Users who have an account can create a YouTube “channel” if desired. A YouTube channel is a place where users can display and organize the videos a user creates. Users have the option of using playlists to group videos together by theme. Users are free to create their own titles and tags to help others find the user’s channel when searching YouTube for specific topics.

Examples of brand owner use:

- X-Factor: The television show “X-Factor” has used YouTube to conduct online auditions via user-submitted audition videos.
- Celebrities and music artists: Celebrities and music artists can use YouTube to post their own content. Jay-Z has created a successful YouTube channel where he makes most of his music videos available to fans: [http:// www.youtube.com/user/jayz](http://www.youtube.com/user/jayz). YouTube also has an advertising program. More information is available at: <http://www.google.com/ads/video/>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Google has a comprehensive portal allowing IP right holders to submit an array of IP complaints (including copyright and trademark) for: AdSense, AdWords, Google Play, Blogger/Blogspot, Google+, Google Music, Image Search, Orkut, Picasa, Web Search, and more at: <http://support.google.com/bin/static.py?hl=en&ts=1114905&page=ts.cs>.



What it is, what it offers and how it works:

- Dailymotion is a free video publishing and sharing service website based in Paris, France. The site is similar to YouTube in that it allows users to upload and share videos and create channels so that other users can easily find videos relating to their interests.
- Users may browse and upload videos by searching tags, channels or user-created groups.
- All users are able to view videos for free. However, in order to comment on videos or upload their own videos, users must log in through Facebook or register on Dailymotion.

Examples of brand owner use:

- Like YouTube, brand owners can create “channels” on Dailymotion that allow users easily to navigate and search for their content. For example, NBC’s “Today Show” maintains a channel where program segments are available to viewers online. Rather than uploading the entire show, it posts shorter clips of particular segments: <http://www.dailymotion.com/group/NBCTodayShow>.
- Brand owners who are also content producers have an option to become “official users,” which includes record labels, film studios, news media, television channels, sports associations and political parties. Becoming an official user is free and provides:
 - Increased account visibility
 - Increased video visibility through an “official content” overlay affixed to each of the thumbnail previews of the user’s videos
 - A custom profile skin or theme made to the user’s specifications
- While this official user program is aimed at content producers, Dailymotion does invite other brand owners to contact the company regarding utilizing similar tools such as:
 - An official area (web TV) on Dailymotion themed according to the brand’s guidelines
 - Link to the brand’s website
 - Improved visibility in search results (internal and external referrals)
 - Increased hosting capacity
 - HD video encoding

Brand owners have the opportunity to advertise on Dailymotion using traditional banner advertisements. More information on advertising can be found at: <http://advertising.dailymotion.com/>.

The contact information for non-content producing brand owners is: mediasales@dailymotion.com. Additionally, advertising is available to brand owners. Dailymotion offers targeted online communication in combination with viral, integrated or event-oriented marketing and other enhancement features in its advertising.



Brand owner concerns:

- User-generated content

Complaint procedures:

In order to submit a copyright complaint with Dailymotion, the submission must come from someone with a Dailymotion account.

The Copyright Complaint notification is found here: <http://www.dailymotion.com/us/legal/copyright>

Additional comments:

An academic article discussing the copyright concerns tied to Dailymotion and other websites that feature user-generated content is available at: http://edinburgh.academia.edu/NicolasJondet/Papers/109889/The_silver_lining_in_Dailymotions_copyright_cloud.

**What it is, what it offers and how it works:**

- Flickr is an online photo management and sharing application owned by Yahoo!. Flickr prides itself on providing a digital photo storage process that is more advanced than the traditional album categorization feature of many other websites.
- Flickr makes photo organization a collaborative process by enabling users to permit their friends, family and other contacts to organize their pictures, as well as to add notes, comments and tags. It also permits uploading and sharing of photos from multiple platforms, including home computers, cell phones and other photo sharing websites. Users also have the opportunity to explore Flickr by using geotagging and blogging tools, joining groups or browsing galleries of current events from NASA and the White House, among others.
- Users may sign in with a Yahoo!, Google or Facebook account. After becoming members, users can post their own photo content or browse galleries that already exist.

Examples of brand owner use:

- Traditional web advertising is available to brand owners. More information can be found at: <http://advertising.yahoo.com/products-solutions/flickr.html>.
- Additionally, a brand owner may choose to maintain a profile on the site. For example, a brand owner may choose to upload photos of a sponsored event, such as a movie premiere, where the backdrop for the red carpet celebrity photographs contains the brand owner's mark.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright and Intellectual Property (including trademark) Policy and Reporting mechanism: <http://info.yahoo.com/legal/us/yahoo/copyright/en-us/>





DeviantArt.com

What it is, what it offers and how it works:

- DeviantART is an online community showcasing various forms of user-made artwork. It allows artists and art lovers to interact in a variety of ways: users can submit art, comment on each others' work, contribute to conversations in chat rooms, keep a journal and sell their art in the deviantART Shop.
- All users are able to browse the site for free. However, in order to comment on work, upload work, interact with artists or use any of the additional features, users must create an account on deviantART. Creating an account is free; however, there is a paid subscription option, which allows users access to additional convenience features, such as a full-featured journal and message center.

Examples of brand owner use:

- There are three types of advertising available on deviantART, two of which are available to companies outside of the website's community that can be used to post commercial content. More information on advertising products is available at: <http://about.deviantart.com/advertising/>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright Policy and Reporting mechanism: <http://about.deviantart.com/policy/copyright/>.

deviantART asserts a general trademark policy in its Terms of Service, §1, ¶3 – See <http://about.deviantart.com/policy/service/>, but does not detail a specific reporting mechanism.

Social Information and Idea-Sharing Platforms

The primary user experience of social news networks emphasizes the submission, distribution and quality ranking of link-based content.



**What it is, what it offers and how it works:**

- Digg is a viral information sharing website that works by building a list of popular stories being shared across the web. Every story on Digg has a “digg” button, along with a number indicating the number of people from the Digg community who like, or digg, that story. Digg users can discover and share content from anywhere on the web. From blogs to the most popular online destinations, Digg aspires to surface the best of the web, as voted on by the Digg community.
- Digg provides its users with an opportunity to discuss the topics that they are passionate about with like-minded people, while making new friends in the process.
- Various websites, including blogs and news organizations, post Digg application buttons on their articles inviting users to share the story on Digg.

Examples of brand owner use:

- Brand owners, particularly news organizations, may create applications on their websites enabling users to share their stories on Digg. Because Digg consists only of content shared by its users, brand owners may encourage users to spread news and articles virally. For example, *The New York Times* has a share feature on its stories that permits users to post a link to the story on Digg, as well as on other social networking sites.
- Digg offers traditional banner ads, but also enables brand owners to purchase sponsored news article placement to launch a story virally on Digg. Brands also have the option to sponsor a preexisting popular story in order to associate their brands with stories about relevant topics and events. Advertising on Digg allows brands to integrate themselves with articles that members are already talking about rather than trying to create marketing buzz themselves. For example, *The Huffington Post* sponsors all of its own stories in order to improve its stories’ placements within the site. More information on advertising can be found at: <http://about.digg.com/ads>.

Brand owner concerns:

- User-generated content
- User names

Complaint procedures:

Copyright (including “other” intellectual property infringement) Policy and Reporting mechanism: <http://digg.com/tos> at ¶7.

Additional comments:

In 2007, the founder of Digg responded to a cease and desist letter to remove stories containing code in his blog available at: <http://about.digg.com/blog/digg-09-f9-11-02-9d-74-e3-5b-d8-41-56-c5-63-56-88-c0>.

**What it is, what it offers and how it works:**

- Reddit, a subsidiary of magazine publisher Condé Nast, is a source for sharing information and photos with other users. The name is a play on words (i.e., “I read it on Reddit”).
- Reddit offers users a chance to see current news stories that have been highly suggested by peers. Users on Reddit have the option to submit links to web content or create their own posts of original text or content. Other users then vote the posted links “up” or “down.” Links receiving the most positive feedback are placed on the front page.
- Anyone can read articles on Reddit, but to submit links, vote on a link or comment, users must create an account by using a valid email address to create a user name and password.

Examples of brand owner use:

- Because Reddit’s content consists of news stories and links exclusively voted on or created by users, brand owner participation on Reddit is limited. Brand owners are permitted to purchase banner ads, which allow them to target viewers of their ads based on what they are interested in (i.e., what they “up” on Reddit), rather than by their demographics. More information on advertising can be found at: http://www.reddit.com/ad_inq.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright Policy and reporting mechanism is detailed in its User Agreement: <http://www.reddit.com/help/useragreement>.



**What it is, what it offers and how it works:**

- StumbleUpon is a search engine that aspires to find the best of the web, with recommendations customized to each user. Instead of requiring users to search for content, it sends content and suggestions to users based on their likes and interests. A toolbar allows users to rate content so that StumbleUpon can recommend similar new content. The primary goal is to help users discover content and explore the Internet in a manner that is highly tailored and curated.
- The toolbar directs more than 25 million users to various websites.
- StumbleUpon works like a search engine combined with a preference predicting function similar to the Pandora music service. It allows users to flip through pages of the web as if they are channel surfing on a television that anticipates their preferences. It uses “up” and “down” ratings to form collaborative opinions on website quality. As users navigate the web, they will be directed to pages that friends and like-minded “stumblers” have recommended.

Examples of brand owner use:

- While brand owners can use StumbleUpon to regularly submit their own content to be recommended to StumbleUpon’s users, StumbleUpon also encourages the use of several “audience tools” in order to help brand owners, publishers and advertisers connect and engage their consumers.
- Paid Discovery is StumbleUpon’s advertising platform that targets likely consumers using sponsored web and mobile pages within StumbleUpon. The program provides seamless in-stream promotion of entire web pages, macro sites, mobile sites and videos. Examples can be found at: <https://www.stumbleupon.com/pd/index/about/#cheese>.

Brand owner concerns:

- User-generated content

Complaint procedures:

Information on how to submit IP-related complaints to StumbleUpon is available at: <http://www.stumbleupon.com/terms>.



WIKIPEDIA
The Free Encyclopedia

Wikipedia.com

What it is, what it offers and how it works:

- Wikipedia is a multilingual, web-based, free-content encyclopedia.
- Wikipedia offers information on just about everything. Its articles provide links to guide the user to related Wikipedia pages with additional information. Citations within articles also function as external links to help users verify information found on the site.
- The concept of Wikipedia is similar to that of open-source software – multiple minds coming together with different ideas and sources of information to create the best end product, free to the user. Anyone is permitted to submit content and edit Wikipedia, though the site requests citations to increase the likelihood of accuracy of information.
- Wikipedia is unique because it is such a heavily trafficked and trusted site for initial research about almost any topic. While a brand owner may create its own pages on Wikipedia, the public can add to and edit the content.

Examples of brand owner use:

- Brand owners use Wikipedia by creating entries for their own brands and policing content to ensure that it is accurate and not unfavorable to the image of the brand. Apple and Sharpie are good examples of brands that manage their own content to present themselves in the best light possible. Their pages are available at: http://en.wikipedia.org/wiki/Apple_inc and [http://en.wikipedia.org/wiki/Sharpie_\(marker\)](http://en.wikipedia.org/wiki/Sharpie_(marker)) respectively.

Brand owner concerns:

- User-generated content
- Genericism

Complaint procedures:

Intellectual Property complaints to Wikipedia are managed through a mechanism referred to as Office Actions – which are official changes made on behalf of the Wikimedia Foundation by certain authorized members of the office, including the removal of questionable and illegal content. See “Office Actions” at: http://meta.wikimedia.org/wiki/Legal/Legal_Policies. In this section, ¶1 DMCA Takedowns instructs that all DMCA Takedowns should be sent to: http://wikimediafoundation.org/wiki/Designated_agent.

Wikimedia has a transparent DMCA policy. Clients with PR sensitive take-down initiatives should be aware this includes the posting of the DMCA take-down on Wikimedia’s site. See http://meta.wikimedia.org/wiki/Office_actions.

Additional comments:

There have been complaints and/or lawsuits surrounding Wikipedia and the posting of false information. A *USA Today* editorial about such issues can be viewed at: http://www.usatoday.com/news/opinion/editorials/2005-11-29-wikipedia-edit_x.htm.





Quora.com

What it is, what it offers and how it works:

- Quora is a collaborative, constantly-evolving collection of questions and answers created, edited and organized by its users.
- By allowing only registered users to participate, ranking answers by quality, and tying each piece of information back to a person and a revision history log, Quora aims to become the best possible resource for someone who wants to know about a certain topic.
- Answers can be voted up or voted down, allowing members to collaboratively ensure that the highest quality answers are read first.
- Users can either sign in through Facebook or Twitter or create a unique user name and password through Quora's site. Users can follow specific topics, single questions or individual users.

Examples of brand owner use:

- Many of the topics on Quora consist of specific companies, retailers and brands. For example, if a user searches "Best Buy" on Quora, he or she will arrive on the topic page for Best Buy. This page includes a brief description of the company, as well as the company's logo: <http://www.quora.com/Best-Buy?q=best+buy>.
- Brands can utilize Quora by entrusting brand ambassadors, such as staff members and corporate representatives, to:
 - Pose questions of substance as a way to disseminate information about the company and new products;
 - Respond to questions with high-quality, honest answers that reveal the approaches behind certain decisions and provide Quora users with a unique and valuable source of information;
 - Monitor the types of questions being asked about the company and its products and use Quora as a tool to understand customer concerns; and
 - Develop a dialogue between brand ambassadors and Quora users in order to build brand reputation and value. However, activity on Quora is expected to be tasteful and informational rather than simply another forum for advertising and promotion.
- **Amazon.com:** Amazon.com uses Quora as described above through brand ambassadors like Werner Vogels, the company's chief technology officer: <http://www.quora.com/Werner-Vogels>. Werner answers questions about Amazon.com and actively participates in the Quora community.

Brand owner concerns:

- User-generated content

Complaint procedures:

Copyright Policy and reporting mechanism is detailed in its Terms of Service, under Copyright Policy: <http://www.quora.com/about/tos>. There are not any provisions, policies or reporting mechanisms detailed for other forms of intellectual property infringement.





Kickstarter.com

What it is, what it offers and how it works:

- Kickstarter is a website that helps ordinary consumers, fans and supporters fund creative projects. The website is simply a platform and a resource; Kickstarter is not actually involved in the creation or development of the projects themselves, and the creators keep 100% ownership of their work.
- Kickstarter is home to everything from films, games and music to art, design and technology and provides a platform to fund large and small projects. Since its launch in 2009, more than 3.8 million people have pledged over \$567 million, funding more than 39,000 creative projects.
- Kickstarter funding is “all-or-nothing,” meaning that every project creator sets a project funding goal and deadline, and if the project does not raise the necessary funds by the deadline, the backers are not charged.

Examples of brand owner use:

- Kickstarter’s Terms of Service limit the site’s use to “personal, non-commercial use.” The site cannot be used to fund money for causes, like the Red Cross, and also cannot be used to fund social networking websites or apps. Because Kickstarter’s platform is designed to fund independent projects, the site does not currently provide an ideal space for use by large companies and brand owners. Although Kickstarter does not intend to be used like an online store, some of the more successful projects have challenged this claim, as can be read in this article: <http://www.theverge.com/2013/4/17/4230440/kickstarter-is-not-a-store-except-when-it-is>.
- Through March and April 2013, the site gained substantial press and popularity for raising more than \$5.7 million for the production of an independent Veronica Mars movie, shattering several Kickstarter records by becoming the fastest project to reach both \$1 million and \$2 million, the all-time highest-funded film project, and receiving the most project backers in Kickstarter history with more than 91,000 supporting the project.

Brand owner concerns:

- Public funding of potentially infringing projects

Complaint procedures:

- Kickstarter will remove infringing materials in accordance with the DMCA if properly notified that Content infringes copyright.
- Kickstarter can be notified of such infringing content via a link on the Terms of Service page, or by notifying Kickstarter by email at copyright@kickstarter.com. The full requirements of any DMCA notification email can be found on Kickstarter’s Terms of Service page.
- Users are responsible for all content they submit to the site. Kickstarter’s Terms of Service prohibit users from submitting content that infringes any patent, trademark, trade secret, copyright, right of publicity or other right of any other person or entity or violates any law or contract or impersonates an entity. The Kickstarter Terms of Service page can be found here: <http://www.kickstarter.com/terms-of-use?ref=footer>.



Consumer Review Platforms

These platforms operate as directory listing services enhanced by user reviews, as well as other tools and functionality.



**What it is, what it offers and how it works:**

- TripAdvisor is the world's largest travel site and features consumer reviews and advice on hotels, resorts, flights, vacation packages, travel guides and other travel-related content. The site provides more than 60 million reviews for more than a million businesses in more than 85,000 cities.
- TripAdvisor provides easy-to-find reviews for almost any popular travel destination. TripAdvisor states that it is committed to ensuring that as many of its reviews as possible are genuine consumer reviews.
- Anyone can read reviews on TripAdvisor, but to post reviews, users must register. Users may register by creating a TripAdvisor user name and password or through a Facebook account.

Examples of brand owner use:

- Travel-related brand owners may list their business on TripAdvisor for free. Listing on TripAdvisor enables brand owners to introduce their travel products to more than 50 million unique visitors a month. Brands also receive promotion from TripAdvisor based on positive consumer reviews.
- TripAdvisor also provides an option for traditional banner advertisements and sponsored consumer surveys. More information can be found at: http://www.tripadvisor.com/MediaKit/advertising_banners.html.

Brand owner concerns:

- User-generated content

Complaint procedures:

- TripAdvisor's Copyright and Trademark Policy is detailed in its Terms of Service: <http://www.tripadvisor.com/pages/terms.html>.
- In this section, complainants follow the procedures here: http://www.tripadvisor.com/pages/copyright_complaint.html.
- While TripAdvisor has a Trademark policy, it does not detail a specific reporting mechanism for infringement.

Additional comments:

Hoteliers and restaurateurs are regularly frustrated by negative reviews on TripAdvisor. Many have considered filing suit. A *New York Times* article on the issue is available at: <http://www.nytimes.com/2010/10/26/business/26hotels.html>.

An article describing a potential defamation suit against TripAdvisor by a Scottish restaurant is available at: <http://www.bighospitality.co.uk/Business/Industry-rallies-to-support-restaurant-s-lawsuit-against-TripAdvisor>.





Ripoffreport.com

What it is, what it offers and how it works:

- Ripoff Report is a privately owned, for-profit, consumer advocacy website started in 1998. The site allows users 14 years old or older to post free, unmoderated reviews of experiences with an individual or company.

Examples of brand owner use:

- Ripoff Report is a consumer review site and is not commonly used by brand owners, with the exception of banner advertisements from small businesses.

Brand owner concerns:

- User reviews
- Trademark and copyright infringements (for example, “Best Lie” complaint using the Best Buy trademarked yellow tag, with the word “Buy” replaced with “Lie”).

Complaint procedures:

- Ripoff Report’s website states that it complies with the safe harbor provisions of the DMCA and will terminate the privileges of any user who uses Ripoff Report to unlawfully transmit copyrighted material without a license, express consent, valid defense or fair use exemption to do so. However, articles report that the site does not always comply with removal requests even when both the original poster and the subject of the complaint request its removal.
- Any party believing its work has been infringed through the use of Ripoff Report should contact the Customer Service department at editor@ripoffreport.com, legal@ripoffreport.com or via mail or fax. Complete information about DMCA notices can be found at: <https://www.ripoffreport.com/TermsOfService.aspx>.

Additional Information:

Ripoff Report has been involved in numerous lawsuits over the company’s controversial “non-removal” policy, whereby the site refuses to remove reports, even if the original poster requests removal, or if a mistake has been made in the report. All complaints remain public and unedited; the site even refuses to remove reports at the requests of lawyers.

The policy was the subject of several lawsuits, including *Blockowicz v. Williams*, 675 F.Supp.2d 912 (N.D.Ill. 2009), where the issue was whether Ripoff Report was required to remove a defamatory complaint in accordance with an injunction. The site has also been involved in numerous cases involving the Communications Decency Act.



**What it is, what it offers and how it works:**

- Yelp is a consumer review website for local businesses.
- Everyone can view reviews on Yelp, but in order to post a review, users must first create an account. This is one way that Yelp attempts to ensure that its reviews are legitimate. Yelp also has a filter system designed to block suspicious-looking reviews that might be from the business owners themselves, or their employees, rather than from customers. Yelp allows users either to type in the name and location of a business or browse by category to see what customers are saying about local businesses.

Examples of brand owner use:

- To encourage users to sign up for and positively review their establishments on Yelp, businesses often offer deals and specials through Yelp, such as 10% discounts or “buy one, get one” promotions.
- Businesses that receive favorable reviews on Yelp receive prominent placement on the website and may hope to draw new customers from Yelp’s “best of” section.
- Yelp also offers traditional banner advertisement options. See more information at: <https://biz.yelp.com/support/advertising>.

Brand owner concerns:

- User-generated content

Complaint procedures:

- Yelp’s Copyright and Trademark Infringement Policy and reporting mechanism is detailed here: <http://www.yelp.com/static?p=infringementpolicy>.

Additional comments:

Some establishments pay people to post fake reviews. See a *New York Times* article available at: <http://www.nytimes.com/2011/05/22/your-money/22haggler.html>.



Mobile Applications

Mobile applications are tools built specifically for social networking, content publishing and content consumption with a mobile and real-time focus.



**What it is, what it offers and how it works:**

- Flipboard is an Android and iOS app that reformats links to content shared on Twitter, Facebook and various other websites into an interactive digital magazine.
- Flipboard offers users a new way to discover and digest news articles, photos and other media. Users can create content boxes that are specialized to their interests. Once they click on the box, the content is displayed in a newspaper or magazine-style layout, with a headline story and three stories along the bottom of the page.
- Flipboard's home screen cycles through stories and photos each time the user launches the application. Users can essentially flip through the Internet like pages in a magazine or a book.

Examples of brand owner use:

- Flipboard has several partners through Flipboard Pages, a free program created for content publishers. Users of the Flipboard Pages program include ABC News, Bon Appetit, *San Francisco Chronicle* and *The Washington Post*. The program offers a simple way for content publishers to optimize their readers' user experience through specialized Flipboard versions of their content. On the other hand, stories of non-partner media sites are pulled from RSS feeds or may simply show the website itself.
- Flipboard also recently launched a brand advertising program with Condé Nast that incorporates simple magazine-style ads that lead a reader to a brand's website or Facebook page for additional information. Ads can be placed within Condé Nast publications, such as *The New Yorker*. Companies that have taken advantage of this opportunity include Lexus and American Express.

Brand owner concerns:

- User-generated content

Complaint procedures:

Flipboard's Copyright Infringement Policy and reporting mechanism is detailed here: <http://flipboard.com/copyright>. There are not any provisions, policies or reporting mechanisms detailed for other forms of intellectual property infringement except a general prohibition to not violate any applicable law or regulation in its Terms of Service: <http://flipboard.com/terms>.





What it is, what it offers and how it works:

- Instagram is a mobile photo-sharing application that allows users to edit cell phone photos and send them to friends. On April 9, 2012, Facebook announced its purchase of Instagram for \$1 billion. Originally exclusive to the iPhone, an Instagram app for Android devices was launched in April 2012. As of March 2013, Instagram had a reported 100 million users.
- At its core, Instagram is a photo-only social network; the focus of Instagram is simplicity. Users can choose from a variety of special effects to layer over photos, sharpening the contrast or applying a vintage, weathered look. Instagram allows users easily to enhance or individualize cell phone pictures. Instagram helps to remedy the common problem that mobile phone photos are often blurry or poorly composed.
- Instagram is free and, unlike some of its competitors, easy to use. The user can simply take a photo, add a filter and post it online. Like Twitter, users can “follow” others to see what they are posting and, similar to Facebook, they can “like” pictures and comment on them.

Examples of brand owner use:

- While Instagram is primarily a tool for social networking, it also has become a news channel for photojournalism and a platform for commercial promotions.
- **NPR:** NPR was among the first news organizations to use Instagram as an official tool for content distribution. For example, one posting included the caption “Aaron Neville revisits the house where he spent his teen years in Uptown New Orleans,” describing a photo of Neville sitting on the front step. Another simply consisted of the styled slogan “I Listen, Therefore I Am NPR.”
- **Starbucks:** Starbucks has used Instagram to promote new drinks and specials. The company also uses the application as an outlet for fun and humor by posting photos of point of purchase displays and captioning these photos with “Frappuccino Happy Hour.”

Brand owner concerns:

- User-generated content

Complaint procedures:

Instagram's policy and reporting mechanism regarding Copyright, DMCA, and trademark violations is here: <http://help.instagram.com/customer/portal/articles/270501>.



Foursquare.com

What it is, what it offers and how it works:

- Foursquare is a location-based mobile platform that enables users to broadcast their locations and find their friends who may be nearby. Essentially, users “check-in” to venues in order to share their location with friends on the Foursquare map. Foursquare also integrates game mechanics, encouraging users to earn points and badges for frequent or specific types of activity on the application.
- As of January 2013, the application had more than 30 million users and more than three billion total check-ins. More than one million businesses use the merchant platform, which allows businesses to reward their current customers and offer special promotions to gain new ones.
- Foursquare works with both smart phones and basic phones capable of sending and receiving text messages. Users can also access the service online with an email address or a Facebook account.

Examples of brand owner use:

- Foursquare offers two marketing tactics: those for brands tied to and not tied to physical locations.
 - For brands with physical locations, the Merchant Platform Tool allows businesses to offer “Foursquare Specials” in the form of mobile coupons, prizes, door-buster deals or discounts, which are presented to users when they check-in at or near the business venue. This platform also offers a Venue Stats dashboard that permits merchants to track customer foot traffic over time. Retailers such as Sports Authority, H&M and Starbucks have used this advertising medium.
 - For promotions that are not primarily location-based like Louis Vuitton, BravoTV and *The New York Times*, Foursquare provides two main marketing tools – Pages and Custom Badges.
- Foursquare Pages are the custom homepages of brands on Foursquare. Customers can “follow” the pages (similar to Twitter), allowing them to see the tips (nuggets of information tied to a location) that have been left by the brand all over the world. For example, when first launching its Foursquare page, *The New York Times* offered tips to followers about the best places to visit when in Vancouver for the 2010 Winter Olympic Games.
- Foursquare Partner Badges are rewards earned by users who participate in brand promotions typically by visiting featured locations. The incentives for these promotions can be the badges themselves, or they can involve special rewards. For example, *Lucky* magazine has given badges to users who check-in to recommended fashion boutiques, while earning a particular badge from the History Channel enters a user in a drawing for prizes, and earning the “foodie” badge from ZAGAT gives fans an opportunity to be featured on ZAGAT.com.



Brand owner concerns:

- User-generated content
- Privacy concerns

Complaint procedures:

Foursquare's policy with regards to intellectual property is briefly detailed under Rules and Conduct in its Terms of Service: <https://foursquare.com/legal/terms>.

A reporting mechanism available for violations of the house rules, is here: http://support.foursquare.com/anonymous_requests/new.



Additional Resources



Additional Resources

Useful Websites

"Alexa, The Web Information Company"	http://alexa.com	Traffic ranking tool, allowing users to measure the traffic statistics of nearly any site.
"Social Media Governance"	http://socialmediagovernance.com/policies.php/	Compendium of social media policies and guidelines.
"Namechk"	http://namechk.com	Tool that allows users to search for availability of user names and vanity URLs amongst dozens of social networking and bookmarking sites.
"L2 Think Tank"	http://l2thinktank.com/	A digital think tank focused on digital marketing innovation. The site publishes L2 Digital IQ Index reports, which scores brands on more than 100 quantitative and qualitative data points in an effort to evaluate their digital strengths and weaknesses.
"U.S. Federal Trade Commission Guides Concerning the Use of Endorsements and Testimonials in Advertising"	http://www.ftc.gov/os/2009/10/091005revisedendorsementguides.pdf	Guide concerning the use of endorsements and testimonials in advertising. Includes examples involving blogs and message boards.
"Mashable"	http://mashable.com	Website primarily focused on social media news.

Articles

"The Hidden Risks Behind Facebook's Login Tools"	http://www.law360.com/articles/407011/the-hidden-risks-behind-facebook-s-login-tools-part-1	Outlines the challenges Facebook has faced surrounding the collection and use of personal data from its members.
"Who Really Owns Your Photos in Social Media? (Updated 2013 Edition)"	http://www.pbs.org/mediashift/2013/01/who-really-owns-your-photos-in-social-media-updated-2013-edition025.html	Addresses photo ownership issues in the context of photo-sharing sites.
"The Top 10 Viral Ads of All Time"	http://www.nbcnews.com/id/39029397/ns/business-us_business/t/top-viral-ads-all-time/	Highlights notable viral marketing campaigns.
"How TOP 250 Internet Retailers Use Social Media"	http://www.dreamgrow.com/how-top-250-internet-retailers-use-social-media-infographic/	Discusses how major retailers are using social media as a marketing tool.



Legal Alerts

FTC Releases Recommendations for Mobile App Privacy Practices: The FTC's recommended steps stakeholders in the mobile industry should take to improve consumer awareness of mobile privacy practices.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2013/02/FTC_Releases_Recommendations_for_Mobile_App_Privacy_Practices.aspx

FTC Finalizes Amendments to Children's Online Privacy Protection Rule: Overview of the rule designed to prevent data collection from children under the age of 13 for marketing purposes without parental consent.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2013/01/FTC_Finalizes_Amendments_to_Childrens_Online_Privacy_Protection_Rule.aspx

Social Media Sites: New Battlegrounds for Right of Publicity Disputes: Outlines how brand owners are protected by the First Amendment in social media platforms.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2012/08/Social_Media_Sites_-_New_Battlegrounds_for_Right_of_Publicity_Disputes.aspx

Facebook Resolves User Right of Publicity Claims Concerning its "Sponsored Stories" Advertising:

Facebook settled a class-action lawsuit stemming from alleged unauthorized use of users' photographs in "Sponsored Stories" advertisements on its site.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2012/07/Facebook_Resolves_User_Right_of_Publicity_Claims_Concerning_Sponsored_Stories_Advertising.aspx

Facebook to Require Mobile Software Application Privacy Policies: Facebook signed a deal with California requiring mobile software application developers to provide users with conspicuous links to posted privacy policies if their software applications gather personal data.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2012/06/Facebook_to_Require_Mobile_Software_Application_Privacy_Policies.aspx

California Attorney General and Mobile Platform Providers Agree to Require Mobile Software Application Developers to Implement Privacy Policies: Overview of the agreement that created regulatory standards for implementing privacy policies within the mobile software application industry.

http://www.kilpatricktownsend.com/en/Knowledge_Center/Alerts_and_Podcasts/Legal_Alerts/2012/02/California_Mobile.aspxZ



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