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## Taken Down: Five Tips for Using IP Rights to Police Social Media

by [Bryan J. Wolin](#)

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Kilpatrick lawyers **Bryan Wolin** and **Shreya Desai** were joined by **Jasmine Beaubien** (Team Leader, Legal – Intellectual Property Lead Counsel, Rocket) for a recent panel discussion with the Association of Corporate Counsel's IP Network to discuss "[Trademark Use and Enforcement on Online Platforms](#)."

Below are the key highlights and takeaways from the panel:

**1. IP Rights Are a Highly Effective Tool for Social Media Takedowns:** Social media platforms have well-established systems for removing content that infringes trademark and copyright rights. Unlike advertising claim disputes, which require complex substantiation, IP-based takedowns focus on clear-cut issues, making them a fast and reliable path to content removal.

**2. Know the Limits—Nominative Fair Use Is Real:** Not every use of your trademark by a third party is actionable. Trademark nominative fair use permits others to reference your brand when there is no other way to identify your brand, product, or service, as long as the use is limited to what is necessary and does not imply sponsorship or endorsement. Before filing a takedown notice, evaluate whether the content at issue may qualify as fair use.

**3. Use the Platform's Reporting Tools—and Follow Their Rules:** Every major platform has built standardized reporting forms for trademark and copyright complaints. Use them. Unless you have an existing relationship with a platform, do not try to go around the system by emailing platforms directly. Platforms receive thousands of complaints, and emails will likely be ignored. Keep submissions clear and concise, explain why the content causes consumer confusion, and specify your requested remedy (e.g., remove the post or disable the account). If you have both trademark and copyright claims, submit them separately—mixing them in a single form can delay or derail your complaint.

**4. Be Strategic About Enforcement—Not Every Post Warrants Action:** Traditional enforcement mechanisms like demand letters can backfire in the social media context, particularly with clout-chasing influencers who may publicize the dispute for attention (the "Streisand Effect"). Low-view-count posts may be worth ignoring entirely from a PR risk perspective. When you do act, be targeted: requesting removal of an entire account is difficult and should be reserved for cases where the account itself is infringing, not just a single post. Also think across platforms—many influencers operate on multiple channels, so check for infringing content everywhere.

**5. Vigilance and Proactive Protection Are Key:** Brand protection on social media is not a one-time effort. Register usernames proactively so they are not taken by bad actors, register your trademarks and copyrights to strengthen enforcement options, and coordinate with your marketing team to understand where and how your brand is being promoted. Consider engaging specialized outside vendors to monitor platforms and identify issues early, freeing your legal team to focus on solutions rather than surveillance. Monitoring does not end when reported posts are removed—remain vigilant for repeat offenders and new infringements.

The presentation provided attendees with a practical roadmap for leveraging IP rights to protect brands in the fast-moving world of social media. For questions, contact your [Kilpatrick Advertising Team](#).