

GUIDELINES FOR PROMOTING YOUR BUSINESS THROUGH SOCIAL NETWORKING WEBSITES

Social networks like Facebook, YouTube and Twitter are transforming the way companies communicate with consumers. Facebook, YouTube and Twitter can be powerful business tools, but you must be mindful of certain legal limitations and guidelines.

The words "Facebook," "YouTube," and "Twitter" are proprietary to the companies that own them. "Facebook," "YouTube," and "Twitter" are all registered with the U.S. Patent & Trademark Office. A trademark is a distinctive word, logo or phrase that is used by an individual or business to identify a unique source of products or services.

Facebook, Inc., Twitter, Inc. and Google, Inc., the owner of YouTube, are entitled to prevent others from using their trademarks or something similar in a way that is misleading, deceptive or could cause confusion in the marketplace. You must first obtain permission before using another's trademark.

Both Facebook and Google authorize the use of the Facebook and YouTube trademarks in specified ways. These guidelines are set forth in full on each of their websites. Twitter does not yet have specific guidelines, although I anticipate similar guidelines will be listed on the Twitter website very soon. Until then, Twitter users

should be wary of using the Twitter trademark to promote their businesses in advertising without receiving specific permission.

Google only allows use of the YouTube trademark in a specific way to give attribution to a YouTube video that may appear on a website or blog. If a YouTube link or video is incorporated into a business's website or blog, then the business owner must use what YouTube refers to as its "Powered by YouTube Badge." This badge is available for free download & use at: <http://code.google.com/apis/youtube/branding.html>.

Additionally, it is important to note that the YouTube license appears to only extend to use of the YouTube Badge to give attribution to a YouTube video on a website, blog, or other such means of electronic communication. The license does not specifically address print advertisements, such as billboards. When the YouTube badge is used on a website, it must be "clickable" so that it links back to <http://www.youtube.com>. YouTube strictly prohibits changing the YouTube mark in any way, such as "YouTubers," "Tubing," "You-Tube," or "YouTubed," etc.

Facebook actually recommends promoting one's Facebook page outside of Facebook.

This newsletter is designed as a general report on legal developments. The published material does not constitute legal advice or rendering of professional services.

Facebook likewise provides guidelines for appropriate use of its trademark. For example, Facebook allows its users to use its trademark to alerts consumers to: "Find us on Facebook to discover more about..." or "Check Out ABC Company on Facebook." Facebook, however, prohibits use of its trademark as follows: "Check out the ABC Company Facebook Page" or "ABC Company partners with Facebook in social advertising campaign." More examples of acceptable and unacceptable uses of the Facebook trademark are provided at http://www.facebook.com/pages/manage/promo_guidelines.php. Facebook also gives users permission to use its Facebook Page Badge, which can also be accessed from the website. There are additional guidelines for use of the Facebook badge.

Facebook may be used in print advertisements, only if a registered trademark symbol ® is included each time the Facebook Brand is mentioned. Where possible, Facebook

recommends including its legal copy on all print promotional materials: "Facebook is a registered trademark of Facebook, Inc."

Before delving into the world of social networking advertising, take the time to read the permissions and guidelines of whatever social networking site you may be using. These guidelines are typically located on the social network's website. If there are no guidelines, the default rule is that specific permission should be sought to use the social network's trademark to promote your business by incorporating a social network's trademark in commercial advertisements.



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