



Client Alert

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Tips for Businesses Exploring the Social Media Universe

If Facebook maintains its runaway growth, the Social Media networking site will be connecting one out of every seven humans on the planet by the end of next year. And that's just one Internet site.

When taken as a whole, the universe of Social Media (Facebook, Twitter, LinkedIn, MySpace, and similar web 2.0 applications) is expanding at breakneck speed. For businesses, this means there's no longer a question of whether to use Social Media. It's a question of how they use it. Social Media gives us an opportunity to be part of a community where we can actively engage in dialogue and promote a brand. The downside is that we can also lose control over our message. In addition, Social Media is a fertile source of discovery in employment, commercial, and other types of litigation.

Below are some tips for Social Media travelers:

1. **Have A Social Media Policy** - Social Media policies should be an important part of your employee handbook. These policies should be specifically tailored to your business and written by professionals who are familiar with Social Media.
2. **Provide Training** - Without proper training, employees and management often fall into unexpected traps. Training protects your employees, your reputation, and ultimately, your business. Social Media professionals can assist you in developing a program.
3. **Build a Presence** - You should take the time to reserve and develop pages for your company on all major Social Media sites. Not only does this provide you an opportunity to connect with your customers, it also ensures that your competitors or detractors do not take advantage of your absence.
4. **Be Vigilant** - Social Media sites and practices change on an almost daily basis. Whether it is a completely new medium or simply a new way that an older site is being used, make sure you are up to date on the technology and that your policies stay current.
5. **Be Vigilant (Part 2)** - Monitor what is being said about your company on Social Media. Taking just a few moments a week to search Facebook, Twitter and Google for references about your company can provide a wealth of information, protect your brand and marks, and potentially help you avoid customer relations disasters.
6. **Be Aware of Potential Employment/Labor Relations Issues** - Social Media is simply an extension of our off-line environment. What is considered hostile, inappropriate or insensitive in the office remains so on line. However, before you consider "prohibiting" use of Social Media or employee Social Media groups, consider labor organization laws, marketing and networking opportunities, employee morale, and how your decision may interact with them.
7. **Non-Compete/Non-Solicit/Trade Secrets** - For those employees with non-compete/non-solicit agreements, consider how closely their Social Media connections mirror your customer lists. Implement policies to safeguard your confidential information from being disclosed through Social Media. Before employees leave, you should consider ways to protect that information. Counsel can provide you with ideas on how to ensure your customers and confidential information stay protected.
8. **Intellectual Property / Copyright** - The protection of your company's copyright and intellectual property and the potential implications of the inadvertent misappropriation of the material of others is a growing concern. If you have

concerns, consultation with professionals is the best way to ensure you do not expose your company to risk.

9. **FTC/SEC Disclosure Issues** - For those companies that are publicly traded or that have industry disclosure requirements, training is especially important. Statements made about your business on Social Media by employees can be considered forward looking statements and potentially result in insider communication issues. Proper training can ensure compliance and help avoid missteps.
10. **Litigation** - When your company faces legal action, either as a plaintiff or defendant, be sure to consider Social Media communications as a source of discoverable information. Such communications can provide a wealth of information.
11. **When in Doubt, Ask a Lawyer!** - In the rapidly changing world of Social Media, rules, norms and laws change on an almost daily basis. An early brief consultation to ensure your company is on the right track and regular updates and reviews can be substantially more cost-effective than running into a problem later.

Armstrong Teasdale attorneys are experienced in using Social Media and are closely following the evolving laws that impact its use. Our goal is to help you maximize the benefits of using Social Media sites while minimizing the risks of this new journey. Let us be your guide.

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