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DICKINSON WRIGHT'S GAMING LEGALNEWS

LIKE THE WEATHER, FACEBOOK'S PROMOTIONAL RULES HAVE CHANGED

by Wendy G. Hulton

If your company or clients run contests or sweepstakes on Facebook, you need to be aware that Facebook recently changed its promotional guidelines ("Guidelines"), yet again.

- You can now collect entries by having users post on the page or like a page post.
- You can collect entries by having users message the page.
- It is now permissible to use the "like" function as a voting mechanism.
- Use of third-party apps is now optional.
- Having entrants post content on their own personal timelines to enter is still off limits.
- Accurate tagging of photos is required.

In the previous version of the Guidelines, promotions could not use Facebook's "like" function as a registration, entry, or voting mechanism. Under the new Guidelines, promotions may now use native Facebook functionality to collect entries, administer the promotion, and notify winners. Facebook has also removed the requirement that promotions disclose that the participant is providing information to the sponsor and not to Facebook. That being said, you still need to make it clear that you (and not Facebook) are collecting the information and obtain the necessary consent for any use of the information you collect from entrants/participants.

Some things still remain the same. The Guidelines provide that promotions must be run in a lawful manner, subject to official rules that govern eligibility and other necessary rules. Promotions must still include a complete release of Facebook by each entrant/participant and an explicit acknowledgement that the promotion is not sponsored, endorsed, administered, or associated with Facebook.

It is always important to be aware of how the terms of use of any third-party platform may impact your promotion and to ensure that those terms align with both the goals of your promotion and the privacy expectations of the entrants/participants. Not surprisingly, the Guidelines end with the warning that if you use Facebook to run your promotion, you do so at your own risk.

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