

Warning: Read and Understand Social Media Sites' Terms of Use

By Brian Von Hatten

Many people, and increasingly more businesses, are utilizing social networking, photo sharing, and cloud storage web sites. Virtually all of these types of sites will require acceptance of terms and conditions when a user or business signs up for an account. The language contained in this fine print likely contains a license grant which grants permission to the photos or other creative works that were uploaded. This is likely true whether these uploads were for personal or commercial reasons.

After reviewing the terms and conditions of several social media sites, it is apparent that many are similar in that they state that you continue to *own* the work. A license, however, is different than ownership. Generally speaking, in the legal sense a license is permission to do something. Contained in the terms of use for most of these social and sharing web sites is language which grants the site owner a license to any items uploaded on its site. Depending on the site, the license may be fairly broad. The license grants ranged from simply allowing permission to use what has been uploaded, to the ability to transfer or sell content to third parties. In simplistic terms, these are powerful grants of permission that many may not actually understand (even if they read the terms).

To the average user, this may not be problematic, but it may be a big concern to a company who has shared files or a photographer who has posted photographs of his clients for promotional purposes. Businesses that are considering posting or uploading something to a social networking, photo sharing, or free cloud storage site, may want to reconsider and/or review the terms of use for the specific site.



About the author Brian Von Hatten:

Brian represents many large and mid-market organizations on matters related to transactions, software licensing, and disputes. Brian's focus includes substantial attention to complex information technology issues for companies of all sizes.

Get in touch: bvonhatten@scottandscottllp.com | 800.596.6176