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Legal minefield for Twitter celebrity fakers

By Jeremy Szwider, Bespoke Law

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Tags: [celebrity](#), [intellectual property](#), [trademark](#), [twitter](#), [tony la russa](#), [fake stephen conroy](#)

commentary The emergence of online social communities, micro-blogging sites and user-generated content has generated a new wave of legal issues.

Whilst celebrity fascination stockpiles a multimillion dollar industry, users of Twitter should be mindful that web anonymity may not protect them from the law and aggrieved celebrities.

Twitter is a free social networking service that allows users to transmit brief messages known as "tweets". Tweets are short text posts displayed by an author using a screen name on their profile page and delivered to their followers. Other users are able to subscribe to read these tweets which may comprise real-time updates or promotions of current activities of that individual or business.



Bespoke Law's Jeremy Szwider

(Credit: Bespoke Law)

After only three years in cyberspace, Twitter remains one of the most popular websites and communication tools of the current era. Some Twitter accounts boast more than one million followers. But the emergence of Twitter-squatting presents a dilemma for protective trademark owners as companies remain slow to establish brand presence on Twitter. Twitter's appeal of anonymity can also be dangerous when a person uses Twitter to portray themselves as someone else and potentially malign another person's character.

Celebrity fakers and fictional characters on Twitter are rife, evidenced by the recent La Russa case. As the first celebrity lawsuit against Twitter to reach the courts, this case has become a timely warning for those tempted to hijack someone else's brand or identity as its own Twitter username.

Tony La Russa, a famous US baseball manager for the St Louis Cardinals sued Twitter for "unspecified damages" over fake posts appearing on the Twitter site. In this case, the impersonator signed up for Twitter using La Russa's name and image and then posted comments that allegedly slandered his reputation. La Russa's complaint focused on trademark infringement, cyber-squatting and misappropriation of name and likeness.

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According to documents filed in a Californian court, Twitter's "use of La Russa's mark both in the site's domain name and on the site itself is misleading". In simple terms, La Russa's claim alleged that users would be confused to think that the Twitter profile was authored and endorsed by him.

At law, such conduct may infringe intellectual property and defamation laws, designed to protect the valuable brands of corporations and the reputation of individuals such as celebrities. Remedies available in such cases may include a damages award, which can quickly escalate where the claimant is a celebrity or well known brand owner.

The suit was subsequently withdrawn and this area of law remains largely untested in the courts. The underlying issues of the case should put Twitter users on notice that the cloak of anonymity that incentivises so much of user-generated content may diminish. Twitter users should also be mindful that name squatting is contrary to Twitter's Terms of Service, which prohibits impersonations and postings intended to mislead, confuse or deceive others.

But, in practical terms, how meaningful is Twitter's modicum of protection on name squatting? With increasing numbers of micro-bloggers joining Twitter, policing the Twitter mass is extremely difficult, as is separating the real ones from the pretenders. Whilst enforcement measures remain problematic, it is imperative for celebrities and business owners to capture their brands on Twitter by registering their brands as a username — unless someone else has already hijacked it.

There is no doubt that the world is fascinated by celebrities and online social networking tools. Whilst Twitter attempts to eradicate impersonators, the underlying legal position remains uncertain. What is certain, however, is that this issue will not go away. So, Twitter users should be wary next time they post an anonymous tweet and companies must be vigilant to protect their intellectual property rights by registering their brands on Twitter.

Jeremy Szwider is a director of virtual law firm [Bespoke Law](#) and can be contacted on jeremy.szwider@bespokelaw.com.

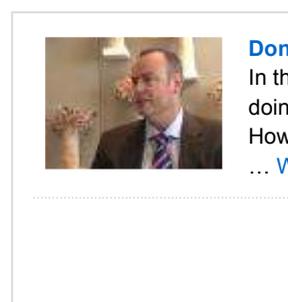
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