

Who Owns Your Twitter Followers or LinkedIn Connections?

February 10, 2012 by [Travis Crabtree](#)

For 99% of us, it really won't ever be an issue — our social media presence just isn't that important. Unless your job is to tweet or drive traffic to the company website, your company probably won't even want your twitter followers who read what you had for lunch or your take on the Republican primary. Looper Reed doesn't want [@traviscrabtree](#) if I leave and some would sleep a little better if it were gone.

But what about the celebrities, media types and marketers who use their accounts to the benefit of their employers?

The easy answer is that you should take care of it contractually, which given several high profile cases should not be ground breaking. This issue is not new for journalists. [CNN and Rick Sanchez](#) went through this in November of 2010 when CNN terminated him after he used [@ricksanchezcnn](#) and had 150,000 followers. They agreed to let him have [@ricksancheznews](#).

The New York Times settled its case against AOL recently. Lisa Belkin wrote a blog named "Motherlode" for the Times before she left for AOL's Huffington Post and rebranded the blog as "Parentload." The New York Times sued claiming the name was too similar and meant to confuse or steal its readers. The Huffington Post decided to drop the name.

If it is not covered in a contract, then be logical about how you create and use the account. If you are the individual tweeting, then don't put the company brand in your Twitter name. Even if my law firm might have a problem if I left after acquiring a large following [@bulldoglooperreedlawyer](#). If you are a company paying someone to bring you followers or connections, make them use a branded handle.

Until there are more cases, the answer of owns the account will be very fact specific; the most important being whether the followers are there because of the brand or because of the individual. Factual issues often require trials. Trials are expensive. Therefore, factual issues can be expensive. Take care of it contractually and eliminate the factual issues.

The Twitter Case



Unfortunately, the case law does not tell us much. The most prominent case is [PhoneDog v. Kravitz](#) case where they are fighting over who owns the Twitter account Noah Kravitz used when he was employed by PhoneDog @ PhoneDogNoah. Kravitz was hired as an independent contractor to use social media to promote PhoneDog. He amassed 17,000 followers. Kravitz simply changed the name of the account and went to work for a competitor promoting their products to his 17,000 faithful.

The case got a lot of attention about a month ago when the court dismissed

PhoneDog's claims for economic interference for taking the Twitter account with him, but let the claims for conversion and misappropriation of trade secrets proceed. Since then, the court has allowed PhoneDog to replead the economic interference claim. PhoneDog is now claiming its traffic has decreased since Kravitz took the Twitter account and the court is now letting all of those claims proceed. That means it is expensive.

The LinkedIn Case



The facts of the LinkedIn case are a little convoluted. Dr. Linda Eagle had a "personal" LinkedIn account with thousands of connections related to her field. She partnered with someone to form Edcomm. Sawabeh Information Services took over Ecomm. When Sawabeh fired Eagle, Eagle sued claiming the defendants continued to access her personal LinkedIn account. The defendants claimed Eagle misappropriated certain LinkedIn connections because defendants claimed they created and maintained the account. Defendants also claimed there was an unwritten policy that employees turned over their LinkedIn accounts when they left. Eagle admitted she provided defendants with her LinkedIn accounts.

The court said the LinkedIn connections were not a trade secret because anyone could see them as they were publicly displayed. The court, however, allowed the misappropriation of an idea claim to go forward based on a dispute about whose idea it was to generate the content on the LinkedIn account.

But what is it all worth?

Not discussed in any of the cases is the value of these followers and connections. PhoneDog said the followers were like a customer list and placed a value on each one of \$2.50. If the Twitter account is really about me, how long would it take for the Twitterverse to figure out my new handle? How close are we to having a social media connections valuation expert? There is little guidance so far.

What have we learned today?

If you're a company and you want the account, put it in the contract. If you're an individual and you want the account, follow these guidelines:

1. Have it under your name and don't mix it with the company.
2. Set up the account yourself.
3. Populate the content yourself.
4. Don't give out the password.

In sum, be a little more like the 99% of us who don't have to worry about this.