Social Media and Trademarks: What’s New?

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Big Bird
@FiredBigBird
Just got fired by Mitt Romney. Parody.
The @DoSomething Awards are tonight at 9pm EST on @VH1. BPGlobalPR is nominated. If we lose, we're uncapping the well.

Atttn Scientists: If your gulf water samples explode, it's only fair to deem your research inconclusive. http://ow.ly/2dAHk

We are now accepting formal apologies from anybody who has slandered BP in recent weeks. #bpforgives
Brand Self-Sabotage

@KennethCole
Kenneth Cole

Millions are in uproar in #Cairo. Rumor is they heard our new spring collection is now available online at http://bit.ly/KCairo -KC

4 hours ago via Twitter for BlackBerry®

Retweeted by fo0dnippi3 and 98 others
Bashtags

Muzzafuzzu Robby Kenison
I haven't been to McDonalds in years, because I'd rather eat my own diarrhea. #McDStories
18 Jan

michellevegan Ms. Michelle
#McDStories @McDonalds scalds baby chicks alive for nuggets #MeetTheReality here & take action: McCruelty.com #UnhappyMeal
18 Jan

e_olsen Eric Olsen
And by "pride" do you mean "eyeballs and ammonia"? Yeah, people can taste it, all right. #McDStories pic.twitter.com/8YsedznG
18 Jan

SkipSullivan Skip Sullivan
One time I walked into McDonalds and I could smell Type 2 diabetes floating in the air and I threw up. #McDStories
18 Jan
Para-Trademark Laws

ELECTIONS CODE
SECTION 18320-18323

18320. (a) This act shall be known and may be cited as the "California Political Cyberfraud Abatement Act."

(b) It is unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud.

(c) As used in this section:
   (1) "Political cyberfraud" means a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Web site, and would cause a reasonable person, after reading the Web site, to believe the site actually represents the views of the proponent or opponent of a ballot measure. Political cyberfraud includes, but is not limited to, any of the following acts:
   (A) Intentionally diverting or redirecting access to a political Web site to another person’s Web site by the use of a similar domain name, meta-tags, or other electronic measures.
   (B) Intentionally preventing or denying exit from a political Web site by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures.
   (C) Registering a domain name that is similar to another domain name for a political Web site.
   (D) Intentionally preventing the use of a domain name for a political Web site by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.
   (2) "Domain name" means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet.

528.5. (a) Notwithstanding any other provision of law, any person who knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable pursuant to subdivision (d).

(b) For purposes of this section, an impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated.

(c) For purposes of this section, "electronic means" shall include opening an e-mail account or an account or profile on a social networking Internet Web site in another person’s name.

(d) A violation of subdivision (a) is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(e) In addition to any other civil remedy available, a person who suffers damage or loss by reason of a violation of subdivision (a) may bring a civil action against the violator for compensatory damages and injunctive relief or other equitable relief pursuant to paragraphs (1), (2), (4), and (5) of subdivision (e) and subdivision (g) of Section 502.

(f) This section shall not preclude prosecution under any other law.
Trademark Policy

Updated October 3, 2012

What is a Trademark Policy Violation on Twitter?
Using a company or business name, logo, or other trademark-protected materials in a manner that may mislead or confuse others with regard to its brand or business affiliation may be considered a trademark policy violation.

How Does Twitter Respond To Reported Trademark Policy Violations?
When we receive reports of trademark policy violations from holders of federal or international trademark registrations, we review the account and may take the following actions:

- When there is a clear intent to mislead others through the unauthorized use of a trademark, Twitter will suspend the account and notify the account holder.
- When we determine that an account appears to be confusing users, but is not purposefully passing itself off as the trademarked good or service, we give the account holder an opportunity to clear up any potential confusion. We may also release a username for the trademark holder's active use.
- We are responsive to reports about confusing or misleading Promoted Tweet and Promoted Trend copy, as well as Promoted Account profile information. For more information, please visit our Trademark Policy for Promoted Products.

What is not a Trademark Policy Violation?
Using another’s trademark in a way that has nothing to do with the product or service for which the trademark was granted is not a violation of Twitter’s trademark policy.

What methods are available for resolving a trademark dispute on Facebook?
Submitting a claim of trademark infringement is a serious matter involving legal process. You may wish to reach out to the individual posting the content before you submit a claim of trademark infringement to us. You may be able to resolve the issue simply by bringing it to the attention of the person who posted the content. Please note, if you choose to message the other party directly instead of submitting a claim, Facebook won’t receive a copy of your message or be notified about the issue. If that is unsuccessful and/or you wish to submit a claim of trademark infringement to Facebook, you can do so here. If you are unsure whether specific material in fact infringes your legal rights, we recommend that you seek legal advice before submitting a report to us.

When we receive a notice of trademark infringement, where appropriate we remove or disable access to that content. We also terminate the accounts of repeat infringers in appropriate circumstances.

Was this answer helpful? Yes  No

What should I include when submitting a report to Facebook alleging infringement of my trademark?
When submitting a claim of trademark infringement, you should include the following:

- Your complete contact information (full name, mailing address, and phone number). Note that we may provide your contact information and/or the contents of your report to the user that posted the content you’re reporting.
- The specific trademark in which you claim rights
- Your trademarked word, symbol, etc. (ex: Facebook)
- The country or countries in which you claim trademark rights
- Your trademark registration number (if available)
- The category of products and/or services for which you assert rights
- Information reasonably sufficient to permit us to locate the material on Facebook that you believe violates your trademark rights. The easiest way to do this is by providing web