

Santa Clara University

Social Media and Trademarks: What's New?

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Instabrands



Big Bird

@FiredBigBird

Just got fired by Mitt Romney. Parody.

241

TWEETS

105

FOLLOWING

30,602

FOLLOWERS



Follow

Large-Scale Non-Commercial Activity



BPGlobalPR

✓ Following

Lists

Name BP Public Relations

Location Global

Web <http://www.street...>

Bio This page exists to get BP's message and mission statement out into the twitterverse!

875 following 187,076 followers 6,427 listed

Tweets 441

Favorites

Lists

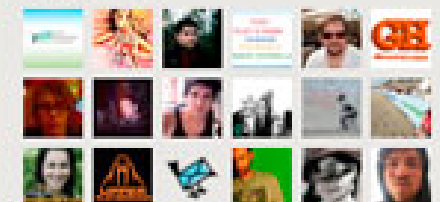
[@BPGlobalPR/pickledicks](#)

[View all](#)

Actions

[block BPGlobalPR](#)
[report for spam](#)

Following



The [@DoSomething](#) Awards are tonight at 9pm EST on [@VH1](#). BPGlobalPR is nominated. If we lose, we're uncapping the well.

about 1 hour ago via web

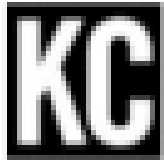
Attn Scientists: If your gulf water samples explode, it's only fair to deem your research inconclusive. <http://ow.ly/2dAHk>

about 3 hours ago via web

We are now accepting formal apologies from anybody who has slandered BP in recent weeks. [#bpforgives](#)

about 23 hours ago via web

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® ☆ Favorite ↻ Retweet ↩ Reply

Retweeted by fo0dnippi3 and 98 others



Bashtags



Muzzafuzza 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](#)

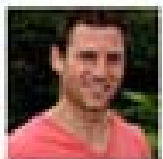
18 Jan



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

Followers As “Goodwill”

Legal Editing Software - Compose in Word, get edits for more powerful, clear writing. Try it free.



Linda Eagle 3rd

Founder and President at Global Bankers Institute
Greater New York City Area | Banking

Previous Qatar National Bank Group, Saudi Hollandi Bank, First Gulf Bank
Education Temple University

[Connect](#) [Send InMail](#)

500+ connections

PEOPLE SIMILAR TO LINDA



Clifford Brody 3rd
Founder and CEO at Global Bankers Institute
[Connect](#)

Full profiles for 3rd-degree connections are available only to premium account holders. [Upgrade your account »](#)

Ads by LinkedIn Members

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 Are you ready for ObamaCare? Find out now! Take our online assessment.
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Para-Trademark Laws

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.

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.

Private Ordering

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

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▼ 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