

# Social Media

## It's 10:00 PM

### Do You Know Where Your Brands Are?

Reed Smith

Palo Alto, California; December 8, 2009



ReedSmith

The business of relationships.<sup>SM</sup>

# Agenda

- Social Media: What Is It & Why the Fuss? 
- Understanding Social Media
  - Consumer Power 
  - Case Studies
  - Social Media in Action
-  ■ Gaming - Rise of the Machinima
  - The Regulatory Side
  - The Business Side
- What You Need to Do 
- Q&A

# New Media

- User Generated Content
- Podcasts and Webcasts
- Advercasting
- Blogs, Vlogs, RSS Feeds
- Key Words and Metatags
- Social Networking
- Virtual Communities and Reality
- Streaming Music and Video
- Interactive Gaming
- Pre-Roll/Post Roll, Interstitial Advertising
- Search Engine and Optimization Revenue Model
- Viral and Buzz Marketing
- Twitterjacking
- Cybersmearing
- Embedded Players, Gadgets and Widgets
- Opt In and Opt Out
- Promercials
- Microsodes, Mobisodes
- Digital Downloads
- CGI and Video FX
- DVRs/On-Demand Programming
- Satellite, Wired, Unwired, WiFi
- Favorites and Bookmarks
- SMS, WAP
- Advergaming
- Astroturfing
- Typosquatting
- e-[fill in the blank]

If a tree falls  
in the forest . ?

If I search for you on Google and I don't  
find you. . .



. . . do you exist?

# Social Media

"...activities, practices and behaviors among communities of people who gather online to share information, knowledge, and opinions using conversational media."

**WHY SHOULD YOUR BRAND CARE?**



**BECAUSE SOCIAL MEDIA  
IS A FORCE TO BE RECKONED WITH**

# The Power of Social Media

## Why Brands Should Care

**BECAUSE 3 OUT OF 4 AMERICANS USE SOCIAL TECHNOLOGY.**  
Forrester, The Growth Of Social Technology Adoption, 2008

**BECAUSE 2/3 OF THE GLOBAL INTERNET POPULATION VISIT SOCIAL NETWORKS.** Nielsen, Global Faces & Networked Places, 2009

**BECAUSE VISITING SOCIAL SITES IS NOW THE 4TH MOST POPULAR ONLINE ACTIVITY.** Nielsen, Global Faces & Networked Places, 2009

**BECAUSE TIME SPENT ON SOCIAL NETWORKS IS GROWING AT 3X THE OVERALL INTERNET RATE, ACCOUNTING FOR ~10% OF ALL INTERNET TIME.** Nielsen, Global Faces & Networked Places, 2009

**BECAUSE SOCIAL MEDIA IS DEMOCRATIZING COMMUNICATION.**  
“Technology is shifting the power away from the editors, the publishers, the establishment, the media elite. Now it’s the people who are in control.” Rupert Murdoch, Global Media Entrepreneur

Advertising Technology & Media Law

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TALKSHOE  
Your Community Is Calling

SmugMug

PLEMUSIC.COM

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radar

tnetkicks.com

MSGTAG  
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JAX

twitter

WordPress

LinkedIn

delicious  
social bookmarking

kaneva BETA

Joomla!™

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plaxo

myspace.com  
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mou

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Constant Contact®

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Ning

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gRive

bebo

Technorati

eventful

Blogger™

facebook

mixx  
your blend of the web

ye

wikia

AOL

SHOUTcast

gather BETA

sensidea

BitTorrent™

socialseek

StumbleUpon

Discover your web

ShareMeme  
Your Intelligent Outbox

gather

ENTROPY UNIVERSE

gigg

wink

orkut

EVERQUEST

flickr

eventful

Curi

twitxr

PLURK

yelp

iTunes

Rhapsody  
connecting business people

WIKIPEDIA

viddler

Picasa

Pol

Actēva

metacafe

SQUIDOO

blogtalkradio

SurveyMonkey.com  
because knowledge is everything

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HALO 3

bing

# Social Media Promotion

Whoever first gets the most correct  
(or closest correct answers) will win a prize.  
**So as of June 2009:**

How many articles were available on Wikipedia?

What was the average number of Tweets per day on Twitter?

What was the percentage monthly growth rate of Twitter users from January to February 2009?

What was the average number of minutes users spent on Facebook every day?

How many photographs have been archived on Flickr.com?

# Social Media - Going Mobile



# Not In It?



80% of Twitter usage is on mobile devices  
...people update anywhere, anytime...imagine  
what that means for bad customer experiences?

# Virtual World - Real Money

## Second Life's First Millionaire

Posted by: Rob Hof on November 26

Anshe Chung, the virtual land baroness that I highlighted in my cover story earlier this year, [My Virtual Life](#), has apparently become the [first millionaire in Second Life](#). That's millionaire in real U.S. dollars. Her real-world persona, Ailin Graef, figures her net worth based on her substantial in-world land holdings, cash in "Linden dollars," which can be converted to real cash, as well as virtual shopping malls, store chains, and even virtual stock-market investments in Second Life businesses. As the release explains:

Anshe Chung's achievement is all the more remarkable because the fortune was developed over a period of two and a half years from an initial investment of \$9.95 for a Second Life account by Anshe's creator, Ailin Graef. Anshe/Ailin achieved her fortune by beginning with small scale purchases of virtual real estate which she then subdivided and developed with landscaping and themed architectural builds for rental and resale. Her operations have since grown to include the development and sale of properties for



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## Woman arrested after virtual murder

A woman in Japan has been arrested after she murdered her virtual husband in a computer game.

By Ben Leach

Published: 9:23AM BST 25 Oct 2008

The 43-year-old piano teacher became so angry about a divorce from her online husband that she logged on to the MapleStory computer game with his password and deleted his digital persona.



Text Size



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So what are the new rules of engagement  
and where are the legal risks?

Enable Conversations

Monitor Conversations

React to Conversations

Influence Conversations

Monetize Conversations

# PARANOIA HAS A PURPOSE

If consumers are empowered and brands can't control what they traditionally controlled, then:

- Advertising and marketing must change;
- Economics and revenue streams must change;
- Rules of engagement must change; and
- The role of regulation, law and lawyers must change!

# But It's Not Just About IP and Privacy

It's multi-disciplinary  
Think holistically

- IP Protection and Litigation
- Data Privacy and Protection
- Global Regulatory
- Advertising & Marketing
- Corporate & Securities
- Insurance Recovery
- International Regulation
- Tort Claims
- Attorney Client Privilege
- Employment
- Products Liability
- Life Sciences
- Commercial Litigation
- HIPPA

# Case Studies - Starbucks

## The Official Starbucks Page Has Almost 5,000,000 Fans



facebook Home Profile Friends Inbox Douglas J. Wood

Starbucks Coffee Company [Become a Fan](#)

Wall Info Video Events Discussions Boxes >>

Starbucks Coffee Company Just Fans

 **Starbucks Coffee Company** About to pass 3 million fans here o  
Wow! We are honored and humbled by this. Question for you all:  
what else would you like to see us do on this site? By that I mean  
content, discussion or offers regarding Starbucks would you like to  
page?  
Yesterday at 2:19pm ·

👍 11,488 people like this.

💬 View 5,254 comments

 **Starbucks Coffee Company** Here is Cara's morning ritual...wha








**Cara | Italian Roast and passion**  
Source: [www.youtube.com](http://www.youtube.com)  
This is a series of lifestyle vignettes, each brought  
different Starbucks coffee. Each story will document  
creative process be they a singer or a seamstress

Follow Starbucks on Twitter:  
<http://twitter.com/Starbucks>

**Information**

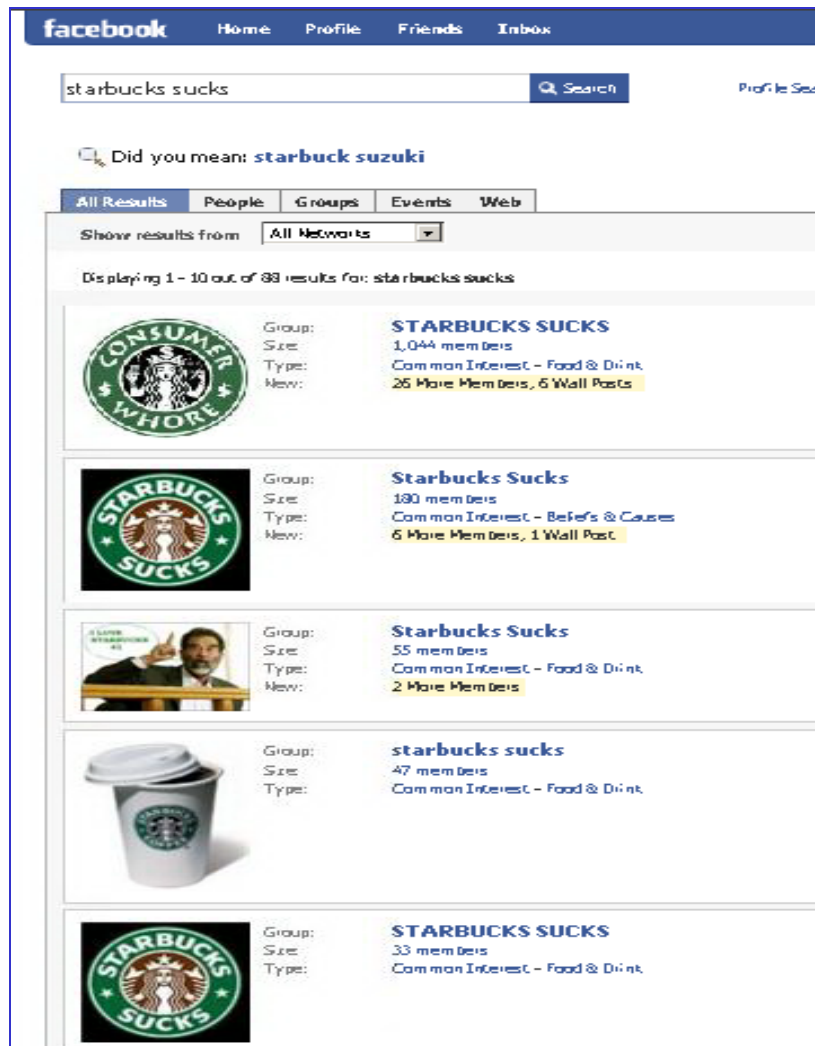
Founded:  
1971 in Seattle's Pike Place Market

# Case Studies - Starbucks

	Application: Developer: Description: Users: Matches:	<b>Starbucks drinks</b> Ben Yoder Send drinks and pumps of syrups to your friends 170,766 monthly active users <a href="#">Application Name</a>
	Application: Developer: Description: Users: Matches:	<b>Starbucks Drinks</b> Craig Tietbahn send friends mouthwatering Starbucks drinks 121,354 monthly active users <a href="#">Application Name</a>
	Group: Size: Type: New:	<b>Addicted to Starbucks</b> 141,602 members Common Interest - Food & Drink 333 More Members, 6 Board Topics, 21 Wall Posts, 7 Photos
	Page: Type: Size:	<b>starbucks''''</b> Other Business 47,978 fans
	Application: Developer: Description: Users: Matches:	<b>Starbucks</b> Lorraine Short Send your friend a coffee and brighten up their day 38,911 monthly active users <a href="#">Application Name</a>
	Application: Developer: Description: Users: Matches:	<b>Starbucks</b> Nik Aish Send starbuck coffees to your friends!!! Don't drink too much :) 9,844 monthly active users <a href="#">Application Name</a>
	Page: Type: Size:	<b>*Starbucks Coffee*</b> Other Business 43,507 fans

But there are over 500 'unofficial' Starbucks' Fan Pages - Exactly who are these people ??

# Case Studies - Starbucks



...and who  
are THESE  
people ??

(over 700 sites)

Social media is  
not for the  
faint hearted!

# Case Studies - Starbucks



You didn't think it would end with Facebook did you?

- Starbucks' YouTube Channel: Nearly 3,500 subscribers and 46 videos;
- Starbucks' Flickr group: 4,370 members & over 14,000 photos, with a search yielding over 246,000 results;
- Nearly 300,000 people are following Starbucks on Twitter;
- A search on MySpace, yields about 500 results.
- And employees? Be careful what you ask for.

# Case Studies - United



UNITED



As of December 1, 2009 the original video had over 6,364,828 views on YouTube



[http://www.youtube.com/watch?v=-QDkR-Z-69Y&feature=Playlist&p=5E51A2ADFE943B73&playnext=1&playnext\\_from=PL&index=31](http://www.youtube.com/watch?v=-QDkR-Z-69Y&feature=Playlist&p=5E51A2ADFE943B73&playnext=1&playnext_from=PL&index=31)

# Case Studies - United



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---


**"united breaks guitars"** results 1 - 20 of about 696


**All** **Channels** **Playlists**


Sort by: Relevance ▾ Uploaded: Anytime ▾


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**United Breaks Guitars**  
SONG 2 is posted. Click here! www.youtube.com There is now a video response: www.youtube.com Full Story: www.davecarrollmusic.com - In the spring ...  
★★★★★ 4 months ago 5,967,701 views [sonsofmaxwell](#)

**United Breaks Guitars Song 2** HD  
www.davecarrollmusic.com and the saga continues On Tuesday August 5 we reconvened at the field behind the Station 41 fire department in Waverley ...  
★★★★★ 2 months ago 525,610 views [sonsofmaxwell](#)

**STATEMENT**  
on: davecarrollmusic.com curveproductionsinc.com ... "United Breaks Guitars" United Guitars "Dave Carroll" "Sons of Maxwell" "Lara Cassidy" " ...  
★★★★★ 4 months ago 405,810 views [sonsofmaxwell](#)

**Hitler Finds Out United Breaks Guitars**  
www.johnennis.tv — Dave Carroll is not the only music fan upset at United Airlines. (See his saga here: www.youtube.com)  
★★★★★ 3 months ago 37,078 views [ShootFirstInc](#)

**Taylor Guitars Responds to "United Breaks Guitars"**  
Bob Taylor lends his support to Dave Carroll and guitar players everywhere. Taylor has had an artist relationship with Dave for several years now ...  
★★★★★ 4 months ago 216,436 views [TaylorQualityGuitars](#)

**United Breaks Guitars, Corporate Response Parody**  
At United We Love Guitars! United Airlines hires Dave Carroll to write and produce a iindle for their new "Guitar Friendly" carriage policy (sonnf ...



**UNITED**

# Case Studies - United

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### United Airlines Breaks Guitars, Loses \$180 Million

After Canadian singer Dave Carroll takes his story to YouTube

By [Elena Gorgan](#), Life & Style Editor  
24th of July 2009, 19:31 GMT  
Adjust text size: **A-** **A+**

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[ENLARGE](#)

Luggage mishaps are known to happen on airplanes, be it at the airport, or because of the way the packages are stored and transported. Either way, the flight company eventually owns up to them and finds some form of compensation for the respective passenger. This did not happen to Canadian singer Dave Carroll, who had his Taylor acoustic damaged on United Airlines and who took his plight to [YouTube](#). United stock [fell by ten percent](#) because of it, amounting to a loss of \$180 million, the [Daily Mail](#) informs.

The incident occurred in 2008, when Carroll saw his [guitar](#) being thrown around by airport personnel before being loaded. As he arrived in Chicago, he saw that, indeed, his Taylor was broken. so he took his complaint to United Airlines. The company, in its


# Case Studies - United



## United Breaks Guitars Song 2 HD

[www.davecarrollmusic.com](http://www.davecarrollmusic.com) and the saga continues On Tuesday August 5 we reconvened at the field behind the Station 41 fire department in Waverley ...



2 months ago

525,610 views

[sonsofmaxwell](#)



[http://www.youtube.com/watch?v=h-oERHaSQg&feature=response\\_watch](http://www.youtube.com/watch?v=h-oERHaSQg&feature=response_watch)

As of December 1, 2009 this song had 603,573 views

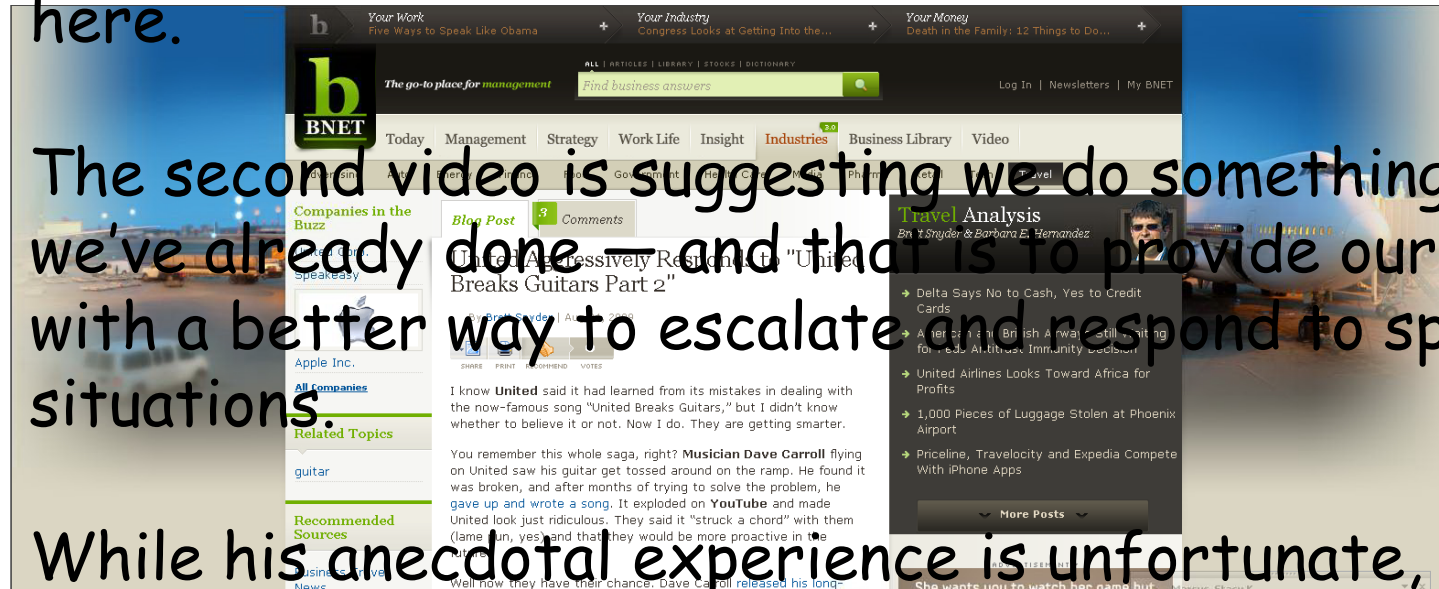
# Case Studies - United

United Aggressively Responds to "United Breaks Guitars Part 2"  
"Yes, these videos have struck a chord with all of us here.

The second video is suggesting we do something that we've already done — and that is to provide our agents with a better way to escalate and respond to special situations.

While his anecdotal experience is unfortunate, the fact is that 99.95 percent of our customers' bags are delivered on-time and without incident, including instruments that belong to many Grammy award-winning musicians."

United spokesperson Robin Urbanski




UNITED

## Case Studies - United

I'm sure this was a form letter that was sent out to everyone who commented, but that's ok. ... Still, the personalized effort to respond to tweets with this was the key. It not only responds to the issues in Dave's second video, but it also throws out some cold hard facts on the number of lost bags to help change the focus of the message. It probably has altered the conversation to some extent, and I don't think United will see anything like the backlash they saw after Dave's first effort.


Brett Snyder, Blogger

# Case Studies - United



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## Passenger rights debate on glide path to Congress

Updated 9/30/2009 11:18 AM | Comments 12 | Recommend 5



**On the Road with**  
Bill McGee

**By Bill McGee, special for USA TODAY**

You may not have read much about airline passenger rights recently, but there's little doubt the topic will be garnering more attention. Despite its busy legislative calendar, Congress may soon end years of debate by making an Airline Passenger Bill of Rights into law.

Last week I was among a group of proponents and opponents of such legislation who gathered for a Passenger Rights Stakeholder Hearing in the Rayburn House Office Building in Washington. The event, which was sponsored by [FlyersRights.org](#) and the Business Travel Coalition (BTC), had an air of certainty about it—for many, such a law is now all but certain since being approved as a provision in the latest [Federal Aviation Administration](#) reauthorization bill. Three out of five members on the expert witness panel stated they thought some form of passenger rights legislation is now inevitable.

**RELATED:** [Fliers on delayed planes get more support](#)

**Testimony unplugged**


It was a dynamic morning, highlighted by testimony from passengers who suffered through abysmal treatment by airlines during irregular flight operations in recent years. This included Kate Hanni, the executive director of [FlyersRights.org](#), who has become the face of this movement. The airline industry's primary trade organization, the Air Transport Association of America, was invited but choose not to participate. However, cautionary words about the unintended consequences of legislating airline service were heard from industry and academic critics.


The keynote address was delivered by Sen. [Barbara Boxer](#) (D-Calif.), who declared the battle for Passenger Rights won, and asserted the bill would soon become law: "It will happen." We were even entertained by Dave Carroll and his band, who offered an unplugged version of [United Breaks Guitars](#), the mishandled baggage anthem that has generated 5.6 million views on [YouTube](#).

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**Barbara Boxer**  
United States Senator from California

S-213

Airline Passenger Bill of Rights Act of 2009

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# Case Studies - Best Buy

**facebook** Home Profile Friends Inbox Douglas J. Wood Settings Logout


**Best Buy** [Become a Fan](#)

Wall Info Shop + Share Gift Ideas Home Theater Events >>

**Best Buy** Just Fans




Buyer be happy.™





Buyer be happy.™

**Best Buy** wants to know what animated movies do you own or want to buy?




**Best Buy Weekly Ad**  
Source: [bestbuy.srm.vitru.com](#)  
Get your copy of Monsters vs. Aliens the movie or game at Best Buy starting 9/29/09 and see the Weekly Ad appearing in your local Sunday newspaper.

4 hours ago via Social Publisher · Share


357 people like this.

[View all 298 comments](#)



Buyer be happy.™

**Best Buy** wants you to know there is an easy way to transform your old photos & films into a digital format. What favorite photo moment do you wish was digitized so you could share it online?



**Digitize your images with iMemories**  
Source: [bestbuy.srm.vitru.com](#)  
Let our iMemories service convert your family's films & photos from any decade into digital form, so you can watch them on your TV and share them online.

**iMemories**™



Simple conversational question, right?

"What do you think about offering Bestbuy.com in Spanish?"

What could go wrong, right?



"What do you think about offering Bestbuy.com in Spanish?"

Tracy Benson, Senior Director, Interactive Marketing and Emerging Media:

"It was a landmine. There were hundreds of negative responses flowing in, people posting racist, rude comments. Our contact center was monitoring this, and they were crying, waiting for a positive comment to come in."

Positive comments didn't come.



"What do you think about offering Bestbuy.com in Spanish?"

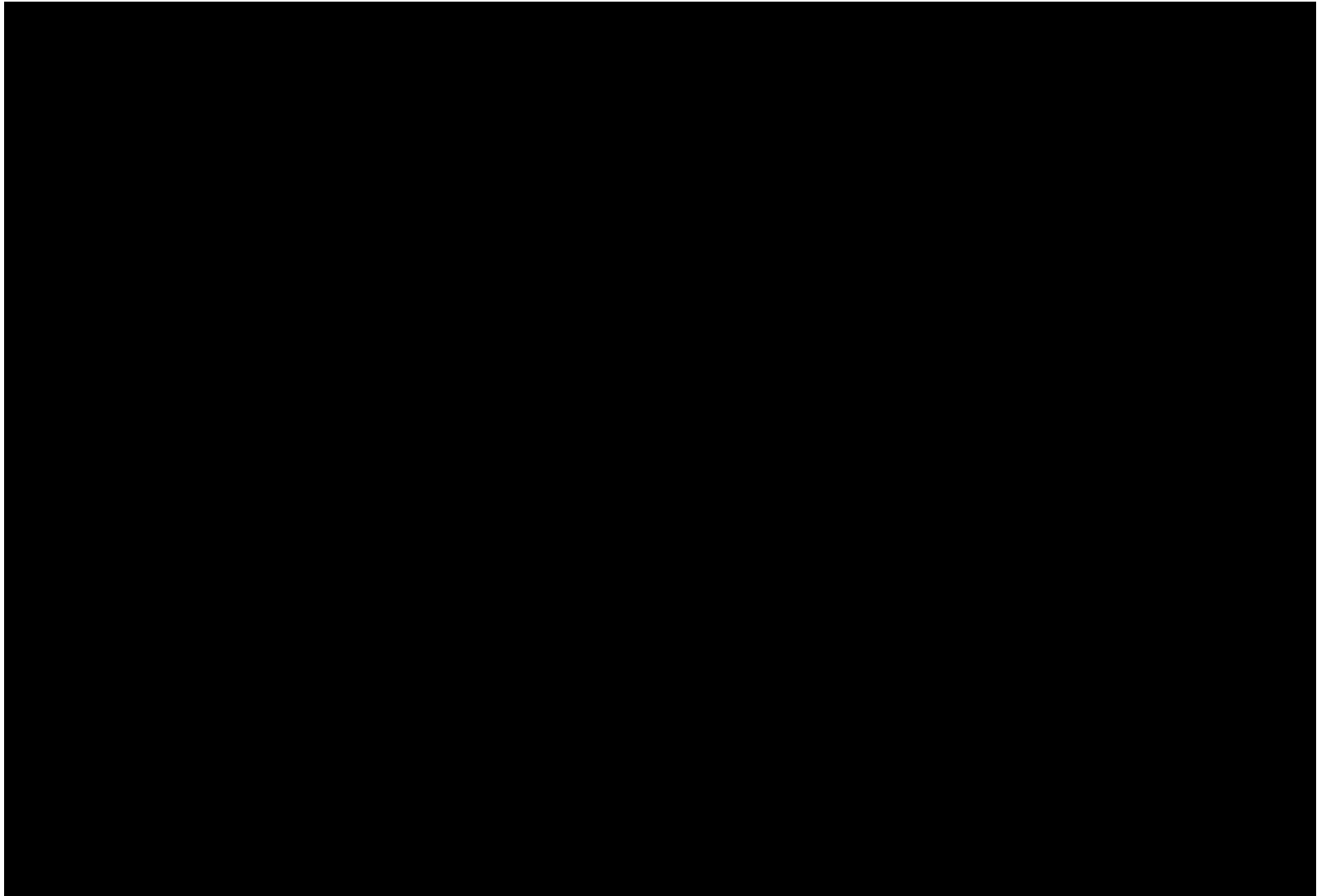
Benson: "For right or wrong, we decided to take it down and see if the [commenters] went away--and they did."

Benson: "We have to learn how to respond when negative comments are coming in."

## Subway v. Quiznos—the UGC Wars

- ‘Quiznos v. Subway TV Ad Challenge’
- Quiznos solicited user generated video entries depicting that Quizno’s sandwiches have more meat than Subway’s sandwiches.
- Subway’s took issue with the claims made in the resulting videos and subsequently filed a lawsuit alleging, among other things, that Quizno’s engaged in false and misleading advertising in the spot. *Doctor’s Associates Inc. v. QIP Holders LLC*, 82 U.S.P.Q.2d (BNA) 1603 (D. Conn. April 18, 2007).
- Case is still in discovery but indications are that the advertiser may be held responsible for claims made in UGC submissions.

# Now Let's Study Cases



“Deli Derby” Video

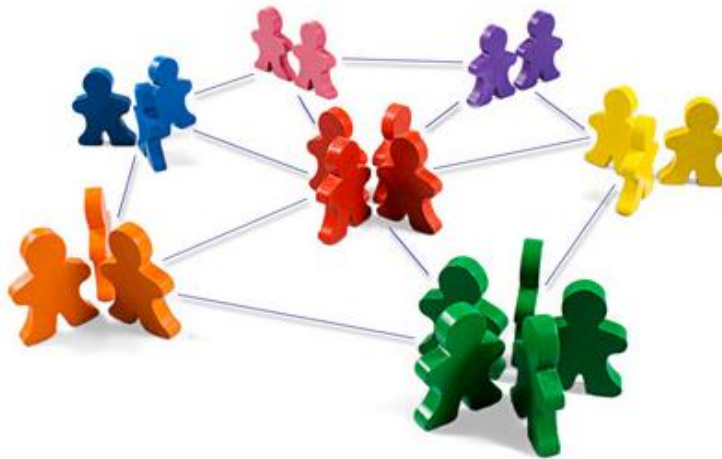
## Wikipedia Example

- Wikipedia is the fifth most visited website on the Internet.
- While viewership has grown to 325MM monthly visitors, over 49K editors have quit the site this year (compared to 4,900 last year).
- Former editors cite more cumbersome contribution processes, and take down efforts of Wiki administrators, as primary factors.

## Considering an iPhone App?

- All iPhone Apps must be approved by Apple and compliant with the SDK terms and conditions.
- Ensure that your developer understands and complies with the SDK terms and conditions and application submission requirements.
- Developer should provide any modifications or support required to achieve compliance with Apple terms.
- Once you register an App, you cannot change the name of it or port over users to another App. Be sure that the initial App registration is broad enough to cover any foreseeable upgrades or changes.

So we've seen some case studies and studied some cases.



Now let's look at some of the implications of social media to the online gaming community.

# Social Media and Gaming

*"One of the central elements of the video gaming experience in 2009 is its capacity to serve as a tool to build social networks and communities – both real and virtual – as well as to function as a means of pure entertainment."*

*The Adult Video Gamer Market in the U.S.,  
Packaged Facts '09*

Gaming and Social Media are blending to create unique interactive experiences.



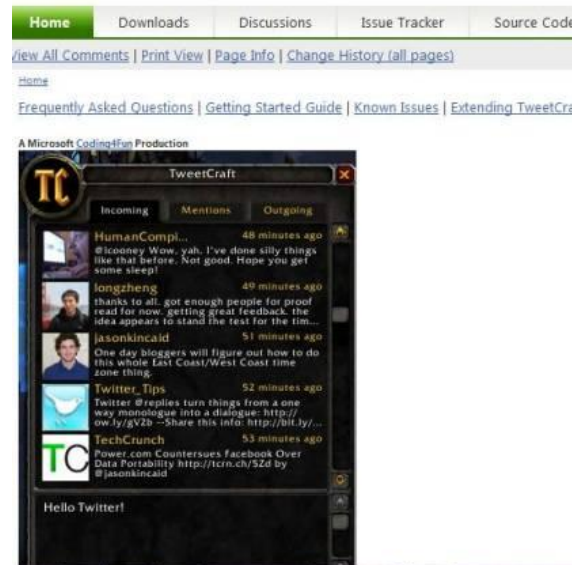
# Social Media and Gaming

OpenID allows a user to log in to different services with the same digital identity and access multiple systems – social games can now migrate off social gaming websites.



Source: [http://www.maclife.com/article/news/ea\\_announces\\_facebook\\_connect\\_iphone\\_scrabble\\_rest\\_2009\\_games](http://www.maclife.com/article/news/ea_announces_facebook_connect_iphone_scrabble_rest_2009_games)

# Social Media and Gaming



Gamers form online communities through conversation - discovering, discussing and sharing game topics, news, titles and more . . . .

# Social Media and Gaming

Facebook and MySpace have rapidly growing gaming portals offering a broad range of titles.



# Social Media and Gaming

Social media facilitates strong community interaction. EA's, The Sims 2, partners with H&M and Yahoo! for a user generated content contest.



# Social Media and Gaming

## Machinima

The use of real-time, 3-D graphics' rendering engines to generate computer animation.

Real time, international, multi-user collaborative machinima - G Hayes



## Monetizing the Games: Creating a Sustainable Business Model

- Free-to-play titles monetized through micro-transactions
- Partner with brands, bringing real products into virtual worlds
- Allow users to upgrade, improve or add to gaming experience
- Create long term value for users by combining gamer reputation management with virtual goods
- Offer pre-paid cards in retail locations and online to streamline purchase process and target users with no access to credit

# Social Media and Gaming

Games are played and monetized on all forms of social media



Source: [http://money.cnn.com/2009/06/23/technology/twitter\\_140mafia\\_game\\_profit/?postversion=2009062316](http://money.cnn.com/2009/06/23/technology/twitter_140mafia_game_profit/?postversion=2009062316)

Remember??

Consumers + \$\$ = Regulation

San Francisco

## Furor Over 'Offers' Companies Casts Shadow On Social Gaming Sector

By Tomio Geron

12/7/2009

A little-known sector of the social gaming industry -- offers marketing - has come under fire over accusations of deceptive and fraudulent advertising. The companies providing these services, as well as the gaming companies who rely on their revenue and the investors who back these companies, are sorting through the damage to see where the sector is headed next.

Offers companies provide free virtual currency or virtual goods to people playing social games, either on destination Web sites or social networks like Facebook, in exchange for the players signing up for marketing offers -- for example, subscribing to Netflix, buying a bouquet of flowers or filling out a market research survey.

### COMPANY INDEX

Companies mentioned in this issue

5AM Ventures

Acceleron Pharma

Alkermes

AppJet

Blade Games World

Clario Medical Imaging

Complex Media

12/07/2009

Consumers + \$\$ = Regulation



# Now Enter the Regulators and Lawmakers...

 **U.S. Food and Drug Administration**

## Word Of Mouth Advertising Online Gets Gagged

By Dianne See Morrison - Mon 28 Apr 2008 03:23 AM PST

Brands hoping to promote their products online through word of mouth may be gagged by new UK consumer-rights restrictions that go into effect May 26. [AdAge reports](#) that brands will be required to **disclose if they are using paid ambassadors or seed viral ads, while "falsely representing content as organic"** and **disclose they are being paid to do so.**

A number of campaigns from high profile brands purporting to be from "real fans" like the "I want for Christmas is a PSP" viral campaign had consumers fooled. In the video, the characters in the video were created by real life fans. When it was revealed that it was a very real agency Ziaptoni, the electronic word of mouth agency, the possibility of fines and prison times for those who do not disclose.

Still, the damage may already be done, with a YouGov survey, social nets including Facebook and MySpace are used by 75 percent of the population.

Moreover, as much as brands may be trying to put a positive spin on the issue, a recent study shows that **online communities, blogs and message boards are the most trusted sources of information**. [Mad.co.uk](#) reports that the study—looking at the influence online and offline—found that people who had used online communities, contacts and blogs said the opinions from family and friends (29 percent) and independent review

**paidContent:UK**  
COVERING UK'S DIGITAL MEDIA ECONOMY

# Social Media Regulation

TechCrunch



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## SEC To Recognize Corporate Blogs as Public Disclosure. Can We Now Kill the Press Release?

by **Brian Solis** on July 31, 2008

80 Comments 2 [retweet](#)



For several years, Sun CEO, **Jonathan Schwartz** has lobbied the SEC to allow disclosure of financial information through corporate blogs. In a landmark **announcement** , it seems that Mr. Schwartz may indeed get his wish, and with it, a historical decision that could break the age-old shackles that bound businesses to traditional media and distribution channels in order to satisfy full disclosure.

**“While blogs or forums can be informal and conversational in nature, statements made there by the company (or by a person acting on behalf of the company) will not be treated differently from other company statements when it comes to the antifraud provisions of the federal securities laws” (SEC, 2008).**

# Social Media Regulation

DellShares blog launched in November 2007 by Dell, Inc., is probably the first corporate blog dedicated to investor relations.



Johnson & Johnson, among a handful of public companies, have used Twitter to report on proceedings of annual shareholders' meetings.

The Johnson & Johnson logo, featuring the company name in a red, cursive script font, set against a solid orange rectangular background.

eBay has used Twitter to send reports about "analyst days" - invitation-only events hosted by companies for securities analysts and institutional investors.



# Social Media Regulation

## Dell's use of Twitter for Investor Relations



Login Join Twitter!



Hey there! **DellShares** is using Twitter.

Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What are you doing? **Join today** to start receiving DellShares's tweets.

**Join today!**

Already using Twitter from your phone? [Click here.](#)



**DellShares**

CFO Brian Gladden Discusses Dell Q2 Fiscal Year 2010 Performance  
<http://bit.ly/JMhpq>

2:25 PM Aug 27th from twitterfeed

Name DellShares  
Location For English speakers  
Web <http://DellShares...>  
Bio The Twitterfeed of headlines from the blog -- Information and Insight for the Investor Community

20 369  
following followers

Tweets 45

Favorites



- FTC Workshop, December 1-2, 2009: "Can the News Media Survive the Internet Age? Competition, Consumer Protection, and First Amendment Perspectives."
- FTC Workshop, December 7, 2009: "Privacy challenges posed by the vast array of 21st century technology and business practices that collect and use consumer data."

# Social Media Regulation



- Social Networking
- Cloud Computing
- Online Behavioral Advertising
- Mobile Marketing
- Collection and Use of Information by Retailers, Data Brokers, Third-Party Application
- Behavioral advertising
- Privacy
- Direct marketing

# Social Media Regulation



An incisivemedia website

LAW.COM **LEGALTECHNOLOGY**

Law.com > Legal Technology

## FTC Ready to Cut 'Astroturfing'

By Tresa Baldas  
[The National Law Journal](#)  
September 21, 2009

 [Post a Comment](#)

The controversial promotional practice of "astroturfing" -- flooding the Internet with bogus product reviews -- is about to hit the dirt.

The Federal Trade Commission is apparently on the brink of updating its 29-year-old guidelines on product endorsements. While that threat has been looming for more than a year now, advertising lawyers say final rules are expected to be announced before the year is up.

And the FTC, lawyers warn, will be making one thing clear: Phony online reviews will not be tolerated.

The revised guidelines, who go beyond astroturfing to address other product endorsement issues, have everyone from mommy bloggers to health care product promoters in a tizzy, all fearing that what they say about an item online could run afoul of the new guidelines.

# Social Media Regulation



Login Join Twitter!

Hey there! FCC is using Twitter.

Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What are you doing? **Join today** to start receiving **FCC's** tweets.

Join today!

Already using Twitter from your phone? [Click here.](#)



FCC

Verified Account

**Name** The FCC  
**Location** Washington, DC  
**Web** <http://www.fcc.gov>  
**Bio** The Official Twitter Page of the US Federal Communications Commission

21 following 3,482 followers

Tweets 73

Favorites

Following



Login Join Twitter!

Hey there! OnSafety is using Twitter.

Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What are you doing? **Join today** to start receiving **OnSafety's** tweets.

Join today!

Already using Twitter from your phone? [Click here.](#)



OnSafety

**Name** CPSC  
**Web** <http://www.cpsc.gov>  
**Bio** Welcome to CPSC's Twitter site.

0 following 304 followers

Tweets 4

Favorites

Following




**#CPSC** on White House blog at <http://bit.ly/9EkN>. Administration reinforces agency's safety message.

2:17 PM Sep 24th from web

**#CPSC** recalls Big Lots Bunk Beds that can collapse. Check your kids' bed so they can sleep safe tonight. <http://bit.ly/H7oRI>

# Social Media Regulation


**facebook** Home Profile Friends **Inbox 1** Douglas J. Wood Settings Logout





**Central Intelligence Agency** [Join](#)


[Wall](#) [Info](#) [Discussions](#) [Photos](#)


**John Paul Llenaresas** can i be a CIA agent?  
November 3 at 9:53pm · Report


 **Spherical Sun** Try brushing up on your informant skills.  
Sat at 8:26pm · Report

 **Soim Press** Alert in Romania: STS or RNC, at Romanian President command, has banned [www.traianbasescu.org](http://www.traianbasescu.org) for all the computers from our country during our election campaign for Romanian Presidency.  
November 3 at 2:56pm · Report

 **Soim Press** Now you can read in english, spanish, french, russian, chinese, etc all the main news from Romania, 24/7 updated thanks to SOIM Press on <http://soim.ro> ...just click the icons from the website  
October 29 at 12:50pm · Report

 **Soim Press** Romanian Intelligence Service - Party bodies directly subordinated Romanian President Traian Basescu.  
Yesterday, Deputy Intelligence, Florin Coldea, changed according to General John Stephen, head of the General Directorate for Prevention and Combating of Terrorism Intelligence, show, blog, Sorin Rosca Stanescu. A "very s...[Read More](#) · Report  
October 27 at 3:09am · Report

 **Lupert Trepul** I'd like to set up some coup d'etats in poor countries with lots of resources. So how do I go about this, I mean where do I start?  
October 19 at 6:25am · Report

 **Дмитрий Сантович Мардженов** May I join it?


**Information**

Category:  
Organizations - Volunteer Organizations


Description:  
Organisasi para Agent yg dapat memecahkan sebuah misteri dengan cepat & tepat. Lebih Cepat Lebih Baik!!!!!!

Privacy Type:  
Open: All content is public.


**Members**  
6 of 152 members [See All](#)




**Stevano William Kakisina**




**Natyra Kastrati**




**Mirsie Krasniqi**



**Carroll**





# Social Media Regulation

## Lawsuit Demands Answers About Social-Networking Surveillance

### Government Agencies Withholding Information on Data-Gathering from Facebook, Twitter, and Other Online Communities

San Francisco, December 1st, 2009 - The Electronic Frontier Foundation (EFF), working with the Samuelson Law, Technology, and Public Policy Clinic at the University of California, Berkeley, School of Law (Samuelson Clinic), filed suit today against a half-dozen government agencies for refusing to disclose their policies for using social networking sites for investigations, data-collection, and surveillance.



#### Agencies sued for policy documents on 2.0 information collection

December 4, 2009

By [Dorothy Ramienski](#)  
Internet Editor  
FederalNewsRadio

**A [lawsuit](#) has been filed against a number of different federal agencies for failing to disclose their policies for using social networking sites for investigations, data-collection, and surveillance.**

A [lawsuit](#) has been filed against a number of different federal agencies for failing to disclose their policies for using social networking sites for investigations, data-collection, and surveillance.

The suit was filed by the [Electronic Frontier Foundation \(EFF\)](#), working with the [Samuelson Law, Technology, and Public Policy Clinic](#) at the University of California, Berkeley School of Law.

The Samuelson Clinic said it had made over a dozen Freedom of Information Act (FOIA) requests on behalf of EFF asking for information about how the government collects and uses sensitive information.

When the agencies failed to respond, the suit was filed.

Shane Witnov is a law student at UC Berkeley and James Tucker is a graduate student at the Berkeley School of Information

Both are also with the Samuelson Law, Technology, & Public Policy Clinic.

Witnov explained that the government is using information that people post on public social networking sites, such as Facebook.

"These sites are becoming more and more popular and there's been some reporting in the news of various government agencies using these Web sites as sources of information. We think the public and Congress would be interested in finding out exactly how they're using it -- and what oversight and protections may exist to protect people's privacy."

Advertising Technology & Media Law

**ReedSmith**

The business of relationships.™

# Someone Got Your Brand?

## NameChk

[Show All \(132\)](#) [Sort by Rank](#)

Check to see if your desired *username* or *vanity url* is still available at dozens of popular Social Networking and Social Bookmarking websites. Promote your brand consistently by registering a username that is still available on the majority of the most popular sites. Find the best username with **namechk**.

BackType	Etsy	last.fm	Shelfari
BallHype	Facebook	LinkedIn	Slide
bebo	Families.com	LiveJournal	Squidoo
Blip.fm	Fanpop	Livevideo	StumbleUpon
blip.tv	Flickr	Mahalo	Technorati
Blogger	Flixster	mixx	ThisNext
Buzznet	FriendFeed	Multiply	tipd
cafemom	funnyordie	myLot	Tribe
Current	Gather	MySpace	tumblr
DailyMotion	Good Reads	Netlog	twitter
delicious	Google	newsvine	UStream
deviantART	hi5	ning	Viddler
Digg	Howcast	photobucket	Vimeo
diigo	Hulu	PictureTrail	Vox
Disqus	iLike	Posterous	wikipedia
eBay	ImageShack	Propeller	Wordpress
eHow	IMEEM	reddit	Xanga
epinions	Kaboodle	Revver	YouTube



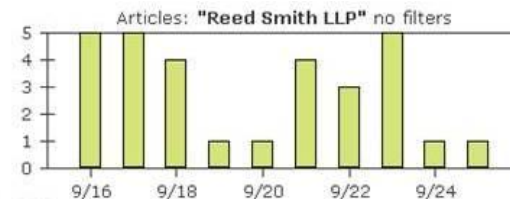
Create a Social Network, Website, Blog or Forum  
...in under 2 minutes for FREE!  
Create One NOW!

**socialgo**  
PREMIUM SOCIAL NETWORKS

Ads by Google

Bookmark Us  
(4562)  
 Follow Us (2316)  
 Digg Us (146)

# What are they saying about your brand?



Welcome, gjwood  
Home | Edit Information | Logout

## keyword search

Enter a Keyword

Reed Smith LLP

☒ Exact Match

### Optional Filters

Must Include:

[Add +]

Does Not Include:

[Add +]

Exclude Domains:

reedsmith.com

[Add +]

Advanced Search

Search Articles

## "Reed Smith LLP"

-reedsmith.com

Displaying 1-50 of 223 results.

Page: <<First Back ... 1, 2, 3, 4, 5 ... Next Last>>  
Expand All | Collapse All

Sort: All Results | Influence | Favorites   
Date Filter: MM DD YYYY THRU MM DD YYYY Apply

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[News]John feldman is now connected to drew boortz (associate at reed... John Feldman is now connected to D...	September 21st, 2009

# Lessons Learned

- You can't control the online conversation;
- People trust each other much more than they trust advertisers and this trend is increasing;
- Social Media is effective at building trust;
- Customers can be passionate advocates, as well as disgruntled detractors;
- Social Media strategies can be implemented with limited resources - but require planning, consideration, teamwork and attention; and
- If done right it can add value to your brands and contribute to the bottom line. If done wrong - well, just don't break any guitars!

# What Should You Do Now?

## Monitor legal developments

- *Reed Smith's White Paper: Network Interference - A Legal Guide to the Commercial Risks and Rewards of the Social Media Phenomenon*
- *Adlaw by Request*  
([www.adlawbyrequest.com](http://www.adlawbyrequest.com))
- *Legal Bytes* ([www.legalbytes.com](http://www.legalbytes.com))

# What Should You Do Now?

Audit your company's social media programs:

- What are you doing?
- Do you have any customized pages?

Yes? Do you have special contracts with the site?

- What are your employees doing?
- What are your competitors doing?
- What are your customers doing?

# What Should You Do Now?

Social networking and reputational risk in the workplace  
Deloitte LLP 2009 Ethics & Workplace Survey results



**Deloitte.**

74% of employees surveyed  
say it's easy to damage  
a company's reputation  
on social media.

# What Should You Do Now?

If you don't have one, adopt a social media policy for internal and external communications.

Policies:

- Keep you on strategy;
- Set rules for what you can prevent; and
- Both protect and enable.

# What Should You Do Now?

A good social media policy indicates:

- What the company will and will not do.
- What employees can and cannot do.
- What members of the public can and cannot do (on company properties).
- Boundaries around what is acceptable and what is not.
- Limits for employees to empower and enable them to use social media acceptably without fear of repercussion.

# What Should You Do Now?

## Consider These Top 10 Brand Guidelines For Social Media

Remember, guidelines often sound strict with legal-sounding terms. That's not inherently bad as long as the objective is clear: to enable employees, contractors, suppliers and customers, to participate online in a respectful, relevant way that protects the reputation of your brand and your company and follows the letter and spirit of the law.

# Top 10 Brand Guidelines

1. Be transparent
2. Tell the truth.
3. Stay on topic and be respectful.
4. Don't violate privacy, confidentiality, other policies or the rights of others.
5. It's OK to provide your perspective, but don't stray from your expertise.

# Top 10 Brand Guidelines

6. Be polite, even when disagreeing with another. Ask for help.
7. Be diplomatic about competitors. Have facts and permission before you engage.
8. Never discuss legal matters, litigation, regulation or parties in litigation with your company.
9. Never discuss a crisis - always refer comments to the appropriate office.
10. Always choose your words and actions carefully - the Internet NEVER forgets.

# Remember Our Quiz?

Answers as of June 2009 . .

How many articles were available on Wikipedia?

What was the average number of Tweets per day on Twitter?

What was the percentage monthly growth rate of Twitter users from January to February 2009?

What was the average number of minutes users spent on Facebook every day?

How many photographs have been archived on Flickr.com?



# Thank You !



## Questions ? ?

"The web is more a social creation than a technical one. I designed it for a social effect - to help people work together - and not as a technical toy." Tim Berners-Lee

"Weaving the Web: The Original Design and Ultimate Destiny of the World Wide Web"

# Engage in the Conversation

<http://www.youtube.com/watch?v=9T37q9Lx6sw>

