

How a Registered Trademark Helps Brand Owners Secure Social Media sites

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Just A Few Examples of Social Media Sites

facebook

Facebook helps you connect and share with the people in your life.



Search

The best way to discover what's new in your world.

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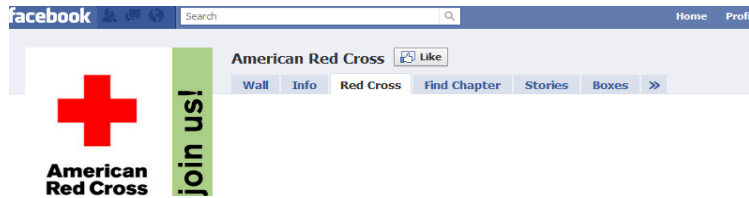
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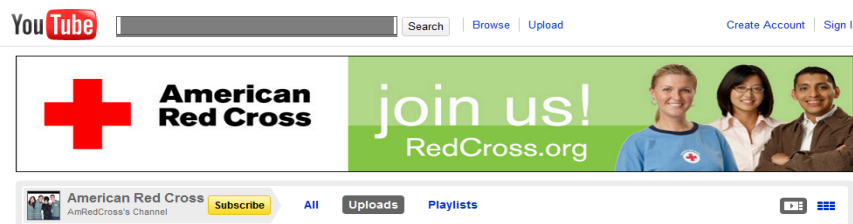
The company's house-mark is part of its social media address.

e. g. American Red Cross

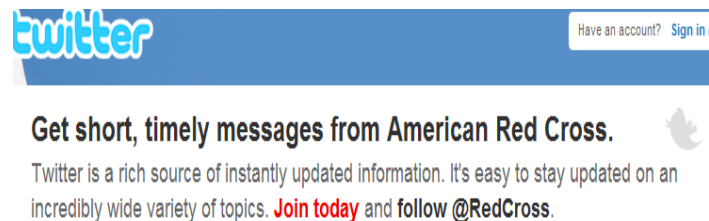
facebook.com/redcross



youtube.com/user/AmRedCross



twitter.com/redcross



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The public's and the company's interests are aligned with traditional trademark principles.

Public Consumers expect to see the 'real' entity and not be confused by an impostor.

Company A company as the brand owner expects to have the exclusive rights to an address that includes its flagship trademark.

There is no uniform dispute resolution policy for social media sites.

- For domain name disputes, the Uniform Domain Name Dispute Resolution (UDRP) offers a centralized process in which most types of trademark-based domain-name disputes can be resolved by agreement, court action, or arbitration.
- There is no uniform dispute resolution policy for the social media sites.
- Each social media site has its own policy and process to protect the rights of trademark holders. See three examples on next slides.

Note Value of Registered Trademark

Facebook (excerpt)



Report an Infringing Username

- If you're logged into your Facebook account, your login email address may receive an email confirming that your report was submitted successfully.

Your email address:

The email address where you can be reached. If you are able to access your login email address, enter that here.

Your name:

Mailing address:

Telephone:

Email:

(We may provide this email address to the user that posted the content you are reporting)

Trademark registration #:

Country of registration:

Please use a US registration if available

Username that you feel infringes your rights:

rights:

e.g., <http://www.facebook.com/facebook>

Please describe how the reported username infringes your rights:

- By checking this box, you are indicating that you are the owner of this trademark (or a person legally authorized to act on behalf of the owner), and that the username described above infringes your rights.

If you are also interested in having this username transferred to your own Page, please provide the following:

Web address (URL) of your current Facebook Page:

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Note Value of Registered Trademark

Twitter (excerpt) 

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.

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Self-help strongly encouraged.

YouTube (excerpt):

Trademark

Using someone else's trademark in a username, in and of itself, is not necessarily infringing. However, if there is content on your user page that would confuse viewers into believing that the trademark owner created or sponsors your page or content, then the trademark owner's rights are likely being infringed and we will need to reclaim your username. So it's important to be sensitive to other people's trademark rights when choosing a username.

If you are a trademark owner and you believe your trademark is being infringed due to a username issue, please note that YouTube is not in a position to mediate trademark disputes between users and trademark owners. As a result, we strongly encourage trademark owners to resolve their disputes directly with the owner of the username. Trademark owners can contact the user through YouTube's [private messaging feature](#).

YouTube takes allegations of trademark infringement very seriously so if you are unable to reach a resolution with the account holder in question, please submit a trademark claim through our [Trademark complaint form](#).

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The best approach is to be pro-active.

1. Be the first to reserve your user name on popular social media sites, even if you don't plan to use it right away.
2. Defensively, reserve your user names on less important networks, to prevent third parties from taking this address.

Note: Services that help monitor social media sites. KnowEm.com TM.biz

Cost/Benefit Calculus of Securing Social Media Sites

Cost

- Cost of securing federal trademark registration.
- Time and cost in securing and monitoring social media sites.
- Confusion by loyal followers if 3rd party uses social media site.
- Time and cost to recover sites taken by 3rd parties.

Benefit

For some companies, popular sites offer:

- Powerful endorsement,
- Direct communication with customers,
- Inexpensive advertising .
“A year’s worth of advertising for a 30 sec. TV spot”

This outline is intended to provide general information on intellectual property issues and should not be construed as legal advice or an opinion of Hudson Law, LLC.

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