

THE LEGAL LANDSCAPE OF SOCIAL MEDIA

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Social Media is the new land of opportunity for all in manufacturing and retail. Facebook and Twitter alone allow restaurants, hotels, and bars unprecedented conversation with their customers. The access to these consumers is in real time and moves beyond the capabilities of any standard brand website. Understandably, motivation to interact with consumers by offering promotions on social media sites is high, especially during a time period when traffic is down due to economic conditions, and everyone's focus is on driving traffic and spending.

The opportunities in social media are many and they are exciting. It is important to remember, however, that this "new world" is governed by "old laws." Here are some pointers.

Protect your own intellectual property and avoid infringing the intellectual property of others. If you are building a fan page or a twitter page, consider the graphic or any tag lines you use carefully. Make them consistent with your branding in other media and make sure they are protected. Be very careful that you do not inadvertently infringe upon the intellectual property of others. Twitter, for example, has an "impersonation" policy, and also has a policy against "name squatting."

Remember that multi-state laws and regulations on promotions will still be relevant in the social media world. Social media websites may be a completely new way to market, but promotional rules will still apply. When advertising sweepstakes, coupons, or other consumer premium offers, make sure that your campaigns comply with all applicable state laws and regulations.

If you sell and serve alcoholic beverages, be mindful of your target audience. Social media websites are open to consumers under twenty-one years of age. Build safeguards into your pages, and limit access to those sections involving alcoholic beverages to the twenty-one and over set. Promote responsible consumption.

In this new decade Social Media will change the way on premises retailers speak to their customers with measurable results. As social media evolves further, the legal landscape will need to change to adapt to this new marketing force. Stay tuned!

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