



"The Internet has been a blessing and a curse. The curse we know: A lot of people appropriating your intellectual property without paying for it. But I think it's important to realize the blessing of the Internet, which is that everybody has a voice and you can break through, even without a record company." - **Gloria Estefan**

MODULE 1 | Defining Intellectual Property

Outcome: Student will understand the basic legal issues of intellectual property for social media. Students will learn common issues and pitfalls of their own creative content and utilizing other's creative content in social media.



Overview

Module 1

- Introduction
- Intellectual Property
- Self-check: Intellectual Property Laws
- Competency Assessment 1 | Intellectual Property Thinglink
- Competency Assessment 2 | Proper Use of Intellectual Property



Module 1 | Introduction

Exciting creative content such as writing, images, music, and videos are an important element of a successful social media campaign. Creative content is initially owned by the creator but can then be given or sold to another individual or company in a variety of ways.

On staff marketers have typically given all rights to their own writing and images to their employer to use and re-use in any venue, forever. This is called a work-for-hire, as you are being paid to do the work. In journalism, a magazine or newspaper might re-sell an article or image and owe nothing extra to the original creator. In this case, when a writer has given up all rights, permission to re-use the material they created would have to be given by the new owner. In other situations, a creator can give a partial or limited release of rights to their intellectual property identifying how someone else can use the work in a certain type of media, duration of times, size of image, and number of displays. For instance, when purchasing stock photography, the contract often specifies if it can be used in print, video, websites, or social media. It will stipulate if the photographer has to be named. It will also let you know if you have exclusive rights so that no one else can purchase rights to use the photo.

With instantaneous social media dispersal of messages, images, videos, and sound, it's critical a social media marketer knows what materials they own and are legally allowed to disperse and what materials are owned by others. Businesses and organizations rely often on corporate policies for creative work generated by employees stating it can be used in social media marketing. For example, you can't assume that a photo taken by a co-worker at a company event is legal to use in social media campaigns; the photographer owns the photo until they contractually give rights to another entity.

Social media websites make the user liable for legal issues with intellectual property at the same time they encourage and reward re-sharing content. There is no guarantee from a social media website that a user will not be liable for what they post. This includes content a user creates and posts themselves, and also when you re-share posts by others. If the purpose of a social media account is to sell something or promote a brand or candidate, it is an even bigger target than a personal account for a copyright infringement lawsuit. A social media marketer should have a best-practices strategy that reduces legal risks of intellectual property violations.



Module 1 | Introduction *(continued)*

It's intention is to be as cognizant of the “creator” of imagery, graphics, content, and videos. It is always best to be safe, rather than sorry. One way to assure this happens is to use your own photography when managing social media accounts. With the quality of smart phone cameras, this is much easier a practice than it used to be.

As an excellent social media marketer, its' important to keep up to date on intellectual property legalities. It is recommended to review new court cases and new technologies several times a year to update your best practice strategies and procedures. Keep files of written contracts, also known as “rights releases,” with writers, musicians, photographers, and videographers. Never assume that just because something was used previously by a company or organization that it is legal to re-use in social media marketing.

Social media website algorithms that generate newsfeeds are in direct opposition to best practices of protecting intellectual property. Social media algorithms reward re-sharing materials and making it viral, without any analysis of how the material was legally obtained in the first place. Newsfeeds currently operate on the method of - if its popular and show it to more viewers. This can make intellectual property theft a tremendous temptation for a social media marketer who's job performance is based upon getting views and engagement.

Anyone in social media marketing will have to continuously evaluate the ethical and legal risks of using creative content against the rewards generated by viral exposure. The level of risk/reward a company may want to take is in part directed by their own core principles.

Social media marketing is constantly changing, and staying on top of these changes is part of your responsibility as a social media specialist. In SMT 113 we will outline some of the most valuable resources for this work. Weighing the risk/reward of each post, tweet, or share should be part of your daily social media mind set.