Electronic Media Liability – A New Look to an Old Problem

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• Paper titled “Electronic Media Liability – A New Look to an Old Problem”
• Recording of today’s webinar
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Today’s Moderator

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Today’s Panelists

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Vice President, Content Technology and Services
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James Holmes
Partner
Sedgwick LLP
Today’s Panelists

Eileen Reingold
Senior Vice President, FINEX
Specialist in Media, Technology and Network Security/Privacy Liability
Willis
Development of publishing and media

• Define 'publisher' or 'media company' in today's electronic environment

• New mechanisms: from websites and chatrooms through to blogs and social media

• New types of litigation
Social Media

• There are thousands of social media sites. Facebook, YouTube, Twitter and LinkedIn most prominent

• Sites are visible to the masses: TV took 13 years to reach 50M users—The Internet took 4 years to reach 50M people

• Corporations losing control of brand relationship. Consumers and employees have more control over brand perception via social media

• Social media for corporations is about getting people to say the right things about you
Focus on Intellectual Property

• Exposures

• Legal developments

• Claim examples
Focus on Defamation

- Exposures
- Legal developments
- Claim examples
Regulatory actions

• Telephone Consumer Protection Act (TCPA)

• CAN-SPAM Act

• Communications Decency Act

• Federal Trade Commission Act. Section 5: Unfair or Deceptive Acts or Practices
How to mitigate exposures?

Risk management programs

Realize the breadth of exposure in order to mitigate it
How to mitigate exposures?

Takeaways

1. Written statement prohibiting the use of copyrighted or trademarked material without permission

2. Employee prohibited from speaking on employers behalf in Internet posts

3. Disclaimer present if employees mention the company in any capacity online without authorization
How to mitigate exposures?

Takeaways

4. Provide fair use education to all employees who produce material

5. Written policy for responding to demands for removing copyright-protected material

6. Have a knowledgeable lawyer review the company’s website and policies

7. Purchase insurance that adequately covers media liability risks
Insurance solutions

• Outline cover

• Overview of products

• Ensure cover is appropriate to data distribution channels.
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