

## YOUR BRAND ON SOCIAL MEDIA

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Many American businesses, regardless of size, realize the value of having a positive social media presence. Recent surveys and marketing research show that “social commerce” has grown steadily since the pandemic started in 2020. Social media companies, such as Facebook, Pinterest, and TikTok, have partnerships with e-commerce platforms and vendors, such as Shopify, to allow merchants to easily promote their products. Even in the services sector, social media can be an invaluable tool for promoting your company, reaching prospective customers, or hiring future talent.

If you are already using social media to benefit your company or are about to start, it is crucial to consider these questions:

- Have you protected your brand by securing a trademark registration or other intellectual property rights?
- Do you have brand guidelines that your employees know and follow?
- Do you know which social media platforms best suit your business?
- Who will be responsible for the content generation, management, and upkeep of your company’s social media accounts?
- Do you have a social media policy or clear rules for social media use?
- Are your brand guidance and social media policy less than three (3) years old?
- Are you possibly violating the rights of others, including through the use of images and videos in your social media posts?

Let’s discuss why savvy companies cover these essential elements.

One of the most important steps that any business can take is to protect its intellectual property by registering it. For most companies, the place to start is by securing a trademark registration in the company name. Often, a company’s consumer and marketplace recognition stems from using distinct logos and taglines, all worthy candidates for trademark registrations, as are the names of bestselling or key products and services. If you have not yet obtained intellectual property registrations for your brand, you should start the process. The first step is often conducting a clearance search and getting a trademark application filed at the United States Patent and Trademark Office. After you have filed your application(s), you can be safe knowing that you have already begun the steps of fully protecting your brand, whether you are new to social media or a “SoMe” connoisseur.

Once you have a clear sense of what your brand is or consists of, for many companies, it is often a good idea to craft simple rules or guidance about how the company wants the brand projected in the marketplace, including on social media. Typically, brand guides describe the

font styles and color palettes that you want to use in connection with your company name, products and services, and logos to control your brand by having a clear and consistent style. This has the added benefit of setting you apart from your competitors and allowing you to stop any third parties from copying your branding or attempting to pass themselves off as you.

After these initial steps, companies should carefully vet or re-assess what social media platforms are best for their business needs. While it may make sense for a medical services company to be on Facebook, Twitter, and Instagram, being on Pinterest may not be beneficial. Once a business has determined what social media platforms are best suited for its needs, a process should be put in place to generate and review suitable social media content. The developed content will also need to be maintained and updated. One thing in particular that companies should be mindful of is the inadvertent violation of a third party's intellectual property rights by linking, copying, or framing photos, videos, and other content on or through your company's social media platforms, unless of course, you have a license to do so. When you are in doubt about using content that does not belong to your company, please reach out for legal advice. After all, while the benefits of advertising are many-fold, on social media, mistakes have a way of being amplified, not to mention having the potential to live on forever. Thus, starting with a smaller social media presence may make sense before building successfully from there.

Many companies make the mistake of failing to implement a social media policy. Even if your company has had a social media presence for a while, it is still prudent to put together a social media policy. This policy should clearly articulate what employees can or cannot do on social media sites using company property or at work and specify what employees can do in connection with the company's social media platforms. Your company's social media policy should have clear guidance regarding sharing proprietary or confidential company information, posting defamatory, derogatory, or inflammatory content, and uploading content that breaks the law or implies illegal conduct. With robust social media policies in place, companies can turn their attention to transforming their employees into brand ambassadors and social media influencers.

Once the social media policy is in place, it is worth looking at the procedure with a fresh set of eyes every three years for potential loopholes and re-evaluating commercial and legal risks.

If you need assistance with the challenges your business faces when using social media to promote your brand, please contact Sonia S. Shariff.

## **PROFESSIONALS**

Sonia S. Shariff

## **CAPABILITIES**

Intellectual Property