Nonprofit Communicators Workshop – Un-risky Business Protecting Your Organization in the Online World

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Overview

• Expansion of Domain Name System
• Social Networking
• Mobile Devices/Mobile Advertising
• Privacy
• Spam Laws
• Online Advertising
  – Children’s Online Privacy Protection Act
  – FTC Green Guides – Sustainability
  – 2011 Endorsement-Related FTC Cases
• Online Copyright Trolls
• What You Can do to Protect Your Organization
Expansion of Domain Name System: Update on Launch of New gTLDs

• Currently 22 gTLDs such as .com, .net, .coop
• Potential for indefinite number of new gTLDs (Limit of 1000 in first round)
• Application period January 12, 2012 – April 12, 2012
• Application fee $185,000; additional costs
• Yearly registry fee $25,000 plus additional fee for registries with >50,000 domain names
• Minimum ten year commitment
• Several lawsuits threatened
Examples of Expected Applications

- **Generics**
  - .shop
  - .site
  - .news
  - .app
  - .kids
  - .homes
  - .bank
  - .money
  - .horse
  - .movie
  - .music
  - .web
  - .phone
  - .health
  - .fam

- **Cause**
  - .ngo
  - .peace
  - .green
  - .eco
  - .hiv
  - .gay

- **Brands**
  - .canon
  - .hitachi
  - .unicef

- **Geographic**
  - .nyc
  - .boston
  - .chicago
  - .dallas
  - .miami
  - .pdx (Portland)
  - .seattle
  - .sfo
  - .paris
  - .vegas
  - .california
  - .florida
  - .arab
  - .africa

For lists, see:  [http://www.netgtldsite.com/new-gtld-list/](http://www.netgtldsite.com/new-gtld-list/)
New Generic Domain Names: What You Can do to Protect Your Organization

- Consider applying for own brand to establish private island on the internet
- Plan defensive registration strategy for second-level domain names
- Plan enforcement strategy
- Monitor impact on search engine rankings
Social Networking

- Launch of Google Plus
- Changes to Facebook Profiles
- Overview of Non-Profit use of Social Networks
- Crisis Management
- Intellectual Property Protection and Defense
- Social Networking Policies
- Employment Issues
Google Plus

- Launched June 2011 – testing phase
- Over 25M users by August 2011
- Public launch September 2011
- Organization/Pages launched November 7
  - list fans, employees, management
  - more than one location possible
- Group messaging features
- Privacy protections designed in
- Direct Connect (+_________)
- Will it overtake Facebook?

- Anderson Cooper 360
- Angry Birds
- Dallas Cowboys
- Macy's
- Pepsi
- Toyota
Google Plus
Changes to Facebook Profiles

• Timeline (Go-live date has been pushed several times)
  – [http://www.facebook.com/about/timeline](http://www.facebook.com/about/timeline)
  – Scrapbook of your life
  – Your friends have easy access to your past (be careful with whom you connect as a friend)
  – You can choose who sees which events

• Facebook Gestures
  – No longer just “Like” – any verb can now be a button (reading, watching, listening, want, cooked, etc.)

• Tickers
  – Real-time conversations (Google+ Messenger)
Changes to Facebook Profiles (cont’d)

• Graph Rank
  – Interests of you and your friends dictate what will appear in your news feed, ticker and timeline (demonstrated by sharing and liking)

• Friend Lists (Google+ Circles)
Changes to Facebook Profiles (cont’d)

• Increased integration with apps
  – Hardwiring – need only ask once
  – Automatic sharing (is reading, is listening to, is watching)
  – Examples
    • Spotify
    • Rhapsody
    • Rdio
    • Slacker
    • VEVO
    • Yahoo News
Changes to Facebook Profiles (cont’d)

• Subscribers versus Friends (Like Follow on Twitter)
  – When to enable subscribers versus setting up a Page?

• Share (Like Retweet in Twitter)
  – No need to have “Liked” Page to Share

• Visual changes

• Characters in Posts – 500 max increased to 5,000 (Google+ unlimited)
Which Network(s) to Use

• Among adult profile owners:
  – 73% have a profile on Facebook
  – 48% have a profile on MySpace
  – 19% use Twitter or another status updating site
  – 14% have a profile on LinkedIn
  – 52% of adult users have two or more profiles on different networks
Non-Profit Use of Facebook

- Low customer satisfaction score for Facebook (privacy, freq. user interface changes, commercialization)
- Recent Forbes series: The 10 “Don’ts” of Corporate Social Media
- Recent successful campaigns: Ford’s 2012 Focus – Doug the sock puppet
Non-Profit Use of Twitter

• Recent successful campaigns: Edge’s Anti-Irritation Campaign
Non-Profit Use of LinkedIn

- Company Profile
- Volunteer Experience and Cause Fields
- Groups
Non-Profit Use of YouTube

- Recent successful campaigns: Old Spice “Responses”
- YouTube non-profit program (www.youtube.com/nonprofits)
NING SPOTLIGHT: NON-PROFIT

Create a community dedicated to your passionate supporters and volunteers. Organize grassroots activists, enliven the community and raise funding.

KEEP A CHILD ALIVE USES NING TO...

1. Keep the cause top of mind
2. Share information with supporters
3. Raise funding
4. Organize volunteers

ORGANIZE YOUR SUPPORTERS

Grow your support network
Identify active supporters and empower them to organize grassroots outreach.

Inspire the world with rich stories
Leverage built-in photo, video and music player to motivate and take action.

Provide a support platform for volunteers
Enable your volunteers to learn from and consult with each other via forums and groups.

Drive donations
Raise money online by turning on your donation app to power your organization.

PRODUCT FEATURES

- Community blogs, groups and photo-sharing
Social Networking – Crisis Management

• How would it look in the newspaper or other media?
• United Airlines
• General Mills
• Dominos
Responding to a Crisis on Social Networks: United Airlines

- "United Breaks Guitars" posted July 6, 2009
- One million views in three days
- 10.8M views as of August 2011
- Launched Dave Carroll's singing career
- Bad press for United Airlines
- United Airlines criticized for not responding via social media and not responding quickly enough
Responding to a Crisis on Social Networks: Best Practices

• General Mills - hoax news release "Obama Orders Full Investigation of General Mills Supply Chain Following Food Recall"
Responding to a Crisis on Social Networks: Best Practices

- Two Domino's Pizza employees and a video camera
- Employees dismissed and arrested
- Domino's responded quickly on YouTube
- Power of a few people to harm a brand
Domino’s Response
Social Networking: Key Intellectual Property Issues

- Protecting trademarks on social networks
  - Defensive registrations – register key trademarks as Twitter usernames and Facebook vanity URLs
  - Monitor Facebook, Twitter, Google+ and other social networks for infringement and consider take-down requests, demand letters, or lawsuits

- Risk of copyright and trademark infringement raised by user-generated content

- Rights of publicity – obtain signed written consents for use of individual’s picture on social networking site or within app; make clear public nature of posts

- Confidential information and trade secret disclosure (donor or other key contact lists)

- Agreement clauses regarding use of marks on social networks
User-Generated Content: Legal Issues

- Tension – increased interaction with users and transparency v. increased risk
- Comments, photos, videos
- Your organization not protected by Facebook’s terms of service
- Copyright – Digital Millennium Copyright Act
- Communications Decency Act
  - Defamation and other torts
- 1-800-Flowers.com and Coca-Cola’s approach
5 common provisions in social media policies

• Use common sense and do not be misleading
• Do not disclose confidential or proprietary information
• Do not disclose material nonpublic information
• Comply with entity policies and applicable law
• Identify yourself and fully disclose your affiliation when you communicate about the entity
Employees’ right to engage in protected concerted activities

• Under the National Labor Relations Act, both union and non-union employees have the right to engage in protected concerted activities:
  – Right to discuss \( (i.e., \text{complain about}) \) working conditions with coworkers

• National Labor Relations Board has reviewed more than 100 cases involving social media:
  – Key issue is whether policy chills employees’ participation in protected concerted activities
Employees’ right to engage in protected concerted activities

• Beware of policy provisions that prohibit:
  – Disparaging the company, management, etc.
  – Discussing wages, corrective actions, investigations, etc.

• When investigating or responding to employees’ online activity, avoid actions that could be considered interference with employees’ right to engage in protected concerted activities:
  – Threats
  – Unlawful surveillance
  – Selective enforcement of company policies
Social Networking: What You Can do to Protect Your Organization

- Social networking is multi-disciplinary - all areas that are implicated should work together
- Protect the brand – proactively register usernames on key social networks for your organization’s most important brands
- Monitor social networks for infringement/other bad acts (impersonators, overreaching fan sites, etc.)
- Review procedures and revise or establish new policies as needed
- Make sure policies are consistent and integrated
- Train and educate employees and others with responsibility (e.g., marketing, customer service, human resources, public relations, legal department, etc.) on false advertising, endorsement rules, making statements about your goods or services and those of competitors, and your organization’s policy on responding to negative posts
- Enforce social networking policy with employees
- Develop crisis management plan that includes social networking sites before the crisis occurs
- Check with international counsel if your organization has likers from outside U.S.
- Add terms of use and privacy policy to your Facebook Page and register DMCA agent with Copyright Office
- Consider insurance coverage
Mobile Devices/Advertising

- Tech Status/Advertising Opportunities
- Business Outlook
- Recent FTC Enforcement Action
- Class Action Litigation
- Employer vs. Employee Device Ownership
iPhone Apps – Increased Transparency

Description
You want to know more about the fresh food that you buy, like where it was grown and if it’s safe.

Now you can trace your food back to the source using your iPhone wherever you see the HarvestMark logo.

...More

YottaMark, Inc. Web Site • HarvestMark Food Traceability Support

iPhone Screenshots
Welcome to HarvestMark

Locate a HarvestMark Code.
Trace Your Food
Scan HarvestMark Data

This means it’s traceable.
In-App Advertising and Sales

- Apple’s iAd platform – advertising within apps
- In-app purchases accounting for significant portion of app developers’ revenue
  - Virtual goods
  - Upgrades
In-App Advertising

- Pixie iAd
Mobile Devices: New Uses in Retail

- Quick response codes
- Shelf-edge TVs (NFC in next generation)
- In-store wireless networks
- Shopping apps
- Increased consumer transparency
Google Wallet
New Functionalities of Smartphones

- Credit card reader
  - Square

- Mobile payments/digital wallet
  - Near Field Communication (NFC)
  - Internet companies
    - Google Wallet
    - Zong (eBay/PayPal)
  - Banks
    - In2Pay pilot programs
  - Credit card companies
Mobile Devices: Business Outlook

• Tipping point reached in February 2011 - sales of smartphones (101M) outpaced sales of PCs (92M) in Q4

• 35% of American adults own a smartphone

• Q1 and Q2 2010, 1 in 4 adults lived in a wireless only household (51% of adults 25-29)

• Source: Pew Internet and American Life Project
Mobile Devices: Business Outlook

- 75% of marketers surveyed will be increasing mobile ad budget (*July 2011, Interactive Advertising Bureau*)

- 35% say will increase by > 50%

- Mobile web (HTML5) versus mobile apps versus in-app advertising conundrum

- Customers will get product info through mobile devices and buy through mobile payment systems
Apps: What Data is Being Collected?

• Example: Millennial Media
  – Age
  – Gender
  – Income
  – Ethnicity
  – Sexual Orientation
  – Political Views
  – Parental Status
Apps: What Data is Being Collected?

- Example: iPhone App Developers Can Access
  - Unique Device Identifier (UDID)
  - Contacts in your address book
  - Current GPS coordinates
  - Photos in your photo gallery
  - Email account information
  - Phone info (including last number called, etc.)
  - Videos watched and searched
  - Web search history
  - Keyboard cache
Social Networks: What Data is Being Collected?

- Example: Facebook’s OpenGraph Apps “Frictionless Sharing”; Facebook Gestures
  - What you read (books, articles)
  - Songs you listen to/music videos you watch
  - TV shows you watch
  - Movies you watch (outside U.S.)
  - Your exercise results (where you ran, etc.)
  - What you cooked
  - What you are wearing
  - What you want
  - Where you are traveling
Privacy: How is Our Data Being Shared?

- Social networking companies are sharing it
  - Facebook’s Timeline: Old content no longer obscure
  - Post log-out tracking
- Apps are sharing it
- Mobile devices are sharing it
- Some is leaked when our connections have weak privacy settings
- Search engines are sharing it
Online Privacy: What do the Law and Regulations Say?

- State Privacy Laws and Existing FTC Precedent
  - Notice and consent
- Proposed Federal Legislation Including “Do Not Track” – None has Passed
- FTC Preliminary Staff Report: *Protecting Consumer Privacy in an Era of Rapid Change* (December 2010)
  - Increased collection of consumer data
  - Lack of understanding undermines informed consent
  - Distinction between personally-identifiable information and non-PII becoming less relevant
  - Privacy by design
  - Final report expected by end of 2011
- Children’s Online Privacy Protection Act (FTC Rule Being Updated Now)
  - Proposed: include geolocation information and “certain types of persistent identifiers used for functions other than the website’s internal operations, such as tracking cookies used for behavioral advertising” in definition of “personal information”
  - Comments due November 28, 2011
FTC’s First Mobile App Case

- *W3 Innovations* (August 2011)
- First FTC case re mobile apps
- Apps and blog resulted in company collecting 30K email addresses and 600 full names from children without following COPPA
- $50K penalty; delete info collected; comply with COPPA in future
- Warning to other app providers
Mobile Devices: Apps and Privacy


• Recent Study of 1,400 iPhone Apps
  – >50% transmitted device ID
  – Device ID can be linked to Facebook or Google and can determine user name
  – 36 tracked device location
  – 5 mined data from user address book
  – Source: *PiOS: Detecting Privacy Leaks in iOS Applications* (Feb. 2011)

• Only 19% of Top 340 Mobile Apps Contain Link to Privacy Policy (*TRUSTe/Harris Interactive*, April 2011)
Mobile Devices: Apps and Privacy

• *In re iPhone Application Litigation* Class Action
• Multiple Cases Combined
• Allegations Include
  – Unique Device Identifier & browsing history
  – No way to block visibility to app developers
  – App developers sell dossiers of info about user searches tied to UDID to tracking companies
  – Combining info can lead to effective real-time tracking of user location and activity
• Motion to Dismiss Pending (Filed June 2011)
• Similar cases pending against LinkedIn and Google
Mobile Devices: Employer vs. Employee Liable Mobile Devices

- Increased freedom, flexibility and control for employees versus cost, compliance and security concerns of employers
- Expense/volume discounts
- Security - apps, protecting and wiping devices, sensitive data, viruses, camera phones
- Support costs
- Monitoring/blocking difficult
- Privacy
- What do your policies say? How are they implemented?
- Good Technology or competitors – mobile device security
Apps: What are the Privacy Implications?

- If employees installing apps on mobile devices connected to your organization’s network, data is vulnerable
- If employees using social networks on your organization’s computer or mobile device connected to your organization’s network, data is vulnerable
- If your organization is collecting information from Facebook users on Page need privacy policy
- If your organization is collecting information through Facebook app, Twitter app, LinkedIn app, or Android app need privacy policy (Apple’s requirements unknown)
- If your organization is developing or using app, comply with partner website’s rules
- Encourage everyone to carefully select privacy settings
Mobile Devices: What You Can do to Protect Your Organization

- Improve sustainability of practices/products to improve/maintain good rankings in world of increased transparency
- Keep up with trends re mobile advertising and mobile payments and offer your clients/users useful information and services through new mobile platforms/opportunities to pay using mobile devices
- Before you offer an app, work with legal to develop privacy policy and practices to minimize liability risk
- If you choose to participate in a third-party apps’ service or allow advertising networks to place ads on your website, conduct due diligence on their privacy practices/add contract requirements
- Consider confidentiality concerns in connection with employee mobile device and app usage
- Make careful decisions about whether to connect employee-owned devices to your network
- Before launching text messaging capability, involve legal early in this heavily regulated and litigated area
- Be aware of potential pitfalls regarding commercial messages conveyed by email, text messaging, social media, etc.
Cloud computing for nonprofits

The Cloud for Nonprofits and Libraries

Cloud computing is a term used for applications and other IT services available over the Internet. Google Docs, Salesforce, and Flickr are examples. It’s when the Internet is your hard drive or server. It’s also how a growing number of nonprofits and libraries aim to save money, reduce their software and hardware needs, and go green. As more applications and services move to the Internet, your organization needs to know the benefits and pitfalls of cloud computing to decide if this cloud may be a good tool for you.

Cloud Computing Worldwide: Changing the Way Nonprofits Work
Join TechSoup and our TechSoup Global Partner Network throughout October 2011 for our worldwide cloud computing campaign. During the month, we’ll be posting new reports and information on how nonprofits and libraries around the world are using cloud tools, making tech decisions around cloud services, and taking steps to keep their data secure. Check back throughout the month and learn how cloud computing is changing the nonprofit sector globally.

Featured Cloud Tools

What is Cloud Computing?
Most of us have a Gmail, Yahoo mail, or Hotmail account. And maybe we’ve dabbled in using shared online documents like Microsoft Office Web Apps or
Breaches

• Breaches and incidents frequently occur, are reported and publicized by the media and on the internet

• Legal issues and business considerations
State breach notification laws

- Cover personal information, meaning name, plus any of:
  - social security number
  - driver’s license number
  - financial account information (e.g., credit card, bank account, etc.)
  - in some cases, health information
Enforcement of state breach notification laws varies

- State attorney general enforcement in Minnesota
- Private right of action in California
- Administrative fines in Florida
Massachusetts privacy regulation

- Covers any entity (regardless of whether in Massachusetts) with access to Massachusetts resident personal information
- Written information security program (WISP) is required
- Reporting a breach to the Massachusetts attorney general (which is required under the Massachusetts breach notification law) could trigger an investigation of a reporting entity, including that the entity submit its WISP for review
- 2011 Massachusetts attorney general privacy enforcement actions
Massachusetts privacy regulation

• Requires written information security program mandating encryption of personal information transmitted wirelessly and stored on portable devices

• Revisit applicable entity policies (e.g., technology and electronic communications):
  – Entity access to and monitoring of employee-owned devices
  – Applicability to entity and employee-owned mobile devices
Payment Card Industry Data Security Standard (PCI DSS)

- Requirements for a secure payments environment framework for entity that stores, processes or transmits payment cardholder data

- Payment Card Industry Security Standards Council (including American Express, Discover Financial Services, JCB International, MasterCard Worldwide, and Visa Inc.) sets and enforces PCI DSS

- Minnesota, Nevada and Washington laws address compliance with PCI DSS

- Massachusetts enforcement action requiring entity to comply with PCI DSS and verify compliance with the Massachusetts Attorney General’s Office. Commonwealth of Massachusetts v. Briar Group, LLC (March 2011).
Review information and documentation and determine applicable laws

- Personally identifiable information – what, where and in which form is it?
- Which entity policies and procedures and agreements have provisions relating to privacy and confidentiality?
- Determine which laws apply and what the requirements are (e.g., policies and procedures and agreements)
- Sometimes, policies and procedures are advisable, though not required by law
- Which federal and state and other laws apply?
Be prepared

- Prepare policies and procedures and ensure they are consistent and integrated with entity policies and procedures
- Devise a roadmap of what to do in the event of a possible breach
- Consider handling of investigations
- How should an entity respond internally and externally to media, employees and others about breach circumstances and status?
Privacy developments

- Federal Trade Commission 2010 preliminary report on privacy is anticipated to be finalized by year-end 2011
- FTC proposed amendments to the Children’s Online Privacy Protection Act in September 2011
Glossary

Donor Privacy Policy:
Donors have expressed extreme concern about the use of their personal information by charities and the desire to have his information kept confidential. The sale of lists for telemarketing and the mass distribution of “junk mail,” among other things, can be minimized if the charity assures the privacy of its donors. Privacy policies are assigned to one of the following categories:

» Yes: This charity has a written donor privacy policy published on its website, which states unambiguously that (1) it will not sell, trade or share a donor’s personal information with anyone else, nor send donor mailings on behalf of other organizations or (2) it will only share personal information once the donor has given the charity specific permission to do so.

» Opt-out: The charity has a written privacy policy published on its website which enables donors to tell the charity to remove their names and contact information from mailing lists the charity sells, trades or shares. Opt-out requirements vary from one charity to the next, but all require donors to take some action to protect their privacy. In these cases, we deduct 3 points from the charity’s Accountability and Transparency score.

» No: This charity does not have a written donor privacy policy in place to protect their contributors’ personal information. In these cases, we deduct 4 points from the charity’s Accountability and Transparency score.

*The policy can either specifically refer to donors, or generally refer to all users of the organization’s website. The existence of a privacy policy of any type does not prohibit the charity itself from contacting the donor for informational, educational, or solicitation purposes. Charity Navigator has monitored this metric since 2004, but it was not used in the ratings calculations until the implementation of CN 2.0 in September 2011.*
Charleston Principles

- Guidelines on charitable solicitations using the internet for states
- Charities, fundraisers, fundraising counsel and commercial co-venturers may be required to register or subject to enforcement action
Spam Laws: Email

- CAN-SPAM Act
- Applies to non-profits
- Commercial email message
- Definition: any email message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service
- Narrow exception for transactional/relationship messages
Spam Laws: Email

• Consequence of violation
  – Enforcement action by FTC or other agency
  – Enforcement action by state attorney general
  – Statutory damages of up to $250 per message (per recipient) up to $2M
  – Action by internet access service

• Facebook v. MaxBounty - CAN-SPAM Act applies to Facebook posts

• New Canadian anti-spam law
Thinking of utilizing text messaging?

- Involve legal sooner rather than later since text messaging is highly regulated
- In 2011, the FTC alleged violation of the FTC Act and the CAN-SPAM Act in its first enforcement action against a sender of unsolicited text messages
- Recent class action litigation on text messages
Online Advertising: Children’s Online Privacy Protection Act

• Most non-profits exempted
  – If operate for profit of commercial members, not exempt
  – FTC encourages all non-profits to comply with COPPA

• Websites designed for kids or

• General audience website that collects info from kids under 13

• Individually identifiable information about a child

• Verifiable parental consent before collection
Children’s Online Privacy Protection Act

- **Playdom** (2011)
- Disney company offering multi-player games
- Policy – prohibit children under 13 from posting info online
- Violated own policy – allowed posting of PI by kids under 13
- Did not obtain parental consent before collecting
- Policy OK; practice not OK
- $3M penalty to FTC
Children’s Online Privacy Protection Act: What You Can do to Protect Your Organization

• If collecting personal info from users online or allowing free-form posting by users online

• Make sure privacy policy and practices comply with COPPA

• Monitor revisions to COPPA underway
Sustainability – it’s not easy being green

• FTC’s Green Guides cover general principles and specific types of environmental marketing claims (e.g., recyclable / recycled content)

• Environmental advertising and marketing practices that are inconsistent with the Green Guides could result in FTC enforcement action

• FTC proposed revisions to the Green Guides in late 2010
Online Endorsement Issues

Federal Trade Commission endorsement guidelines

• People positively discussing a product or service online must disclose if paid or get a free product or service

• Advertisers are liable for a “paid” blogger’s false statements

• Advertisers have a duty to instruct “paid” blogger on appropriate notice he or she must give about payment and on the need for truthfulness and substantiation of claims

• Advertisers must monitor the “paid” blogger’s compliance with endorsement rules

• Bloggers are liable for false statements they make about advertiser’s products or services

• If your employee posts anything positive online about your products or services, fact of employment must be disclosed

• If members of the public receive something (e.g., points or free products) for passing along message to friends, they must disclose that fact to friends
FTC Actions Based on Endorsement Guidelines
FTC Actions Based on Endorsement Guidelines

• Legacy Learning Systems (March 2011)
  – Astroturfing by affiliates (which get commissions for referring users to website, if users buy)
  – “Putting it simply: Learn and Master Guitar emerged from our test as the King of ‘learn guitar at home’ courses.”
  – Legacy instructed affiliates to comply with FTC endorsement guidelines but failed to implement reasonable monitoring program
  – $250K settlement with FTC

• Reverb Communications (Aug. 2010)
  – Astroturfing by public relations firm (which received % of app sales)
  – Gaming apps sold through iTunes store
  – PR firm posted reviews that endorsed client’s apps and appeared independent
  – “Amazing new game”
  – “GREAT, family-friendly board game app”
  – Delete comments still on internet; not do it again
  – No $ penalty
Online Advertising: What You Can do to Protect Your Organization

- Set policies and train employees and any other endorsers on FTC endorsement guidelines
- Monitor compliance
- Coordinate marketing and legal regarding “green” initiatives and marketing
- Evaluate current websites, portions of websites, or apps that children may be able to access
- Be sensitive to information regarding children
- Comply with COPPA (privacy policy, practices, etc.)
Protecting Your Organization From Online Copyright Trolls: Righthaven Lawsuits

- Agreements with newspapers; registers copyrights
- Typically files suit without warning
- Seeking statutory damages and attorneys fees – settlements
- Ex. Democratic Underground posted five sentences from article and link to full article – Righthaven sued
- Status of Righthaven cases
- Facial/image recognition search tools improving (Google Search by Image, Tineye, Picscout) – cases based on photos
Online Copyright Trolls: What You Can do to Protect Your Organization

• Protect your organization under the DMCA
  – Website terms of use need certain provisions
  – Register an agent with Copyright Office; agent handles take down requests
  – No actual knowledge of infringement
  – Act expeditiously to take down
Any Questions?

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