



Social Media Business Technology and the Law

Practical tools for maintaining legal and regulatory compliance for all your social media practices

Frame the details of your company's social practices during this comprehensive program. Top social media practitioners will teach you how to:

- ✓ **CONNECT** the dots between technology, business and the law
- ✓ **ENSURE** that your company closely adheres to the FTC's Endorsement and Testimonial Guidelines
- ✓ **CREATE** parameters for behavioral advertising and geo locating
- ✓ **DEVELOP** a global social media strategy
- ✓ **MEASURE** social media's value to your business processes
- ✓ **POLICE** your intellectual property in an ever-evolving virtual space
- ✓ **ESTABLISH** clear records of ownership of social media accounts

Added Learning Value

Pre-Conference Workshop:
October 25, 2011

**Social Media Technology Boot Camp:
Deconstructing the Technology
Intersection Between Business
Strategy and the Law**

Post-Conference Workshop:
October 28, 2011

**Document Exchange: Developing a
Comprehensive Social Media Policy**

Hear Industry Insights From:

Applebee's International, Inc.
BlitzLocal
Collective, The Audience Engine
Dell, Inc.
Edelman Digital
Intel Corporation

JetBlue Airways Corporation
Lippe Taylor
MasterCard Worldwide
The Melting Pot Restaurants, Inc.
MetsBlog.com
Microsoft Corporation

MTV Networks International
Public Relations Society of America
Reckitt Benckiser
Samsung Electronics America, Inc.
Schwartz Communications
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Toys "R" Us, Inc.
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“ Social media advertising revenues will grow from \$2.1 billion in 2010 to \$8.3 billion in 2015, representing a compound annual growth rate of 31.6 percent.¹ ”



Thousands of companies worldwide are leveraging the power of social media to get closer to consumers. Your competitors view social media as an integral part of their marketing and customer relations strategy. If you are not actively integrating these emerging platforms into your business plan, you risk falling way behind. American Conference Institute (“ACI”) is pleased to introduce its **Social Media, Business, Technology and the Law** conference, taking place **October 26 – 27, 2011** in **New York City**.

An exponential rise in social media use has opened all businesses to new risks and the potential for costly litigation.

The omnipresence of social media is undisputed. The laws have not quite caught up with the lightning fast pace of technology. In-house counsel and newly created social media executives are left to interpret existing laws and how to apply them to these platforms. Sites such as Facebook, Twitter and LinkedIn have guidelines to help companies with everything from promotions to job postings to advertising messages. Social media has undoubtedly forced you to change your internal organization structure and corporate communications policy. How does your Social Media policy stack up against your competitors? By attending this program, you will gain insights into how other companies are handling social media, see where you are ahead of the curve, and the areas that you are lagging behind.

The legal risks of social media do not end in the business sphere. It has come crashing into the courtroom, with issues ranging from “friending” judges on various platforms, to the discoverability of posts made to Facebook or Twitter. Several states have addressed these issues, but it remains a gray area in most regions. Government agencies are also taking to social media sites in order to build evidence for their cases. The law is far from settled in this area and usage patterns continue to evolve - learn how to mitigate your legal risks.

Social Media, Business, Technology and the Law is the only conference of its kind. Many programs focus on one aspect of social media. However, in order to develop a successful and legally compliant strategy, you need to understand how to connect the dots between the business, legal, and technological aspects of social media.

Additional learning opportunities enable you to benchmark your practices against your peers

It can be extremely difficult to keep up with the constantly changing and platform-specific technology, and even tougher to stay ahead of your competitors. If you understand the technology behind the varying platforms, you can better advise your teams. The **Social Media Technology Boot Camp** will enable you to hear directly from platform developers.

At our post-conference **Document Exchange**, you will have the opportunity to bring policy documents with you to the conference and participate in a think tank among your peers. Find out what they are doing from a policy and management perspective.

At ACI’s **Social Media, Business, Technology and the Law**, you will be able to examine your social media practices and apply them to emerging regulations in this area. Register now to ensure your place by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or visiting us online at www.americanconference.com/socialmedia.

I look forward to seeing you in New York!

Sincerely,

Stacey B. Evans, J.D.
Legal Conference Director

¹ BIA/Kelsey’s U.S. Local Media Annual Forecast (2010-2015)

Who You Will Meet:

In-House Counsel and Business Executives responsible for:

- ✓ Social Media
- ✓ Digital Marketing/ Communications
- ✓ Corporate Communications
- ✓ Interactive Marketing
- ✓ Advertising and Marketing
- ✓ Emerging Technologies
- ✓ Brand Development
- ✓ Consumer Engagement
- ✓ Public Relations
- ✓ Intellectual Property

Outside Counsel in these practice areas:

- ✓ Social Media
- ✓ Intellectual Property
- ✓ Privacy
- ✓ Advertising and Marketing
- ✓ Entertainment/Sports/Media
- ✓ Technology
- ✓ Digital Media



Day 1 - Wednesday, October 26, 2011

7:45 **Registration and Continental Breakfast**

8:45 **Chair's Opening Remarks**

 *Ryan Garcia*
Consumer Counsel
Dell, Inc. (Round Rock, TX)

9:00 **You Better Disclose That: Ensuring that Your Company is Closely Adhering to the FTC's Endorsement and Testimonial Guidelines**

 *Leonard Gordon*
Director, Northeast Region
Federal Trade Commission (New York, NY)


 *Jackie Medeck*
Senior Counsel
Sales and Marketing
Intel Corporation (Santa Clara, CA)


 *Marc S. Roth*
Partner
Manatt, Phelps & Phillips, LLP (New York, NY)

- Ensuring that employees understand the need to disclose their affiliation to your company when blogging, tweeting and posting
- Contracting with celebrity endorsers and determining how specific the endorser will be when tweeting and posting claims
- Developing a high level of credibility in what you post
 - o preventing employees from posting positive reviews in order to drive up product ratings
- Creating an atmosphere of transparency
 - o disclosing not only employee affiliation, but third party affiliations as well
 - o sponsored blogs
- Forcing bloggers to abide by the FTC's Endorsement and Testimonial guidelines
- Analyzing enforcement actions for disclosure requirement violations and what is triggering FTC investigations
- Minimizing your liability when you are unaware of postings
- Understanding your obligation to monitor what bloggers are doing and what they are saying

10:15 **Morning Coffee Break**

10:30 **Establishing Parameters for Behavioral Advertising and Geo Locating: Balancing Consumer and Government Privacy Concerns With a Company's Desire to Collect and Use Data**

 *Aaron Strout*
Head of Location Based Marketing
WCG (Austin, TX)

 *Peter Weingard*
Senior Vice President, Marketing
Collective, The Audience Engine (New York, NY)

 *Nick Johnson*
Partner
Osborne Clarke (London, England)


 *Aaron P. Simpson*
Partner
Hunton & Williams LLP (New York, NY)

- Ensuring that your privacy policy is clearly spelled out and that you are living up to the stipulations of the policy
- Reconciling a consumer's desire for privacy with the sometimes conflicting desire to be active in social media
 - o knowing when a consumer's participation on a social media site indicates the giving up of privacy rights
- Notifying customers in a quick manner in the event of a data breach
- Thinking about what information you really need and why you need
 - o avoiding over collection
- Understanding key EU developments
 - o new cookie rules
 - o the latest proposals for further regulation on usage of smartphone location data
 - o the "right to be forgotten"
- Rewarding people for "checking in" to your location
 - o consideration problems?
 - o what privacy implications are triggered when a consumer "checks in"
- Analyzing second tier privacy concerns when posted pictures and videos include people who did not consent to the posting
- Preparing for forthcoming FTC guidelines and Congressional initiatives
- Regulating online profiling and targeting capabilities
- Determining the length of time that a company can hold on to personal data

12:00 **Networking Lunch**

1:00 **Creating One Voice: Developing a Global Social Media Strategy to Reconcile Cultural and Language Differences**

 *Gerry Gouy*
Senior Director, Business Development | Digital Media
MTV Networks International (New York, NY)

 *Nestor J. Portillo*
Worldwide Director, Community & Online Support
Microsoft Corporation (Redmond, WA)

 *Beverly Porway*
Deputy General Counsel
Reckitt Benckiser (Parsippany, NJ)

 *David A. Sorensen*
Partner
Hinshaw & Culbertson LLP (Chicago, IL)

- Being cognizant of cultural sensitivities and language barriers
- Understanding that one size does not fit all – reconciling differences in different countries
- Maintaining worldwide uniformity in the message being delivered to consumers
- Respecting the privacy standards and other regulations that existing outside the U.S.
- Employing people who have a grasp of different languages and cultures and can vet your different social media sites
- Thinking about who you want to market to and how to make it apply to local regulations
- Reconciling the different concerns of your legal and compliance departments
- Knowing when it is in your best interest to hire local counsel in a specific country
- Ensuring that the brand vision is not lost when country-specific Facebook pages must be created

2:15 **Afternoon Refreshment Break**

2:30

Think Before You Tweet: Crisis Communications in an Era of Got to Have Information



Sandy D'Elosua
National Director of Public Relations and Social Media
The Melting Pot Restaurants, Inc. (Tampa, FL)



Jenny Dervin
Vice President, Corporate Communications
JetBlue Airways Corporation (Forest Hills, NY)



John Moran
Vice President and Executive Media Training Specialist
Schwartz Communications (Waltham, MA)



Keith Trivitt
Associate Director for Public Relations
Public Relations Society of America (New York, NY)

- Understanding the need for a well-executed crisis communication plan
- Responding to the negative reviews, posts and tweets made by consumers
 - o why are they angry? How can you fix it?
 - o knowing when to disengage
- Correcting incorrect information that could be harmful to consumers
 - o removing videos that may have incorrect product instructions
- Determining how you will deal with employees who are posting negative commentary
 - o on company sites
 - o on personal sites
- Releasing official statements when a spokesperson for one of your products has done something illegal, unethical or immoral
- Informing customers in a timely fashion when your system is hacked
- Setting up "digital listening posts" to help learn about the bad things people are saying about you
- Ensuring you have a firm grasp on the issues being raised before responding
- Taking the conversation off-line: one-to-one conversation via email or phone
- Learning from companies who have responded poorly in a crisis situation

4:00

Afternoon Refreshment Break

4:15

Measuring Social Media's Value to Your Business Processes in Order to Justify the Investment



David Binkowski
Executive Vice President of Digital Marketing
Lippe Taylor (New York, NY)



Scott Gulbransen
Director of Social Media and Digital Strategy
Applebee's International, Inc. (Lenexa, KS)



Dennis Yu
Chief Executive Officer
BlitzLocal (Portland, OR)

- Figuring out how to measure the ROI of social media strategies and campaigns
- Keeping a finger on the pulse of the market to figure out what the market actually needs and then create it
- Seamlessly integrating social media into your business processes in a way that maintains business value

- Consulting with service providers to determine how much money you have made as a result of participation on Facebook or Twitter
- Ascertaining the measurability of how many times a tweet results in a sale
- Creating a buzz around a product or a brand in order to drive traffic to your sites
- Making sure things are justified in the right way, proving to internal teams that what the social media team is doing is valuable
- Utilizing social media to increase soft metrics, such as brand trust
- Building a url with a unique tracking code
- Monitoring share of conversation to determine web mentions of your brand or product

5:30

Conference Adjourns to Day 2

Day 2 – Thursday, October 27, 2011

8:00

Registration and Continental Breakfast

8:30

Chair's Opening Remarks

8:45

Protecting Your Brand: Policing Your Intellectual Property in an Ever-Evolving Virtual Space



Valerie L. Boccadoro
Intellectual Property Counsel
Toys "R" Us, Inc. (Wayne, NJ)



Paul Mussell
Senior Counsel – Intellectual Property
Wells Fargo & Co. (Minneapolis, MN)



Roger A. Colaizzi
Partner and Chair, IP Litigation Group
Venable LLP (Washington, DC)




Paul E. Starkman
Partner and Chair, Labor & Employment Law Group
Arnstein & Lehr LLP (Chicago, IL)

- Understanding creative commons and what it means for content you post online
 - o postings co-owned by the site they are on vs. when you own the content outright
- Policing your brand, copyrights and trademarks in this relatively new medium
- Removing imposter Facebook pages and Twitter accounts
- Changing brand management policies to allow for certain use of company intellectual property
- How does the copyright of a television commercial change when you upload it to video sharing sites such as YouTube?
- Figuring out the liability of companies for profiles set up by employees and affiliates
 - o protecting the company from trademark infringement or derogatory comments made by an employee about a competitor
- Enforcing your intellectual property rights against someone who arguably is not making a commercial use of the person
 - o selective enforcement
- Analyzing site specific dispute resolution processes
- Determining best practices for protecting intellectual property
- Registering virtual goods with the Trademark Office
- Updating the Viacom YouTube case and what it means for service providers and its current status for advertisers




10:15 **Morning Coffee Break**

10:30 **Mitigating the Risks and Unintended Consequences of Business-Related Social Media Use**

 *Ryan Garcia*
Consumer Counsel
Dell, Inc.

Cathy Mulrow-Peattie
Counsel, Core Products and Marketing
MasterCard Worldwide (Purchase, NY)


 *Scott A. Faust*
Partner
Proskauer Rose LLP (Boston, MA)

 *Todd R. Wulffson*
Of Counsel
Greenberg Traurig, LLP (Irvine, CA)


- Analyzing hidden liability dangers involved with employee use of social media sites - both in and out of the workplace
 - o avoiding suits for harassment, discrimination, defamation, breach of warranty, trade secrets, copyright infringement, wrongful discharge, Fair Credit Reporting Act and SEC violations
- Developing clear and effective policies governing employee use of social media - both in and out of the workplace
- Identifying potential liability issues and establishing clear parameters for gathering information from social media sources to be used during the employee hiring process
- Implementing effective policies to avoid liability from recommendations and positive comments about employees made on social media sites
- Permissible monitoring of employee use of social media activity - including off duty activity - and being able to take effective and defensible action
 - o including an analysis of recent National Labor Relation Board rulings protecting some employee activity on social media sites
- Discussing how to be "social" in the right way
 - o the hidden dangers involved in the simple act of "friending" co-workers
- Establishing clear records of ownership of social media accounts and access before the critical employee leaves the company
- Best Practices for training and consistently enforcing social media policies
- Ensuring that your internal social media policy does not eliminate an employee's freedom of speech

12:00 **Networking Lunch**

1:15 **Social Media's Crash Into the Courtroom: Best Practices For Managing Information in Litigation**

 *The Honorable Gary B. Randall*
District Judge
Douglas County, Nebraska (Omaha, NE)
(Immediate Past Chair National Council of State Trial Judges)


 *Shari L.J. Aberle*
Partner
Dorsey & Whitney LLP (Minneapolis, MN)

 *Andrew B. Serwin*
Partner
Foley & Lardner LLP (San Diego, CA)

- Understanding how social media is being used in litigation and investigations
- Exploring the admissibility of information posted to social networking sites in criminal trials
 - o properly authenticating evidence
- Using geo location to show where a suspect was (or was not) at a specified time
- Increasing use by the government of these emerging technologies in trials
- Investigating your opponent's online presence
- Protecting information that may become discoverable
- Including a social media release in document requests
- Utilizing social media as "damage control" in response to litigation
 - o Taco Bell
 - o Toyota
 - o Domino's
- Explaining clearly to jurors that they cannot tweet or post about an ongoing case
- Analyzing Florida's recent decision to ban attorneys from "friending" judges on Facebook
 - o how will this impact other states?

2:35 **Afternoon Refreshment Break**

2:45 **Maintaining Followers: Ensuring Your Online Content is Fresh and Exciting In a "Hyper-Real Time" Social Media Environment**

 *Michael Brito*
Vice President, Social Media
Edelman Digital (San Francisco, CA)


 *Matthew Cerrone*
Founder and Writer
MetsBlog.com (New York, NY)

Asim Khan
Counsel
Samsung Electronics America, Inc. (Ridgefield Park, NJ)

 *David Morris*
Group Corporate Counsel
TripAdvisor, LLC (Newton, MA)

- Being accountable, responsible, and committed to whatever social media tactic is used
- Creating content that "adds value" to the conversation
- Building relationships with friends, fans and followers
- Monitoring and contributing to the conversation
- Utilizing an editorial calendar to ensure a constant flow of content
- Using Google insights to create strategic and relevant content
- Optimizing social hubs with social media integration

4:15 **To Friend or Not to Friend: Ethical Considerations in Social Media**

 *Kraig L. Marini Baker*
Partner and Chair, Technology, e-Business & Digital Media Practice
Davis Wright Tremaine LLP (Seattle, WA)

 *John C. Greiner*
Partner
Graydon Head & Ritchey LLP (Cincinnati, OH)



- Defining whose responsibility it is to advocate responsible use of social media outlets
- Establishing boundaries around what is private, and what is decent
- Crafting etiquette guidelines which include not to "harass, threaten, or embarrass," users on your site
- Developing guidelines for when employees can friend reporters, politicians, or others in positions of power and clearly disclosing those relationships
- Knowing when to err on the side of less is more when making posts
- Addressing inappropriate posts made by employees
- Forwarding the argument that social networking is so ubiquitous that no one would understand a "friending" as something that conveys a special meaning
- Maintaining client confidences when you take to social media sites to post

5:15

Conference Concludes

Pre Conference Workshop – Tuesday, October 25, 2011
1:00p.m. – 4:00p.m. (registration begins at 12:15p.m.)

A Social Media Technology Boot Camp: Deconstructing the Technology Intersection Between Business Strategy and the Law



Lauren Bigelow
Chief Operating Officer
Weeworld Inc. (Concord, MA)



Christopher Miglino
Chief Executive Officer
Social Reality (Los Angeles, CA)

As social media becomes an increasingly more essential medium for interacting with consumers, it is important for attorneys and business executives to have a solid understanding of the technical and legal nuances that impact the use of these platforms. It can be extremely difficult to keep up with the constantly changing and platform-specific technology, and even tougher to stay ahead of your competitors. If you understand the technology behind the varying platforms, you can better advise your teams. This interactive workshop will enable attendees to learn the rules and requirements of technology operations. It will serve as a technology boot camp, giving participants the ability to go back to their companies with ideas for effectively using social media in order to stay maintain a competitive advantage. Points of discussion will include:

- The different applications available to users
- Distinguishing between different technology criteria
- How to build a sweepstakes or promotion on Facebook
- The processes for removing content from these various sites and the different protocols for removal
- Understanding the exploding popularity of gamification and virtual goods
- Learning which platforms support different apps

Post Conference Workshop – Friday, October 28, 2011
9:00a.m. – 12:00p.m. (registration begins at 8:15a.m.)

B Document Exchange: Developing a Comprehensive Social Media Policy



Chris Boudreaux
Creator, Social Media Governance and
Senior Vice President of Business Integration, Converseon (Austin, TX)



JoAnna Brooks
Partner
Jackson Lewis LLP (San Francisco, CA)



Stuart R. Buttrick
Partner
Baker & Daniels LLP (Indianapolis, MN)

In this era of growing social media use, your company needs to have a Social Media Policy in place. It is always helpful to exchange ideas and best practices with your industry peers. How are other companies handling social media? What are they doing from a policy and management perspective? This Document Exchange will offer you a unique opportunity to sit down and share best practices for developing an internal social media policy. You will be able to share common experiences as you discuss what elements of your policy did or did not work. It is imperative for social media leaders to understand the interplay of business, law and technology in this area.



Distinguished Faculty

Shari L.J. Aberle
Partner
Dorsey & Whitney LLP (Minneapolis, MN)

Lauren Bigelow
Chief Operating Officer
Weeworld Inc. (Concord, MA)

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Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 13.0 hours, of which 1.5 apply to ethics. An additional 3.5 credit hours will apply to each workshop participation.

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You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE



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ATTENTION MAILROOM: If undeliverable to addressee, please forward to:
Advertising & Marketing Counsel, Director of Social Media, Interactive Marketing Manager



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YES! Please register the following delegate for **Social Media, Business, Technology and the Law**

CONTACT DETAILS

NAME	POSITION	
APPROVING MANAGER	POSITION	
ORGANIZATION		
ADDRESS		
CITY	STATE	ZIP CODE
TELEPHONE	FAX	
EMAIL	TYPE OF BUSINESS	

I would like to receive CLE accreditation for the following states: _____ . See CLE details inside.

FEE PER DELEGATE	Register & Pay by Aug 24, 2011	Register & Pay by Sep 28, 2011	Register after Sep 28, 2011
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The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. ACI reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, or venue.

Hotel Information

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI Social Media" conference to receive this rate:
Venue: Flatotel
Address: 135 West 52nd Street, New York, NY 10019
Reservations: 1-800-352-8683 or (212) 887-9400

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