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Twitter Dispute Offers Lessons for Employers

[A recent article in the New York Times](#) highlights an interesting lawsuit about a Twitter account. The lawsuit deals with legal and practical issues of interest to employers whose employees engage in social media on the employers behalf.

As reported by the Times, Noah Kravitz, an employee of PhoneDog Media L.L.C., and its mobile phone website called Phonedog.com, opened a Twitter account and began regularly tweeting under the name Phonedog_Noah. The company sells phones and related items and also posts articles and commentary.

After the Phonedog_Noah account amassed 17,000 followers, Kravitz quit his job at Phonedog.com. According to Kravitz, when he quit he was told by the company that he could keep his Twitter account in exchange for tweet[ing] on the [company's] behalf from time to time

The company apparently wants to take over the account and believes it has a proprietary interest in the account and its followers. It has filed suit in a California federal court seeking roughly \$340,000 in damages from Kravitz. It issued a statement to the Times, stating:

The costs and resources invested by PhoneDog Media into growing its followers, fans and general brand awareness through social media are substantial and are considered property of PhoneDog Media L.L.C. We intend to aggressively protect our customer lists and confidential information, intellectual property, trademark and brands.

Kravitz believes the suit was filed in retaliation for his claim to advertising revenue based on an alleged ownership interest in the company. Regardless, the lawsuit is instructive for other companies attempting to engage in social media.

As more employers engage in social media efforts, its important that they adapt contracts, policies and procedures to fit those new activities. Most employers know that they must vigorously protect valuable intellectual property and their brand identity, such as inventions, copyrights, trademarks, and trade secrets. Similar protective measures should be applied to the activities of employees engaging in social media.

When an employee engages in social media efforts on behalf of an employer, its important to establish and maintain clear boundaries and agreements relating to the ownership of accounts and use of company information or intellectual property. Its also important to clarify when the employee particularly an employee that is not exempt from overtime requirements under wage and hour laws is or should be posting and tweeting on behalf of the company and when he or she is engaging in personal activity.

These situations are likely to arise more frequently. A little care on the front end and thoughtfully adapting well-known principles should help prevent unnecessary disputes.