Table of Contents

Acknowledgi	ments
Introduction	
Chapter 1	Employees and Social Media
i.	Employee Communications: How Social Media Creates a Virtual "Water Cooler" Where Employees May Engage in Protected Activity
ii.	Privacy Rights: How Social Media Poses a Legal Dilemma As to What Is Private and Whether It Should Be Private8
iii.	Work Space: How Social Media Expands the Manner and Places Where Employees "Work"14
iv.	Fairness: How Social Media Challenges Traditional Notions of Fairness During the Hiring Process
V.	Vicarious Liability: How Social Media Raises Questions About Who Is Responsible for Bad Behavior21
Chapter 2	Social Media Governance
i.	Legal Issues That Arise When Using Social Media
ii.	Tips for a Successful Social Media Policy32
Chapter 3	Best Practices for Social Media Records Management
i.	The Importance of RIM Principles35
ii.	What Makes a Record?
iii.	RIM Requirements and Social Media37
iv.	Legal Discovery of Social Media Records and Documents42
V.	Best Practices and the Generally Accepted Recordkeeping Principles®
Chapter 4	Cybersecurity and Risk
i.	Legal Framework48
ii.	Theft of Corporate Data

iii.	Stealth Marketing	53
iv.	Cyber Insurance	54
Chapter 5	Ownership Issues: The Social Conundrum of Who Owns What	61
i.	The Legal Theories and Cases	
ii.	Accessing Accounts of the Deceased	
Chapter 6	Intellectual Property Issues in Social Media	71
i.	Copyright Law Is a Central IP Concern in the Circular Firing Squad or Ambush Known As Social Media	72
ii.	U.S. Utility Patents, Including So-Called "Business Method" Patents, Remain Viable and Available to Protect Social Media Innovations, Although the Alice Decision Has Impacted the Value and Enforceability of Such Patents	75
iii.	Trademark and Service Marks Function Much the Same in Social Media As in Traditional Media, Despite the "Noisiness" of the New Media Environment	81
iv.	Trade Secrets Can Be Compromised or Lost If Posted on Social Media	82
V.	Common Law and Statutory Rights of Publicity Also Impose Legal Risks on Persons Copying and Posting Names, Likenesses, and Images on Social Media	84
Chapter 7	Defamation, Discovery of Sources, and Fake News	87
i.	Defamation in General	87
ii.	What Defenses Do the ISPs Have?	88
iii.	Discovery of Records Involving an Anonymous Source	90
iv.	Fake News and How Organizations Can Rebut Harmful Third-Party Disinformation	93
Chapter 8	Lawyer Ethics Considerations and Admissibility Issues	101
i.	Overview of Legal Ethics Standards	101
ii.	Preservation	103
iii.	Cybersecurity for Lawyers	105
iv.	Investigation and Discovery	109
V.	Admissibility of Social Media in Court	111

Chapter 9	UK & European Social Media Legislation	115
i.	Background of Salient Issues	116
ii.	Overview of Relevant Legislation, Guidance, and Regulators	124
iii.	General Legal Issues in the Employment Setting	126
iv.	General Legal Issues of Online Bullying, Abuse, and Harassment	133
V.	Defamation, Laws of Confidence, Data Protection, and Privacy	135
vi.	Ownership Issues	150
vii.	Other Issues to Note	155
viii.	Social Media Laws of Other Member States	166
Chapter 10	Canadian Social Media Legislation and Other	475
	Specific Matters	
i. ::	Online Agreements	
ii. :::	Copyright	
iii.	Trademarks	
iv.	Privacy Anti-Spam	
V.	,	
vi.	Advertising in Social Media Defamation	
vii.		
viii.	Social Media As Evidence	
ix.	Employment	
<i>X</i> .	Use of Social Media By Lawyers	
xi.	Criminal Law	204
Chapter 11	Australian and Asian Social Media Legislation And Other Specific Matters	207
i.	Social Media Laws in Australia	
ii.	Social Media Laws in Cambodia	
iii.	Social Media Laws in India	
iv.	Social Media Law in Indonesia	
V.	Social Media Laws in Malaysia	
vi.	Social Media Laws in New Zealand	
vii.	Social Media Laws in Pakistan	
viii.	Social Media Laws in Turkey	
ix.	Social Media Laws in Vietnam	

Appendix I:	Piracy, Privacy, and Censorship in Russian Social Media	235
Appendix II:	Social Media Law in Brazil	245
Appendix III:	Terrorism, Cyber Terrorism, and Social Media	249
About the Aut	hors	265
Index		27 3