

Beware of the Like Button - How to Avoid Misuse of Common Social Media Logos

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May 2015

Social networking is a great tool to build a business, maintain contact with consumers and create word of mouth. Twitter is a great example of this, if a comment regarding a product or even a service is 'tweeted' and 'liked' and the comment is 're-tweeted', such action can have a ripple effect and thereby allow the business to expand its reach. Likewise, a business' online presence is also strengthened by maintaining an up to date website with up to date information, and by allowing visitors to the site to follow and connect with the business and 'like' the goods or services offered.

In the design and creative process for either online or printed advertising, there are a number of considerations to be made, namely how and where might it work best to integrate social media links and icons. One of the most obvious solutions is to provide a clear visual link through to the related social media accounts using an icon. The Facebook, LinkedIn, Instagram, Twitter and YouTube logos are ubiquitous and commonly used by businesses and individuals through various platforms such as on their websites and even their printed matter. However, the common question is whether the use of such logos and designs is permitted and, if so, to which extent.

Under the UAE trademark law, a trademark owner can legally prevent others from unauthorised use of its trademarks. However in many jurisdictions there is a concept as to 'fair use' of trademarks. Briefly, the concept of 'fair use' as it applies to trademarks, allows a third party to use another party's registered trademark and logos for the purpose of description and identification. However, there is a fine line as to how the trademark and logo are used. Any alteration in the permitted trademark and design, or any use of the trademark and design in a manner which can be construed as the trademark owner endorsing the third party's goods and services, can be interpreted as unauthorised use. Under the UAE trademark law, using another trademark for the purposes of comparing, endorsing or generally taking advantage of the goodwill associated with the trademark can also be interpreted as unlawful use and expose the user to liability. Further adding ambiguity to the debate of fair use, is the fact that the UAE trademark Law does not contain a specific provision as to the 'fair use' principle.

Despite the fact that the UAE trademark law does not contain a 'fair use' doctrine, the social media companies have a general worldwide policy that use of their logos are 'free use' so long as the users of their designs respect the boundaries. It is common that brand owners who allow third parties to use their trademarks and designs, either through a licence agreement or free use, will often establish quality control provisions to maintain their brand integrity. By way of example, the Facebook logo is exclusively used with the blue and white colours. As such, any modification of the design and colour can have a negative impact of the Facebook logo and create confusion as to the brand's association.

Below is a description of how some of the social media logos can be used and things to avoid:



If you intend to use or feature any social media trademarks and designs it is highly advised to visit the brand owner's website and review the guidelines as to the proper use. By conducting the proper and

necessary due diligence from the onset, it will avoid unnecessary problems or conflict with the brand owners of these trademarks and designs.