

## Defamatory Content and IP Infringement on Social Media

	Defamatory Content Prohibited in Terms of Service?	Consequences for Posting Defamatory or Other Prohibited Content	Steps for Reporting Defamatory or Other Prohibited Content	Protection for Intellectual Property ("IP") Rights?	Steps for Reporting IP Violations
<b>Facebook</b>	Not specifically. Bullying and harassment, hate speech, and credible threats prohibited against private individuals by Facebook Community Standards. Credible threats and hate speech directed at public figures are also prohibited.	Facebook may take various actions based on the severity of a violation. Consequences include a warning for first violation, restricted ability to post, or terminated membership.	For people that have an account, he or she should click on the "Report" link that appears near the content and follow onscreen instructions  If someone does not have an account or cannot see the content he or she should gather as much information about the content as possible, and fill out an online <a href="#">form</a> .	The Statement of Rights and Responsibilities prohibits posting content that infringes or violates someone else's IP rights.	Facebook provides separate pages dedicated to providing information about and reporting <a href="#">copyright</a> and <a href="#">trademark</a> violations. Both types are reported through a common step by step <a href="#">form</a> . Pursuant to the Digital Millennium Copyright Act ("DMCA") Facebook provides contact information for its Designated Agent in the Copyright FAQs:  Facebook, Inc. Attn: Facebook Designated Agent 1601 Willow Road Menlo Park, California 94025 650.543.4800 (phone) 650.560.6293 (fax) <a href="mailto:ip@fb.com">ip@fb.com</a>
<b>Twitter</b>	Not specifically. Threats or promotion of violence against others is prohibited by the Terms of Service. Unlawful use is prohibited. "Targeted abuse and harassment" is prohibited. Additionally, international users must comply with local laws.	Twitter may suspend or terminate the account for Terms of Service violations.	Anyone can report a violation through Twitter's online <a href="#">forms</a> .	Under the Terms of Service, Twitter responds to notices of alleged copyright infringement "that comply with applicable law." Additionally, Twitter reserves the right to reclaim usernames on behalf of businesses or individuals that hold legal claim or trademark on those usernames.	To report a violation of copyrighted content, Twitter requires the statutorily required notice to Twitter's Designated Copyright Agent for notice of alleged copyright infringement appearing on the Services:  Twitter, Inc. Attn: Copyright Agent 1355 Market Street, Ste 900 San Francisco, CA 94103 Reports: <a href="https://support.twitter.com/forms/dmca">https://support.twitter.com/forms/dmca</a> Email: <a href="mailto:copyright@twitter.com">copyright@twitter.com</a>

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<b>LinkedIn</b>	Not specifically. Harassment and abuse, and libelous, abusive, obscene, discriminatory or otherwise objectionable content are prohibited under LinkedIn's "DOs and DON'Ts," which are part of the User Agreement.	LinkedIn may restrict, suspend or terminate the account of any user violating the User Agreement.	"Safety Concerns and Harassment" can be reported through this online <a href="#">form</a> . The steps to report other prohibited content are unclear.	The User Agreement requires that information posted by members "not [be] in violation of the intellectual property rights or other rights of third parties."	LinkedIn's <a href="#">Copyright Policy</a> pursuant to the requirements of the DMCA. Copyright violations can be reported with an online <a href="#">form</a> or by mail at: LinkedIn Corporation ATTN: Copyright Agent Legal Department 2029 Stierlin Court Mountain View, CA 94043 LinkedIn has a separate trademark infringement <a href="#">form</a> .
<b>YouTube</b>	Not specifically. Community Guidelines restrict hateful content, threats, harassment, intimidation, invading privacy, revealing other people's personal information, and inciting others to violate its Terms of Use.	YouTube will remove the videos it determines violate the Guidelines. YouTube may permanently ban a user from the site for serious or repeated Guidelines violations. Once an account is terminated, that account holder will not be allowed to create any new accounts.	Users can flag content that they feel may violate the guidelines. A "Report" link is provided at the bottom of every post under the "More" button.	The Terms of Service prohibit copyright infringement under the DMCA.	YouTube provides a page for submitting a <a href="#">copyright takedown notice</a> . Alternatively, users may direct copyright infringement notifications to the Designated Agent at: 901 Cherry Ave., San Bruno, CA 94066, email: <a href="mailto:copyright@youtube.com">copyright@youtube.com</a> , fax: 650-872-8513 Although YouTube does not specifically reference trademark infringement in its policies, clicking the link to submit a copyright complaint gives the user an option to select trademark infringement as an issue to report.
<b>Flickr</b>	The Yahoo Services Terms of Service prohibit defamatory Content. Additionally, Flickr Community Guidelines instruct users not to harass, abuse, spam, impersonate, or intimidate others.	Flickr will send users a warning or delete their account.	Photos may be flagged or marked for review in the "Additional Info" section of an open image. Members may be reported for abuse by clicking the link at the bottom of the member's page.	Flickr's Community Guidelines prohibit copyright infringement. The Yahoo Terms of Services also prohibit uploading content owned by others.	Users should go to <a href="#">Yahoo's Copyright and Intellectual Property Policy</a> page to report copyright and trademark violations or submit a notice to the Copyright Agent or Intellectual Property Agent: c/o Yahoo! Inc. 701 First Avenue Sunnyvale, CA 94089 Copyright Phone: (408) 349-5080 Copyright Fax: (408) 349-7821 Copyright Email: <a href="mailto:copyright@yahoo-inc.com">copyright@yahoo-inc.com</a> Trademark Fax: (408) 349-7821 Trademark Email: <a href="mailto:trademarkcomplaints@cc.yahoo-inc.com">trademarkcomplaints@cc.yahoo-inc.com</a> (no Trademark phone number listed)

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<b>eBay</b>	The User Agreement restricts users from posting false, inaccurate, misleading, defamatory, or libelous content. Additionally, eBay prohibits "Feedback Extortion," and "Feedback Manipulation."	eBay may limit, suspend, or terminate the user's account, remove hosted content, remove statuses associated with the account, remove or demote listings, or take technical or legal steps to prevent offenders from using its services.	Sellers can report a buyer trying to damage their feedback score and seller ratings with an online <a href="#">form</a> . Feedback extortion can be reported with separate forms for <a href="#">buyers</a> and <a href="#">sellers</a> . Other reports can be made by clicking "Report Item" on the right side of a listing's page.	As discussed in the User Agreement, eBay's Verified Rights Owner ("VeRO") program is intended to ensure that listed items do not infringe on others' IP rights.	eBay provides a reporting <a href="#">form</a> for any type of IP rights violation through its <a href="#">VeRO program page</a> . Users may also submit a copyright claim as a DMCA notification to eBay's Designated Agent: 583 W. eBay Way Draper, UT 84020 Phone: (866) 322-9106 Fax: (801) 757-9521 Email: <a href="mailto:copyright@ebay.com">copyright@ebay.com</a>
<b>Pinterest</b>	Not specifically. The Acceptable Use Policy prohibits posts that attack, bully, or harass nonpublic people. The Policy also prohibits hate speech and posts that include others' personal information.	Pinterest will remove the post, restrict the user's account, or disable the user's account if a post goes against the Terms of Service or Acceptable Use Policy.	Click the Pin's flag icon at the bottom and click the appropriate report type. Reporting a comment requires similar steps.	The Terms of Service indicate that Pinterest has adopted and implemented its Copyright Policy in Accordance with the DMCA. Pinterest has a separate trademark policy that prohibits violating others' trademarks with Pin Board names, usernames, or other content.	Report <a href="#">Copyright</a> and <a href="#">Trademark</a> violations through online forms. Copyright violations can also be reported to the Designated Agent: Pinterest Copyright Agent 808 Brannan St. San Francisco, CA 94103-4904 T: (650) 308 4604 F: (415) 762 7100 Email: <a href="mailto:copyright@pinterest.com">copyright@pinterest.com</a> Trademark violations can also be reported to <a href="mailto:trademark@pinterest.com">trademark@pinterest.com</a>
<b>Instagram</b>	The Terms of Use prohibit a user from defaming, stalking, bullying, abusing, harassing, threatening, impersonating or intimidating people or entities and prohibit posting private or confidential information via the service.	Instagram may remove the post or terminate the offender's account as it deems necessary.	To report a post, a user should select the ellipsis icon below the post, and then select "Report Inappropriate." To report a comment, a user should select the comment icon below a post, then select or swipe left on the comment to be reported, and then select "Report Abuse."	Instagram's Terms of Use prohibits using the service to infringe on copyright, trademark, and other IP rights of others.	Instagram provides information pages for reporting <a href="#">Copyright</a> and <a href="#">Trademark</a> violations. Both types can be reported through an online <a href="#">form</a> . Copyright violations can also be reported to the Designated Agent: Copyright Agent, c/o Instagram 1601 Willow Road Menlo Park, CA 94025 Email: <a href="mailto:ip@instagram.com">ip@instagram.com</a> Phone: (650) 384-2250 Fax: (650) 384-2253
<b>Google+</b>	Not specifically. The User Content and Conduct Policy prohibits hate speech, distribution of others' personal or confidential information, harassment, bullying, and threats.	Google+ will remove the content it deems violates its Policy or Terms of Use. If the violation is severe enough, Google may ban the user from its services.	To report a post, a user can find a "Report Post" link in the drop down menu on each post. To report a comment, a user can click or tap on the offending comment and select "Report Comment."	Google+'s Terms of Service do not address IP infringement. However, the Google Terms of Service, which are also incorporated, explicitly provide for copyright protection under the DMCA. Trademark protection is not explicitly mentioned. Google's Advertising Policies do, however, provide for Trademark protection.	Google provides a <a href="#">Legal Troubleshooter</a> page for removing content from Google products, including Google+, YouTube, and Blogger/Blogspot. The Legal Troubleshooter uses a series of questions to ensure the user is submitting a valid claim. Ultimately, the user must sign into his or her Google account to submit a complaint using the form. Contact information for a Google or Google+ Designated Agent does not appear to be otherwise available online. There is no apparent way to separately report a trademark violations associated with Google+.

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Snapchat	The Terms of Service prohibit defamation and additionally, prohibit bullying, harassment, and intimidation.	Snapchat may review or delete content that violates the Terms. It may also suspend the account or prohibit the offending user from using Snapchat in the future.	Abuses can be reported with an online form. Parents and legal guardians may report on behalf of a minor.	The Terms of Service prohibit violation of others' copyright, trademark, and other intellectual property rights. The Terms contain an additional "Respecting Copyright" section, setting out the requirements of the DMCA.	Snapchat complies with the DMCA and provides an online <a href="#">form</a> for reporting copyright infringement. Alternatively, a notice may be filed with the Designated Agent: Snapchat, Inc. Attn: Copyright Agent 63 Market Street Venice, CA 90291 email: <a href="mailto:copyright@snapchat.com">copyright@snapchat.com</a> It's unclear if there is a way to report a trademark or other IP right violation.
<b>Yelp</b>	The Terms of Service prohibit defamatory reviews.	Yelp may close or restrict the offenders account, or ban the user from the site altogether.	Each Yelp review post has a flag icon in the lower right corner. A user can click the flag icon to report a review. Photos and videos can be similarly reported by clicking the flag icon that appears on each photo or video.	The Terms of Service prohibit violating any third party's rights, including copyright, trademark, patent, and trade secret rights. Yelp's separate Infringement Policies additionally prohibit copyright and trademark infringement.	Report copyright and trademark violations using this <a href="#">form</a> . Yelp also accepts notices of infringement of copyright and trademark rights to its Designated Agent: Yelp Inc. Attn: Copyright Agent 140 New Montgomery, 9th Floor San Francisco, CA 94105 T: (415) 908-3801 F: (415) 908-3833
<b>Tumblr</b>	Not specifically. The Community Guidelines Prohibit "malicious speech," which seems similar to hate speech. However, Tumblr encourages combatting "negative speech through argument rather than censorship."	Tumblr will remove anything it determines is "overtly malicious."	Malicious speech can be reported with an online <a href="#">form</a> .	A section of the Terms of Service is dedicated to the DMCA Copyright Policy. The Community Guidelines additionally prohibit copyright and trademark infringement.	Tumblr's Community Guidelines provide links to online forms for reporting <a href="#">trademark</a> and <a href="#">copyright</a> infringement. Tumblr provides a separate form for submitting <a href="#">DMCA Copyright Notifications</a> . Alternatively, the required information may be submitted to Tumblr's Designated Agent: Tumblr, Inc. 35 East 21st St, Ground Floor New York, NY 10010 Attn: Copyright Agent Fax: +1 (646) 513-4321 Email: <a href="mailto:dmca@tumblr.com">dmca@tumblr.com</a> Copyright notice form: <a href="http://www.tumblr.com/dmca">http://www.tumblr.com/dmca</a>
<b>Meetup</b>	The Terms of Service Prohibit posting defamatory content.	If it determines the Terms have been violated, Meetup will immediately remove, suspend, or terminate the offender's account.	Violations can be reported by mail or email to the Secretary of Meetup: Postal Address: Meetup Inc. 632 Broadway, 10th Floor New York, NY 10012 Email: <a href="mailto:support@meetup.com">support@meetup.com</a>	The Terms of Service lists patent, trademark, trade secret, and copyright infringement as well as rights of publicity violations as grounds for removal, sanction, or suspension. The Terms further outline prohibitions on trademark and copyright infringement in a separate section.	Meetup provides contact information for its "Agent for Notice" for reporting copyright or other IP infringement: Copyright Agent 632 Broadway, 10th Floor New York, NY 10012 T: 212-255-7327 F: 212-255-7310 Email: <a href="mailto:legal@meetup.com">legal@meetup.com</a>

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<b>Blogger</b>	Not specifically. The Content Policy prohibits hate speech, harassment, and bullying.	Blogger reviews user flags and may take one of the following actions: <ul style="list-style-type: none"> <li>• Put the blog behind an interstitial where only the blog author can access the content</li> <li>• Delete the offending content, blog post or blog;</li> <li>• Disable the author's access to his/her Blogger account;</li> <li>• Disable the author's access to his/her Google account;</li> <li>• Report the user to law enforcement.</li> </ul>	Most blogs contain a "Report Abuse" link at the top of each blog under the "More" dropdown. If the blog owner has hidden that link, readers may still report a blog through the <a href="#">Help Center</a> .	Copyright Infringement is prohibited under Blogger's Content Policy. The Content Policy links to the Google Legal Help page for additional information on reporting copyright infringement.	Blogger sends users to the same <a href="#">Legal Troubleshooter</a> page provided for various Google products as mentioned above. Blogger does not provide any additional reporting methods.
<b>Whisper</b>	The Terms prohibit discriminatory, defamatory, hateful, harassing, abusive, obscene, threatening, physically dangerous, or otherwise objectionable conduct. The Community Guidelines additionally advise "Don't be Mean, Don't be Gross, and Don't Use Whisper to Break the Law."	According to the Community Guidelines, Whisper will remove content or suspend the account of those violating the Guidelines.	Violations of the Terms and Guidelines should be reported to Whisper's Support Team. From the app, users should tap the silhouette on the bottom toolbar to get to "My Account." Next, users tap the gear icon in the upper right corner to access Settings. Then, users should scroll to the bottom and select "Email Support"	The Guidelines prohibit posting pictures that users "don't have the rights to."	Copyright violations can be reported to Whispers Designated Agent : Michael Heyward Address: 69 Windward Ave, Venice, CA 90291 Telephone No.: (310) 450-9922 Fax No.: (310) 421-9200 E-Mail Address: <a href="mailto:support@whisper.sh">support@whisper.sh</a> It is unclear how to report other types of IP rights violations.

<sup>1</sup> 17 U.S.C. § 512(c)(3) provides:

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

- (i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- (ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- (iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
- (iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- (v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- (vi) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Under the statute, all of the sites listed herein require this information at least for copyright violation reporting to the Designated Agent. Many service providers will not take any action on a complaint unless all the above information is provided.

\*Policies addressing defamatory content and IP infringement may be frequently modified by the respective social media platforms. The content in this document is based on policies in effect as of January 2016.

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