

# THE LIKES AND DISLIKES OF SOCIAL MEDIA - BAKER & MCKENZIE

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**Most of the legal issues that arise out of companies' use of social media are the result of naivety or ignorance, says Rafael Jiménez-Gusi, Corporate Compliance Partner with Baker & McKenzie in Barcelona.**

"Particularly in Barcelona, where we see a pool of young companies focusing on internet and mobile technologies, we see businesses 'passively' and 'actively' affected by the use of tools such as Tuenti, Facebook and Twitter. Companies are having to address concerns arising out of employees' use of social media."

Recurring issues come from comments posted by employees releasing confidential or market-sensitive information, or negative or defamatory comments about competitors, he says. Likewise, companies often find themselves the target of copyright or other infringement proceedings having borrowed or utilised images or data taken from the Internet.

"When something is posted it goes global, meaning it is very difficult to manage information once released. As few users read the terms and conditions of such sites, they are often surprised to learn they have little redress when something does go viral."

Companies are taking an increasingly cautious approach to social media by limiting employees' access, utilising best practice and channelling corporate use through a limited number of accounts. In the US, as a reaction to employers' practice to request access to employees' personal accounts, some states have enacted regulations prohibiting this practice.

"From a compliance perspective, the challenge is to stay one step ahead. But few legal departments, and even fewer company managers, have the luxury of the necessary global view required to understand all the intellectual property, privacy, data protection, advertising, commercial, media and consumer rights issues involved," says Jiménez-Gusi. "This is why we are seeing much greater demand being placed on practices such as our own."

La mayoría de los asuntos de muchas empresas vinculados al mal uso de las redes sociales, son consecuencia del desconocimiento, dice Rafael Jiménez-Gusi de Baker & McKenzie. Las empresas deben responder a las necesidades de sus empleados en relación con el buen uso de las redes sociales.