



# KYSEN Social Media Update



Welcome to the Autumn 2013 edition of our Social Media Update. This e-update details the best of the last couple of months' press articles and online discussions about digital and social media as they apply to the professions.

Some of the topics discussed here are specific to the professions; some detail developments in other sectors, included because they have a particular relevance to the professions.

We hope you find this summary helpful in keeping track of a fast-changing area of communications. As ever, we welcome your feedback.

Best regards,  
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**Issue 16: Autumn 2013**

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**This issue - Twitter special**

As the word 'tweet' officially enters the Oxford English Dictionary (*Information source: Forbes, 18 June 2013*) and Twitter sends its own tweet to inform the world of its impending IPO - the micro blogging site finally comes of age. Set up in 2006 it has since become one of the ten most visited websites, and has been monikered 'the SMS of the internet'. Twitter is now an integral platform in the social media mix; a powerful communication tool for celebrities, brands and businesses alike; and increasingly used by law protection services for intelligence gathering and as a source of evidence for the courts.

However, it is still experiencing growing pains... increasingly used as a forum for abuse it has widely been criticised for not acting strongly enough to silence violent threats and cyber bullying.

In other social media news, Facebook 'likes' are leading to much debate, having been given First Amendment protection in the US while also getting Facebook itself into hot water – Facebook has had to pay a \$20 million settlement, after a class action for using its members' 'likes' as endorsements for ads.

This side of the pond Facebook postings lead to new rulings in employment tribunals and family courts; and the legal world is finding creative ways to use social media such as Vine - for example to show images of evidence from the Hillsborough case.

## Twitter focus

### **Twitter Inc. tweets news of its IPO**

With more than 200 million members worldwide (15 million in Britain), and over 500 million tweets daily, Twitter has filed to go public. Goldman Sachs Group Inc. will be the lead underwriter for the initial public offering. Twitter has rapidly increased revenue after launching a new advertising model in 2010 which provides marketers new routes to reach its proliferating user base. According to EMarketer Inc, Twitter will increase ad revenue 63% to around \$950 million in 2014 from \$582.8 million in 2013; and \$139.5 million in 2011. Twitter has been estimated to be worth between \$9 to \$16 billion. However, Twitter's financials have been clothed in secrecy as the company filed confidentially with the U.S. Securities and Exchange Commission under the Jumpstart Our Business Startups (JOBS) Act which allows companies with less than \$1 billion in annual revenue to file IPOs without going public with their S-1 prospectus until just before the sale. Twitter will be going public against a backdrop of less than successful public offerings from other technology behemoths including Facebook, Groupon Inc., and Zynga Inc., which all lost more than half their value within six months of their listings.

*Information sources: Bloomberg, 19 September 2013, The Times, 13 September 2013, The Daily Telegraph, 6 September 2013*

### **Complex software can analyse public sentiment on Twitter**

Loughborough University's centre for information management has designed a new computer program that could help to control civil unrest and pick up potential threats to public safety by analysing Twitter posts and assessing public mood. The system, called Emotive, can analyse up to 2,000 tweets a second, assimilating expressions of anger, confusion, disgust, fear, happiness, surprise, shame and sadness. This would potentially enable the assessment of the emotional mood of the nation and its response to big events. Professor Tom Jackson, research team leader, said: 'Twitter is a very concise platform through which users express how they feel about a particular event, be that a criminal act, a new government policy or even a change in the weather [...] Through the computer program we have created we can collate these expressions of feelings in real time, map them geographically and track how they develop.' The system is currently only being used to map tweets in the UK, but it could be scaled up to analyse the 10,000 tweets a second globally.

*Information source: The Guardian, 6 September 2013*

### **Twitter responds to online abuse with extended 'report' function**

Twitter plans to aid the reporting of abuse by extending a 'report abuse' function available on the iPhone app version of the site to other platforms and phones. Twitter has also issued new rules to try stamp out abusive behaviour and has employed extra staff to handle attacks by trolls; and is working with the UK Safer [Internet](#) Centre, which encourages the safe and responsible use of technology.

This follows in the wake of an investigation by the police's central e-crime unit (PCeU), into eight allegations of malicious communication on Twitter after Caroline Criado-Perez's campaign to increase the representation of women on banknotes. When it was announced that the writer Jane Austen would appear on £10 notes from 2017, Criado-Perez and her supporters, who included the Labour MP Stella Creasy, were bombarded

with offensive tweets threatening them with murder and rape. A number of high profile women have been threatened with violence and even bomb threats on Twitter recently including historian Professor Mary Beard and journalists Hadley Freeman, Grace Dent, India Knight, Laurie Penny; and Catherine Mayer. As a result of these investigations at least three people have been arrested.

Ms Criado Perez said: 'It's great that Twitter has listened. There are still issues: users have to agree for the report to be potentially shared with the harasser, and there are some boxes that could be auto-populated that aren't. But overall, this is a fantastic first step.'

The Police Federation's Steve White said: 'The organisations that run these social media platforms probably need to take a long hard look, they need to take some responsibility[...] I think social media sites need to think long and hard about being able to prevent it from happening in the first place.'

*Information sources: The Guardian, 7 August 2013, The Guardian, 3 August 2013, London Evening Standard, 1 August 2013, Huffington Post, 29 July 2013, Mirror News, 29 August 2013*

### **Le Vell trial tweet arrest**

A 43-year-old man from the Gloucester region has been arrested for identifying an alleged victim of Michael Le Vell, thereby breaching the sexual offences act. Le Vell, the 48 year old actor who plays Kevin Webster, a car mechanic in ITV's Coronation Street, has pleaded not guilty to 12 charges of rape and child abuse [and was acquitted on 10 September 2013].

*Information source: ITV News, 5 September 2013*

### **You are what you 'tweet'**

Twitter users have been reminded that their tweets can be used in criminal cases by the police and the prosecution. The warning comes in the wake of an upgraded charge to murder from manslaughter, of an American teenager Cody Hall, 18, who was accused of knocking over and killing cyclist Diana Hersevoort, 58, in Dublin, California. He had boasted on Twitter about living fast and speeding. Defence barrister, Mark McDonald, said: 'There can be naivety, in that people believe they can say things on social media and it won't be used against them [...] Social media is also used as a tool by people in the Crown Prosecution Service or the police; for instance, they may ask someone alleging rape to send a message to the person they are accusing asking why they did it. Their reply can then be used in evidence.' Twitter's terms of service tells users: 'You should only provide content that you are comfortable sharing with others [...] What you say on Twitter may be viewed all around the world instantly. You are what you Tweet!'

*Information sources: PressGazette, 19 August 2013, The Times, 19 August 2013*

## **In other social media news...**

### **First amendment protection for the Facebook 'like'**

'Liking' something on Facebook is a form of speech protected by the First Amendment (freedom of speech), federal appeal court judge, William B. Traxler Jr has ruled. This was in relation to a case of a former deputy sheriff in Hampton, Va., who was sacked for 'liking' the Facebook page of a man running against his boss for city sheriff. The court said that 'liking' the campaign page was the 'Internet equivalent of displaying a political sign in one's front yard, which the Supreme Court has held is substantive speech.'

This reversed a ruling by a federal district judge, Raymond A. Jackson, who found previously that a Facebook 'like' was 'insufficient speech to merit constitutional protection.' Judge William B. Traxler Jr. said when overturning this ruling: 'On the most basic level, clicking on the 'like' button literally causes to be published the statement that the user 'likes' something, which is itself a substantive statement.'

*Information source: Wall Street Journal Blog, 18 September 2013*

### **Facebook pays the price for using its members' 'likes' as endorsements**

Facebook has agreed to pay a \$20m (£13m) settlement after it used members' 'likes' as endorsements for its Sponsored Stories adverts, following a class-action lawsuit from users, lawyers and internet privacy groups. In a ruling endorsing the settlement US District Judge Richard Seeborg said: 'The settlement as a whole provides fair, reasonable, and adequate relief to the class, in light of all the circumstances, including the low probability that a substantially better result would be obtained through continued litigation.' Facebook will now have to ensure members have more control over how their information is used in adverts.

*Information sources: Sky News, 27 August 2013, The Times, 27 August 2013*

### **Employee's criticism on Facebook – not grounds for dismissal**

Niall Kass, a driver for building company, Gillies and Mackay Ltd, who was dismissed for posting disparaging comments on Facebook regarding the firm's vehicle maintenance has won his unfair dismissal suit. When the comments were picked up by the company's Business Manager, Mr Kass was asked to remove it. One of the firm's Directors, John Mackay, then told Mr Kass that his actions constituted serious misconduct, warranting summary dismissal. Employment tribunal Judge, Ian McFatridge, said that there had been procedural failings in the dismissal and the appeal against the sacking within the company was not independently processed. Also Mr Kass's comments could not be seen by the public at large and therefore the company had reacted heavy handedly. The judge said that Kass could have 'vented his frustration by telling his friends and family of the incident directly or on the telephone,' but this would not have been grounds for sacking. Workplace Law HR Consultant, Heidi Thompson, said: 'Overall this highlights the need for employers to have a clear social media policy. This then provides clarity on the rules and restrictions for employees and an understanding by managers as to the actions open to them with similar cases.'

*Information source: HR Review, 23 July 2013*

## **Facebook and transparency in the family courts**

In *Re J (a child)* [2013] EWHC 2694 (Fam) , a father posted a film of a local authority carrying out an emergency protection order, and posts on Facebook in which he criticised social services, named the social worker assigned to the case and identified his children. Sir James Munby allowed the publication online of film footage but not the name of the baby removed from its parents, setting a precedent on the relationship between transparency, social media and the family courts.

Munby said: 'the balance between the public interest in discussing the workings of the system and the personal privacy and welfare interests of the child is best and most proportionately struck by restraining the naming of the child while not restraining the publication of images of the child. The effect of this is that (a) the essential vice – the identification of the child – is in large measure prevented, (b) internet searches are most unlikely to provide any meaningful 'link' in the searcher's mind with the particular child, and (c) the public debate is enabled to continue with the public having access to the footage albeit not knowing who the anonymous child is whose image is on view.'

*Information source: New Law Journal, 6 September 2013*

## **Financial Times gives top 10 social media tips**

The *FT*'s communities editor Sarah Laitner explains how the publication uses social media for economics and business stories.

'It's really important that we show that we are talking to people and listening to them and hearing their views [...] It's also an important source of generating traffic and registrations to our site, which has metered access [...] It might have been that in years gone by you were out on your beat, but now your beat has also emerged on Twitter, on Facebook and on LinkedIn. It's a question of tailoring the question or picking the topic that will resonate particularly well with people on Facebook'.

She recommends exploiting the ability that Facebook provides to engage on a regional level, running Facebook Q&As, posting infographics, checking how posts appear on mobile, considering creating more than one Twitter account, creating Twitter hashtags to talk to readers, to crowdsource; and to use Twitter for features.

Laitner also suggests reviewing Linked In to find stories on management and MBAs. She discusses the importance of joining Linked In groups relevant to the *FT* beats and says that *FT* articles also appear on LinkedIn Today which is one of its publishing partners. Laitner says Linked In 'plays an important role in reaching new audiences'.

She also mentions Google+ and Tumblr as useful tools for engaging with other online communities and as ways to showcase content.

*Information source: Journalism.co.uk, 19 August 2013*

## **Legal world embraces Vine**

Vine, a new mobile service which allows users to capture and share short looping videos, is becoming one of the fastest growing social networks. The concept has been in operation for just over six months and has already gained popularity.

Most recently, the app was used to showcase the amount of physical evidence in the Hillsborough case, the worst stadium-related disaster in British history. As Vine's interactive approach continues to rise in popularity, this is certainly an interesting example which shows that the legal world can and does use social media platforms in innovative new ways.

*Information source:* <https://vine.co/v/hvuK3DPFhVq>



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