



KYSEN Social Media Update



Welcome to the Summer 2014 edition of our Social Media Update. You know the routine by now: 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, to help you keep a watching brief on regulatory change and how it is shaking up the market for legal services.

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 18: Summer 2014**

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This issue

Landmark rulings in Europe are settling, for now at least, some long running social media and web questions. The European Court of Justice (ECJ) has ruled that users of the internet do not require authorisation from the copyright holder to browse and view articles on screen, ensuring Joe Public's 'freedom to browse'. The ECJ has also ruled that Google searches linked to individuals can be removed if they tarnish reputation, enshrining the 'right to be forgotten'. This has sparked fears of abuse by corrupt leaders and criminals who may try to silence critics online. Given freedom of speech and expression are facing attacks both here and abroad, it is not surprising that civil liberties groups are expressing concern. In Turkey, the constitutional court has ruled to lift a Government ban on YouTube and continues to fight to unblock Twitter access. In the UK, Theresa May has been urged to investigate after a blogger was visited by Cambridgeshire police and asked to remove a legitimate blog critical of UKIP.

Online presence matters: two million legal searches made every day

At a recent Legal Futures conference, Google announced that there are approximately two million searches on law-related topics every day. Senior executive Alex Lowe encouraged law firms to increase their online presence to meet consumers' changing needs. In particular, law firms need to ensure their websites are easily accessible on mobile phones or tablets as approximately 35% of legal searches are made on portable devices.

Lowe also spoke about consumers' new "voracious appetite" for video and encouraged firms to use Youtube to explain the legal process and reassure consumers who may be intimidated to take legal advice for the first time.

Information source: Legal Futures, 18 June 2014

The UK Government admits that social media mass surveillance is legal

The UK Government has admitted for the first time that supposedly private channels in social media such as Twitter direct messages and searches on Google, Facebook and Youtube can be monitored by the security services without an interception warrant.

Charles Farr, who is director general of the Office for Security and Counter-Terrorism, released a 48-page document in defence of mass monitoring which comes in the wake of Edward Snowden's revelations about the UK monitoring programme Tempora and the monitoring programme from the US National Security Agency (NSA).

Information source: The Guardian, 17 June 2014

Computerisation endangers the future of the professions

Research from the Associated Press indicates that technological advances could put the future of the knowledge-based professions such as law, accountancy and even medicine, at risk. According to leading futurologist Richard Susskind, the job titles for future lawyers could resemble those found in IT companies: legal knowledge engineer, legal technologist, project manager, risk manager, process analyst. Entrepreneur Charley

Moore, on the other hand, is optimistic that the increasing computerisation will assist lawyers with administrative tasks, thus freeing up more time to serve a higher volume of legal transactions.

Information source: The Guardian, 15 June 2014

ECJ rules on web browsing

The European Court of Justice has ruled that users of the internet do not require authorisation from the copyright holder to browse and view articles on screen in a landmark case between the Public Relations Consultants Association (PRCA) and the Newspaper Licensing Authority (NLA). The ECJ found that European law 'must be interpreted as meaning that the on-screen copies and the cached copies made by an end-user in the course of viewing a website satisfy the conditions... and that they may therefore be made without the authorisation of the copyright holders.'

Information source: The Guardian, 5 June 2014

The fight for social media freedom in Turkey

Turkey's constitutional court ruled to lift a ban on YouTube over two months after the Government blocked access to the video-sharing site after it carried incriminating recordings of the Prime Minister Mr Erdogan. Google, owner of YouTube, said in a statement: 'We are glad that YouTube has been restored in Turkey following our successful appeal to the courts, and that people and businesses can once again access and share information on YouTube'.

The Union of Turkish Bar Associations (TBB) has also filed a petition to an Istanbul court to lift a ban on Twitter. The head of the TBB, Metin Feyzioğlu said in a statement: 'With the ban, the TTB and millions of citizens cannot access Twitter for reasons we still do not know [...] A total ban on Twitter access is a violation of the European Convention on Human Rights, the Turkish Constitution and Law 5651 that includes Internet regulations. The TTB has applied to the courts for the immediate lifting of the ban. In addition, criminal complaints have been filed for those responsible for the ban ruling and the officials who applied the ban.'

Information source: FT.com, 3 June 2014; Turkish Weekly, 21 March 2014

'Right to be forgotten' gets go ahead

The ECJ has ruled that Google searches linked to individuals can be removed if they tarnish reputation, allowing people a 'right to be forgotten'. In response Google co-founder Larry Page said this could be letting internet censorship in through the back door: 'It will be used by other governments that aren't as forward and progressive as Europe to do bad things. Other people are going to pile on, probably... for reasons most Europeans would find negative.' Under Article 17 of the European Data Protection Regulation, web users have the right to 'obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data'.

Information source: The Daily Mail, 30 May 2014

The death of email

Today's students prefer social media communication to email. According to Professor Sir Steve Smith, vice-chancellor of Exeter University: 'There is no point in emailing students any more. They get in touch with us by social media, especially Twitter, and we've had to employ people to reply that way. We have a round-the-clock team of press officers and graduates savvy with social media. Students will tweet for help if something has gone wrong, or a prospective student will tweet a question about the requirements for a course and expect an immediate response.' Katie Connolly, digital marketing communications manager at Birmingham University, says: 'We have someone manning our social media channels during business hours. You can't really leave inquiries hanging around without a response [...] For this generation, this is a normal way of communicating and their expectations are very high. You can't leave things a week or two. Email is slower.'

Information source: The Times, 30 May 2014

Social media sleuths track down kidnapped baby

After CCTV images of the suspect in a baby snatching case appeared on Facebook, online sleuths identified the culprit. Within three hours, the one-day-old baby who had been allegedly kidnapped from a Canadian hospital was found unharmed and a woman arrested in connection with the incident.

Information source: The Times, 28 May 2014

Hashtag wars

The car wax brands Turtle Wax (US) and Dodo Juice (UK) are battling over the same marketing campaign idea. Both featured a call to action to customers to snap themselves in the reflection of their car bodywork and share the images on the companies' social media portals. Both brands used the word 'reflectie' as a hashtag in campaigns. Though Dodo Juice's campaign was launched nine days before Turtle Wax's, trademark records show that Turtle Wax applied for the trademark of the hashtag term three weeks before either campaign became public. However, Dodo Juice has questioned the legal viability of trademarking a hashtag.

Information source: PR Week, 22 May 2014

Google Inc. loses UK data protection case

UK residents have sued Google Inc. (the US arm of the company) for breaches of the Data Protection Act 1998 (DPA) as well as breach of confidence and misuse of private information. The claimants allege that without their knowledge, Google gathered data about their internet use, between 2011 and 2012, and then Google used the information to target them with adverts. Google asserted the claimants should not have been given permission to claim Google Inc. outside the US jurisdiction. However, Google lost its application and the court found that even though not all of the data was private, when the targeted ads were displayed on the claimants' screens, private data could be inferred about the claimants by anyone who saw the ads on the screen. Because the ads appeared on screen in the UK, the court held that publication was effected in the UK. The judgment has wide-ranging implications for US-based online businesses dealing with UK-residents' personal information.

Information source: Law Gazette, 19 May 2014

Calls for Theresa May to investigate why police requested blog removal

Jenny Jones, the Green party's sole peer, has asked Theresa May, the home secretary, to investigate Cambridgeshire police after two of its officers visited a blogger who tweeted "fact checks" about Ukip policies. Green party peer Jenny Jones said: 'In this case, the police themselves have admitted that nothing illegal took place, yet they visited the blogger anyway [...] For me, this suggests a recklessness in the face of competing police resources, time and energy, not to mention a potential infringement of the blogger's civil liberties.' Jones suggested that May start 'a short investigation into the procedures of Cambridgeshire police, that allowed two officers to visit someone after a complaint that did not contain a justifiable reason for the visit'. Shami Chakrabarti, the director of Liberty, said: 'With all sorts of important ballots pending, the police should learn from this significant gaffe. They should be very slow to become embroiled in political spats and even slower to silence speech without legal authority and clear evidence of serious crime.'

Information source: The Guardian, 14 May 2014

Snapchat settles in misrepresentation of service case

The Federal Trade Commission (FTC) claimed that Snapchat customers were misled as to the non-permanence of photos that appeared on the app because third-party apps could be used to log into the Snapchat app and save images. Also, even though it was not actually the case, Snapchat customers were told they would be notified if a recipient of an image took a photo of it. As part of the settlement, Snapchat will enforce a 20 year privacy programme that will be independently monitored.

Information source: FT.com, 8 May 2014

Social media users warned not to jeopardise Ann Maguire murder trial

In the trial of a 15 year old boy for the murder of teacher Ann Maguire, prosecuting barrister Paul Greaney QC has asked the judge to remind the public that the defendant has a right to a fair trial. Greaney said: 'This case has understandably generated public concern and public interest in equal measure. The print and broadcast media have reported the case very extensively and prominently and there has been much comment about it online in social media.' During proceedings he said: 'any publication which creates a substantial risk that the course of justice in the proceedings will be seriously impeded or prejudiced will be a contempt of court. It should be understood that this applies not only to publications by news organisations but also by users of online social media and bloggers.'

Information source: The Guardian, 2 May 2014

Facebook newswire - a breaking news source for journalists

FB Newswire, powered by Storyful, available to journalists via Facebook, promises to provide vetted rolling content including photos, videos and status updates on news.

Information source: Time, 24 April 2014

Googley eyed

Patent Bolt, a website that tracks filings to the US Patent & Trademark Office, has seen an 'avalanche' of new wearable tech patent applications from Google that imply smart contact lenses are in the offing. Content features include a 'blink-command' system, an integrated camera; and sensors that can measure pressure, temperature and light exposure. In January 2014 Google announced a prototype lens for diabetics that could assess glucose levels in tears, promising an end to daily blood tests for 380 million global diabetic sufferers. Google suggests that lenses could also help the visually-impaired navigate busy roads.

Information source: The Independent, 15 April 2014

Twitter outcry as direct action on fee cuts is scrapped

The Criminal Bar Association's decision to call off strike action after the MoJ postponed plans to cut barristers fees enraged the criminal solicitor community, which turned to Twitter to vent its fury. They are aggrieved that they, not barristers, will bear the brunt of the 17.5% reduction to their fees, and that their barrister cousins have deserted them on the frontlines. [Click here](#) to see the backlash on Twitter.

Information source: LegalCheek, 27 March 2014

Twitter tips for managing partners

Julie Gingell, marketing and business development partner at SA Law, has urged managing partners to use social media to their advantage "as it's here to stay and will no doubt become second nature to the emerging leaders of the future". Recent research indicates that almost half of UK law firms have netted clients directly from social media activity.

Clare Rodway, Managing Director of Kysen PR, believes the real winners are those adept at social networking, 'that's why a solely "corporate" approach to Twitter where the firm just tweets press releases, rather than individual partners engaging with others on Twitter in a meaningful way, will only take you so far [...] Delegating Twitter engagement to the marketing department is a missed opportunity. [Law firms] should have streams of communication coming from partners and other individuals in the firm.'

Information source: Managing Partner, 26 March 2014

Hashtag-free Twitter proposed

Vivian Schiller, Twitter's head of news, said at a conference in Denver that the social media site was working on removing 'scaffolding' (such as the @-reply and the #hashtag) because it was 'arcane'. Twitter's chief executive, Dick Costolo previously said: 'by bringing the content of Twitter forward and pushing the scaffolding of the language of Twitter to the background', it would reduce the learning curve for new customers. It is likely that the functionality would stay the same and the hashtag would be hidden.

Information source: The Guardian, 21 March 2014



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