

# Balance And Clarity: The Emerging Guideposts In Social Media Policy-Making

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In roundtable discussion titled, "Balance And Clarity: The Emerging Guideposts In Social Media Policy-Making," published in the July/August 2014 issue of *The Metropolitan Corporate Counsel*, partners [Andrea Calvaruso](#), [Barbara Hoey](#), and [Gonzalo Mon](#) discuss the importance of creating and implementing a balanced and clear social media policy. The lawyers offer suggestions from an intellectual property, employment and advertising law perspective on how to implement sensible and enforceable policies. With respect to social media policies for employees, Barbara says "the policy should be clear and easy to understand; employees must be able to easily discern what is and is not prohibited by the policy. The policy should also be very clear that a violation can subject an employee to discipline." Gonzalo, noting that some of the risks in social media stem from the fact that companies can get in trouble for what others do on its behalf, points out there are at least three things to do to eliminate such risks, including considering in advance whether a campaign may solicit problematic content and monitoring campaigns and moving quickly to address problems. Andrea emphasized the importance of the Digital Millennium Copyright Act (DMCA), as a tool to protect intellectual property, "so that if user-generated content is posted somewhere under the company's control, the company will have the potential to take advantage of the DMCA Safe Harbor."