

## Too many tweets may make a Twit

16 AUGUST 2012

Amber Melville-Brown

PARTNER | US

**CATEGORY:**

[BLOG](#)

Jack Dorsey christened as 'Twitter' the product he created to provide 'a short burst of inconsequential information'. To its detractors, the website lives up to its name by providing a platform for millions of users to talk about what they are having for lunch or what nail varnish they are wearing. But to its advocates, it is a unique and hugely beneficial tool by which to spread bite size pieces of information and encourage people to 'virtually' stay in touch. Championed by celebs and protest groups alike, Twitter now boasts over 500m users worldwide and has revolutionised communication, allowing anyone to spread their message instantly to a global audience. Many have cottoned on to the website's potential – it has been used variously to sell products and services, supplement news coverage, boost profiles and organise mass disobedience – from uprisings in the Arab Spring to last summer's London riots to the Occupy protests around the globe. As with any revolution, Twitter brings with it great opportunity but also creates uncertainty and risk. The informality and immediacy of the service encourages users to post their thoughts and feelings 24/7 while the 140 character limit requires users to simplify posts, restricting nuance and balance. Whereas comments in the pub are unlikely to cause the 'speaker' any serious trouble, by uttering them on Twitter the 'publisher' may find themselves in hot water and the tweet becomes anything but inconsequential. The courts are struggling to apply current legislation to the Internet and there is uncertainty as to how to enforce libel and privacy law in the 21<sup>st</sup> Century. The courts' view may not tally with the public's. And, as Twitter users demonstrated in May 2011 by their mass contravention of Ryan Giggs' privacy injunction, class actions against thousands of Internet users are unlikely to be feasible. But the uncertainty surrounding how to police the Internet creates a very real risk for tweeters. The British police received 14,000 requests to look at Facebook content in 2011. But with grey areas as to what should and should not be subject to investigation, the number of civil claims and charges arising from Internet content may only be on the up. So how can you keep out of trouble?

### Think before you tweet

Celebrity or civilian, your tweet could be read by millions of people online and be re-published in magazines and newspapers around the world. Any damage caused – be that to someone's reputation or by revealing confidential and private information about them – will only be exacerbated by the sheer size of your audience.

### Make like Elvis — *Don't be Cruel*

The roll of Twitter 'trolls' increases by the day. Olympic diver Tom Daley, TV presenter Kirstie Allsopp, politician Louise Mensch and footballer Fabrice Muamba have all numbered amongst the high profile victims of Twitter abuse. Such activities can result in actions in defamation, harassment and incitement to racial hatred.

### Its no joke

\*In June 2012, Paul Chambers won his high court appeal against conviction for jokingly threatening to blow up Robin Hood airport on Twitter. But only after two and a half years of stress and a criminal prosecution. Avoid getting caught up in a similar situation and think before you make a joke online – not everyone may share your sense of humour.

### Don't Court Controversy

It is not only jury members who have to worry about contempt of court charges. What you say online about criminal proceedings after the accused is arrested or charged may be held to prejudice the jury. You will be at particular risk if you have a large number of followers or if your tweet goes viral.

### Keep your privates private

When sharing information, consider whether it is something you would be happy for your mother-in-law or your employer to see. This may focus the mind and could well have prevented the sending of numerous photos of the naked or semi-naked body over the internet in recent years.

### Don't be a Copycat

Copying a substantial part of a copyright work without authority could constitute an actionable copyright infringement. Check you're not unfairly exploiting the works of others – and that they are not exploiting you.

## Doppelganger danger

While a fake Twitter account might appear to be just a bit of fun, they can be embarrassing, defamatory of your reputation, damaging to your brand and could constitute an offence under the Fraud Act 2006. If they overstep the mark, you should move to remove your doppelganger.\*\* Twitter is a tool like any other – use it well and you can reap the benefits; use it badly and you could end up hurting yourself and others. For further tips on using Twitter, please see our Twitter e-alert on the Privacy Feature page of our website. If you have any further queries or concerns, contact the Withers Media & Reputation Management team at [reputation@withersworldwide.com](mailto:reputation@withersworldwide.com). Caroline Thompson (trainee) and Amber Melville-Brown

# Authors

Amber Melville-Brown

PARTNER | NEW YORK, LONDON

Media and reputation

 +1 212 848 9813 (NY) +44 20 7597 6408 (London)

 [amber.melville-brown@withersworldwide.com](mailto:amber.melville-brown@withersworldwide.com)