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Blogging in the Workplace

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Introduction to and Overview of the
Major Corporate Blog Legal Issues

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Introduction to and Overview of the Major Corporate Blog Legal Issues

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Outline of Presentation

- Introduction
- Use of Disclaimers
- Affirmative Considerations
- Defamation Issues
- Limitations of Editorial Discretion
- Allowing Posts by Others
- Copyright Issues
- Trademark Issues
- Domain Name Issues
- Terms of Use Provisions
- Appropriation/Use of Name or Likeness
- Obscenity Issues
- Linking Issues
- Right to Refuse Advertising
- Violation of Advertising Laws
- Liability for Legal/Business/Professional Advice
- Other Issues/Considerations
- Conclusion
Introduction

- Blogs vs. other means of communication
  - How are they the same?
  - How do they differ?
    - Immediacy?
    - More likely in defamation context to be construed as protected “opinion”?
    - More likely in copyright or trademark context to be construed as “fair use”?

- Traditional communications law principles
  - Do they apply?
  - In what manner?
  - Are bloggers journalists?
    - Status affects applicability of both privileges and responsibilities