

# Risk 2.0

## Professionals, Social Media Engagement & The Law

Steve Kuncewicz, Head Of IP & Media

BERMANS





BERMANS

Head Of IP & Media, Bermans

Intellectual Property & Media Lawyer; specialism in Social Media Issues

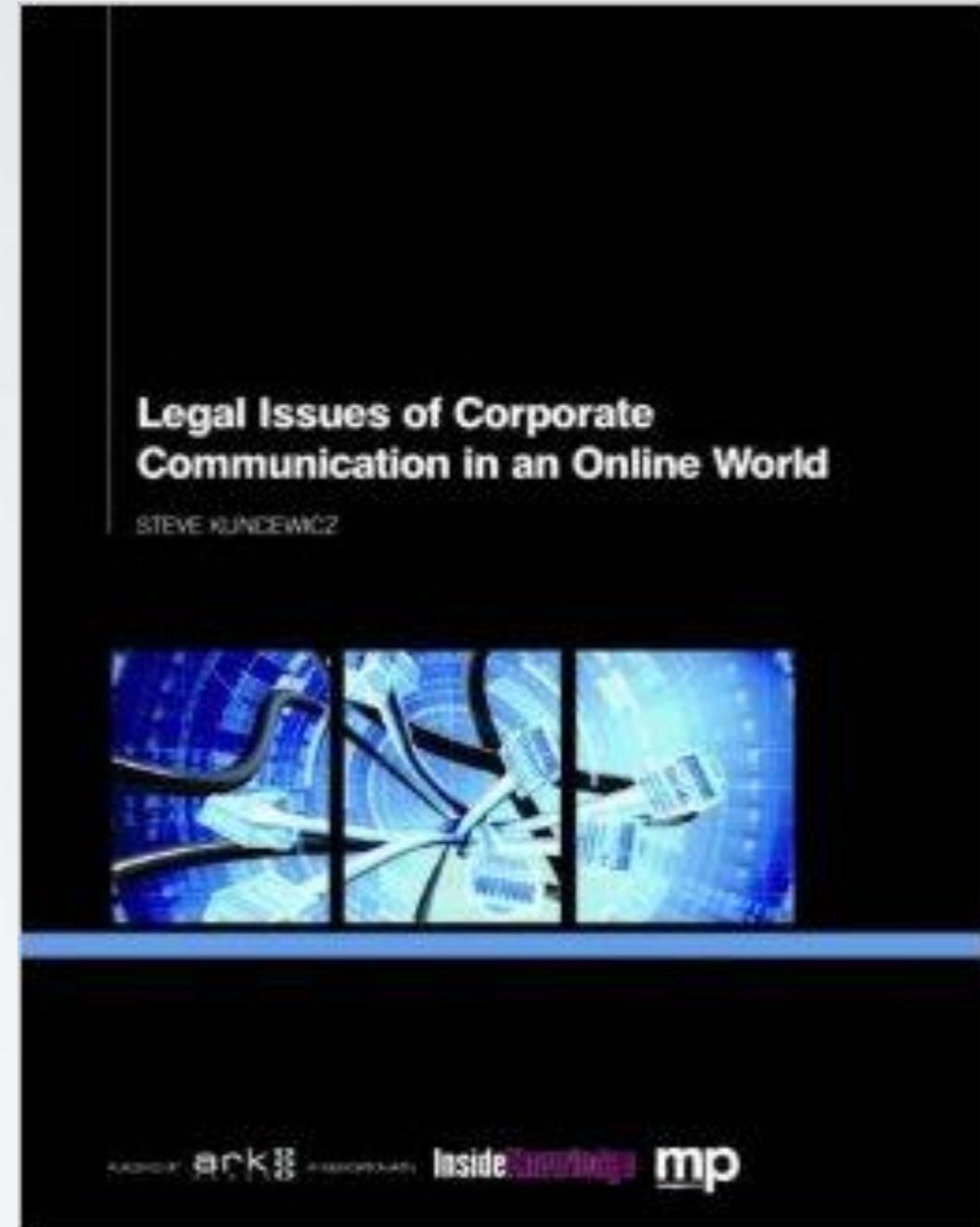
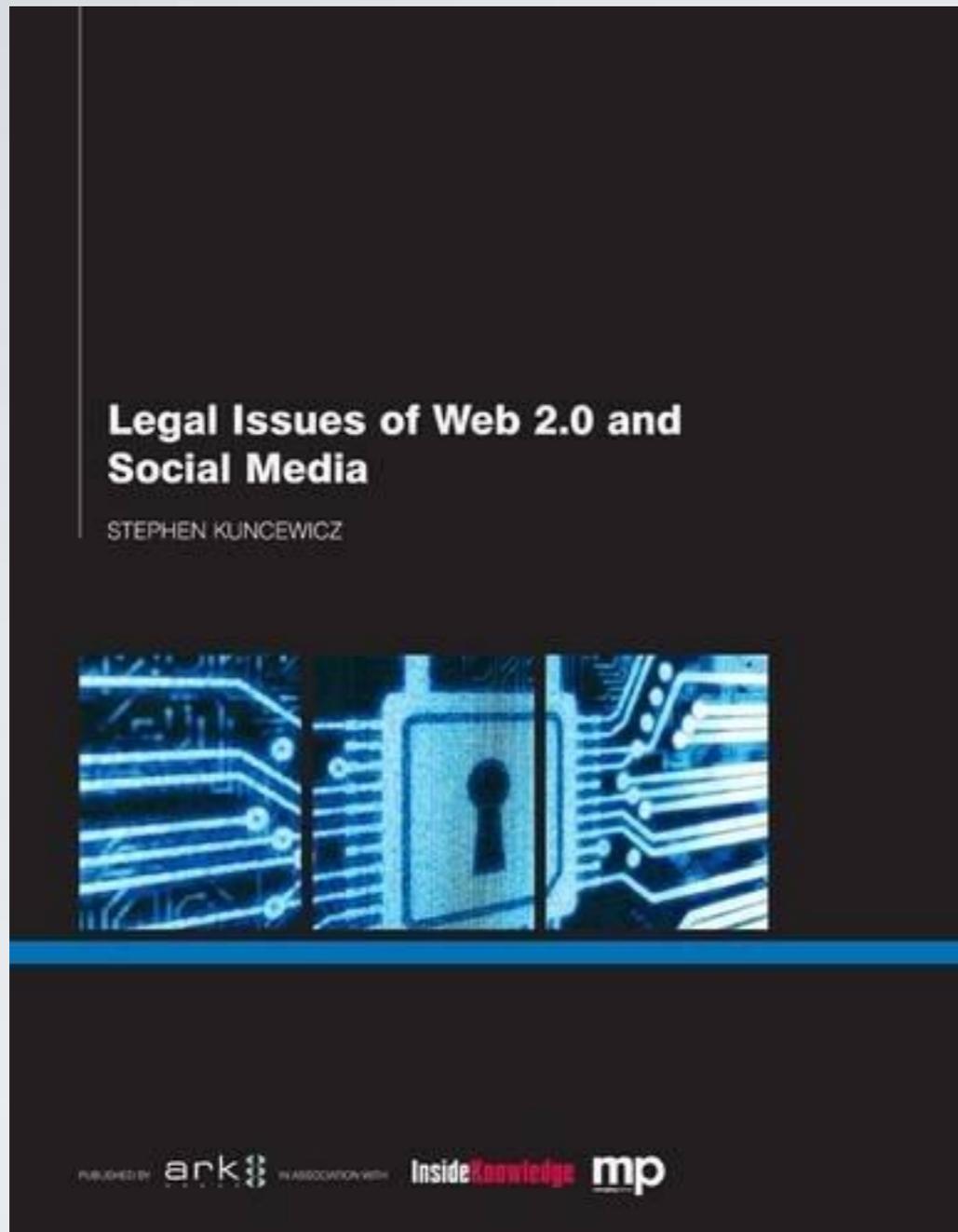
Commendation, Inaugural “Golden Twit Awards” 2009 for best B2B use of Twitter & Winner in 2011 – Best Corporate Individual

Winner, “Best Legal Entrepreneur”, Downtown Manchester In Business Mancoolian Awards 2014

Media Spokesperson on IP & Media Topics (FT, Times, Guardian, MEN, News Of The World, Liverpool Daily Post, Radio 2, Radio 4, Radio 5, ITV News, Sky News, BBC Breakfast)

Author, “Legal Issues Of Social Media” – Published July 2010 and “Corporate Reputation in the Online World” – May 2011 (available via Amazon)

Who I Am & What I Do



Further Reading  
(...Or Cures For Insomnia)



(Allegedly) Manchester's Most Followed Lawyer on Twitter  
(TBC...9500 Followers and Counting!)

5100+ Connections on LinkedIn

Legal Blogger for The Drum (when time permits..)

IP & Media Law Blog (see above!)

Commercial Editorial Board, LexisNexis

Co-Chair, Creative Pro Manchester

Honorary Solicitor, MPA

Director, Manchester Creative Studio

Ambassador, Forever Manchester

Trustee, NOISE Festival

Board Member, Rochdale Development Agency



Digital Native  
(Geek Credentials)



# The Undiscovered Country

Web 1.0 to...?



**You Kids Stop With Your  
Blogs, Tweeterboards,  
And Tubebooks! Social  
Media Is Just A Fad!**

It's Just For The Kids, Right?



**WRONG!**



# “The Conversation Happening Without You”

Why You & Your Firm Should Listen

## Wearesocial – Digital In 2016 Report (27 January 2016)

- 3.42 billion internet users, equalling 46% global penetration;
- 2.31 billion social media users, delivering 31% global penetration;
- 3.79 billion unique mobile users, representing 51% global penetration;
- 1.97 billion mobile social media users, equating to 27% global penetration
- The number of reported internet users is up by 10%, growing by 332 million;
- The number of reported social media users is also up by 10%, an increase of 219 million;
- Unique mobile users increased by 4% thanks to 141 million new users;
- Mobile social media users leapt 17%, adding 283 million new users.

## Social Media – State Of The World

## Share of Web Traffic By Device

- Laptops & Desktops – 56%
- Mobile Phones: 39%
- Tablets: 5%
- Other Devices (Game Consoles) 0.1%

## Social Media Penetration in Population

- North America: 59%
- Western Europe: 48%
- East Asia: 48%
- “Most Social Country” – Taiwan! (77%)
- Global Average: 31%

# Social Media – State Of The World

## UK Figures

- UK Population – 64.9 Million
- 59.5 m Active Internet Users (92%; up 3%)
- 38m Active Social Media Accounts (59%, static)
- 74.9m Mobile Connections (115% of Population, down 2%);
- Active Social Media Users – 38 Million (59%)
- Active Mobile Social Accounts (51%, up 1%)
- 92% own a Mobile Phone, 71% a Smartphone
- 75% own a Laptop/Desktop, 51% own a Tablet
- 21% own a TV Streaming Device, 13% E-Reader, 4% Wearable Tech

## Social Media – State Of The Nation

## UK Figures

- Average Daily Internet Use via PC/Tablet – 3h 47m
- Average Daily Internet Use via Mobile Phone – 1h 33m
- Average Daily Use of Social Media via any Device – 1h 29m
- Average Daily TV Viewing Time – 2h 46m
- Total Number of Internet Users – 59.5m (92%)
- Total Number of Active Mobile Internet Users – 40.3m (62%)
- 85% use the Internet daily, 11% once a week, 3% once a month
- 59% of Web Traffic via Laptops & Desktops, 28% via Smartphones, 12% via Tablets

## Social Media – State Of The Nation

## Top Active Platforms (by Population)

- Facebook: 47%, Messenger: 32%, Whatsapp 24%, Twitter 20%, Instagram 14%, Skype 13%, Snapchat 12%, Google+ & LinkedIn 10%, Pinterest 8%

## Mobile Activity (by Population)

- Using Messengers – 43%
- Watching Video – 31%
- Playing Games – 24%
- Using Mobile Banking – 32%
- Using Location-Based Maps – 37%

# Social Media – State Of The Nation



Opportunity vs. Risk  
Compliance Vs. Engagement ?

## Opportunity

- You're doing this already
- Existing profiles
- Move away from simply a Comms/PR Role to active Brand/Mgmt.
- Stakeholder-facing for engagement & insight into processes)
- Real-Time Connections
- Universal Service Commitment - Everyone of working age' online by 2015 (Maybe!)
- Revenue & Reputation Building

## Risk

- "The Conversation That's Happening Without You"
- Who do you trust to Tweet?
- Negative & Sceptical Comments
- Regulatory Sanctions - ASA
- Buy-In from Management
- A new Training Need
- Consistency of Message
- Maintaining "Personal Brands" v Corporate Brands
- Online Conduct = Offline Sanctions
- Legal Risks

# The Opportunity

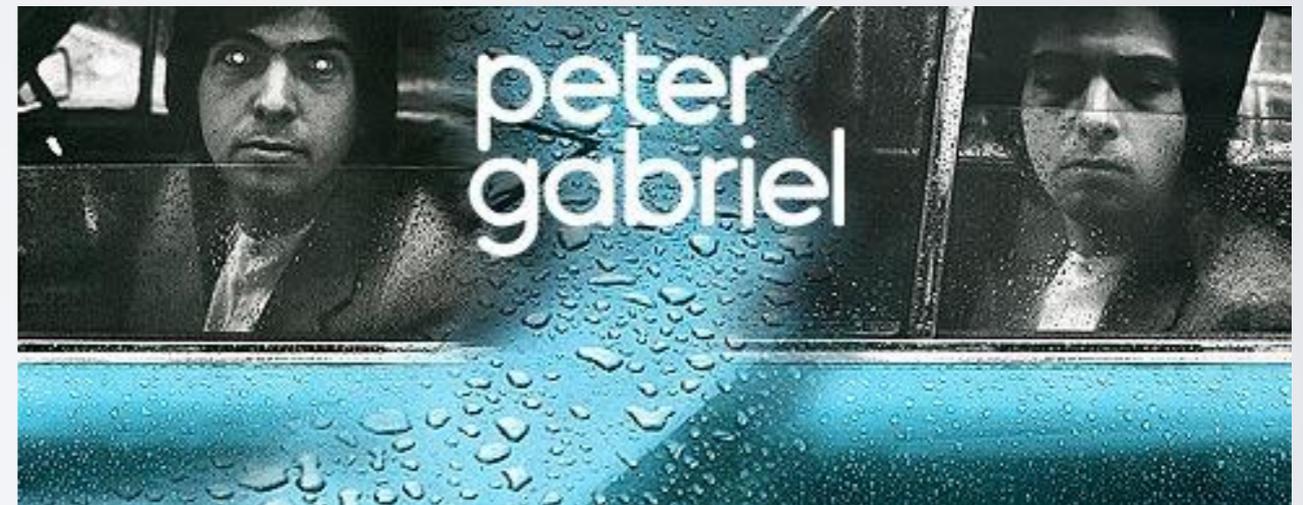
## Pro & Cons

- Can we afford NOT to be?
- Regulation – what does our profession let us say? (2011 TLS Practice Note is under review..)
- Fewer clients willing to spend?
- Limited marketing and PR Budget
- Barriers to getting your message out via Traditional PR
- New Opportunities – Consolidation & Disruption
- The Internet & Social Media as a growth medium
- ABS – Bigger brands are doing it
- Low-Hanging Fruit
- Universal Service Commitment
- Clients are engaging already...



## Can Professionals Be Social?

*“Lord, here comes the flood  
We'll say goodbye to flesh and blood  
If again the seas are silent in any still alive  
It'll be those who gave their island to survive  
Drink up, dreamers, you're running dry.”*



A Word From Peter Gabriel

- Lawyers tend to dismiss Twitter as “yet another plaything for their children” – Richard Susskind, “the End of Lawyers” (2010)
- “The Law Says Tweet” Study – Byfield Consultancy, Oct. 2013
- Half of respondents had won business via social media, most through LinkedIn (48%), then Twitter (38%)
- 75% of firms “encouraged” social engagement on their behalf, with most regarding LinkedIn as “very important” and Twitter as a “profile-raising tool”
- 64% expected to increase spend on social media, but less than 25% had integrated it into their marketing strategy
- Engagement levels are high....with Journalists
- More broadcast than engagement
- Partners need “education”
- Individual Lawyers more effective
- We’re “late to the party”... as usual

## Here Comes The Flood

Or Does It?

- Reduced recruitment & “bread on the water” marketing costs
- Granular information on where clients come from – no need to “eat what you kill”
- Understanding the next generation AND our audience
- Star-Making – Personal v Firm Brand
- The end of the Silo Mentality?
- Everyone else is doing it, so why can’t you?
- The conversation that’s happening without you- “If you are not part of the conversation, then you are leaving it to others to answer questions and provide information, whether it’s accurate or inaccurate. Or, even worse, you may be leaving it up to your competition to become the resource for the community.”
- What’s your firm’s attitude to social media & its role in your work?
- Do you agree with them?
- Is it just a news source or is it a means to develop your own profile and network?

## The Upside

Or Is It?



What Keeps You Awake At Night ?

...And Should It?



## Data Protection

Inside Out & Outside In

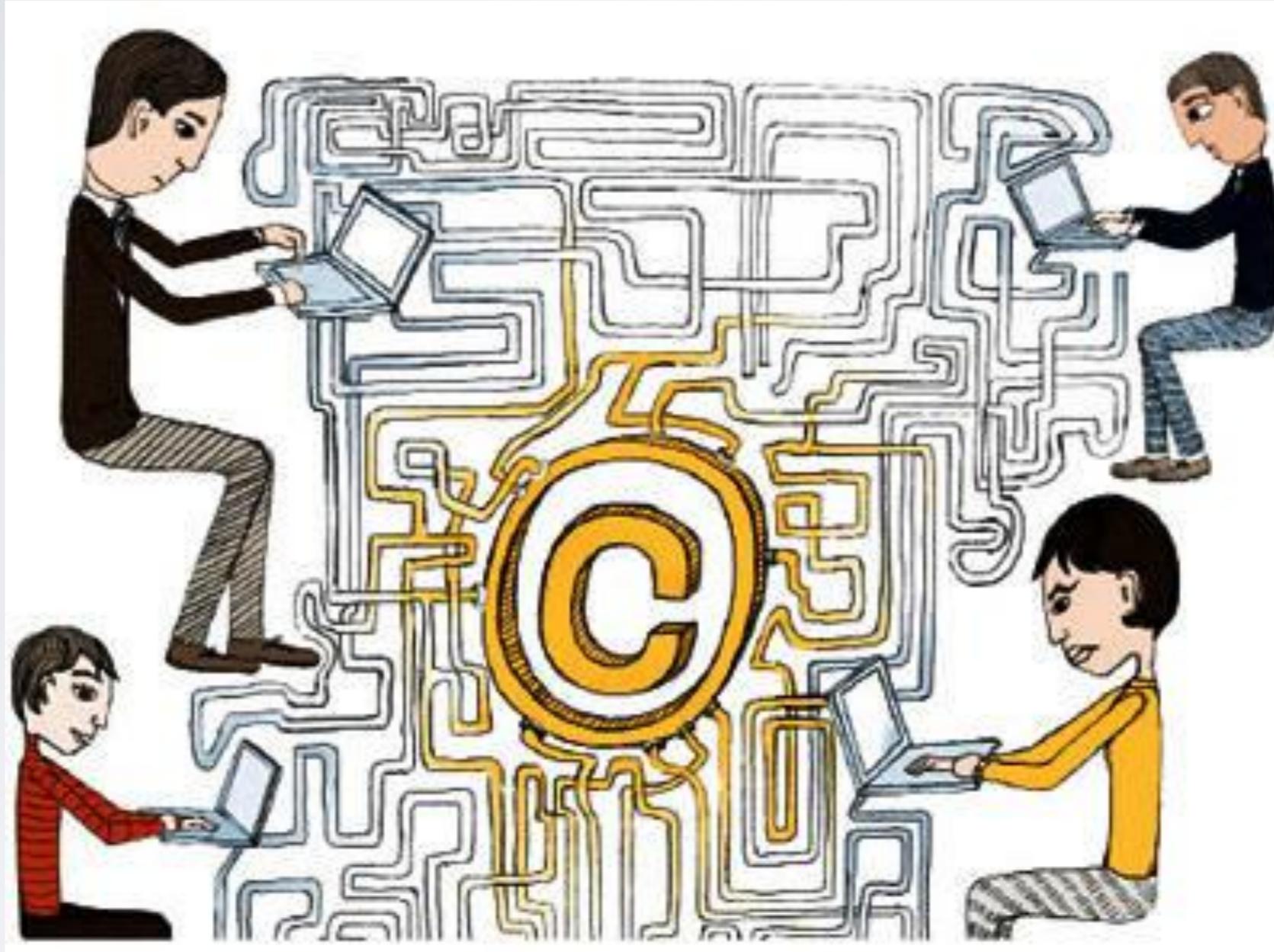


Direct Engagement  
Cookies That Crumble?



Advertising Regulation – Online &  
Offline

The Digital Remit



## The IP Address

Intellectual Property & Social Media



I Hate Ryanair (!) & Squatters

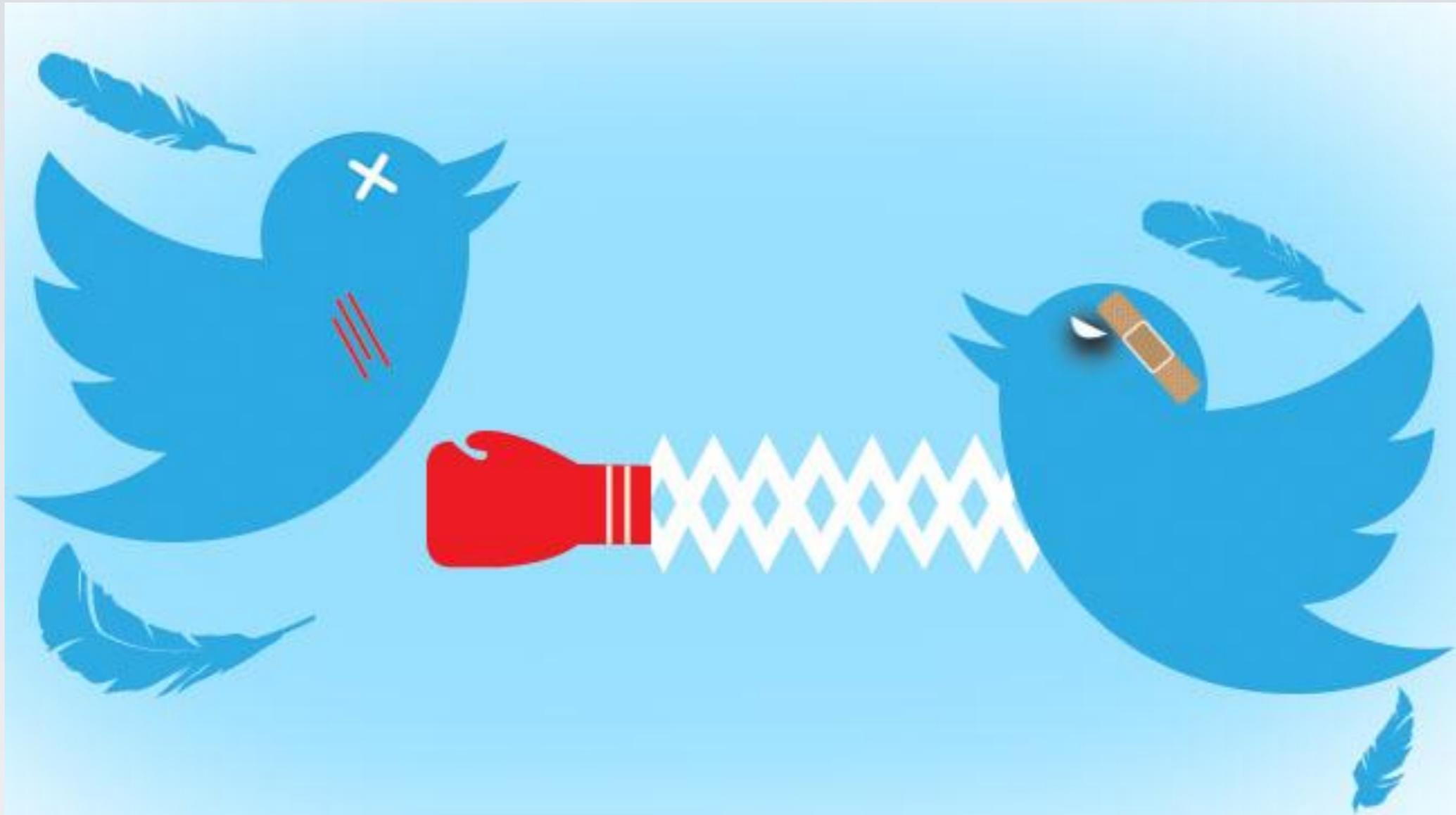


# Employment



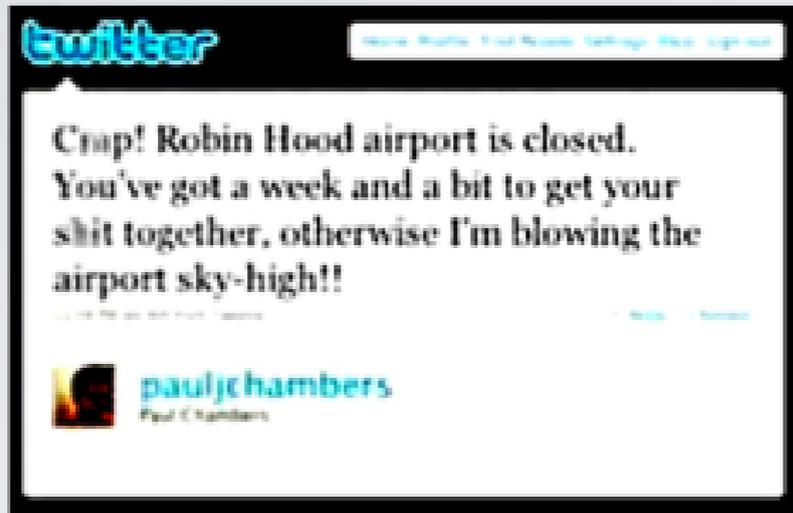
## Defamation

You Vs. Media In The New World



## Content Warning

Social Media & Criminal Law



# R v Twitter



# When Social Goes "Anti" Case Studies On What NOT To Do



Evolution Or Extinction?  
Or Something Else Entirely?

- We have a LOT to learn from the Creative & Digital Industries
- Disruption – New Entrants & Platforms
- Commoditisation – More Demanded For Less
- Democratisation – DIY
- Commercialisation - ROI; We're An Industry Now
- AI – Will a Robot want your Job?
- Train your Staff for “Social Advocacy”
- Carrot as well as stick!
- This isn't going away....

Where Next?



Thank You

For Listening

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## Contact Details

Engage at will!