

York Small Business Enterprise Centre Presents:

DIGITAL FOOTPRINT & LEGAL REPERCUSSION

keynote speakers Daniel Walker & Maryam Golabgir





My Name is

Maryam Golabgir (Chief Amazement Officer of Digital Marketing Experts)

Maryam Golabgir is a digital marketing veteran with over 17 years of experience. She has worked in the Telecommunications, E-commerce, IPTV, A.I. Development, Broadband Alliance, and Financial industries. Maryam has worked with many B2B and B2C clients across many industries such as Sheridan Communications, Group of Gold Line, McFees Constructions, Snapd, Niche Decor, Roxborough Realty Group, Clifton Blake Asset Management, Ontario College of Social Workers and Social Service Workers and the Ontario Motor Vehicle Industry Council (OMVIC), among others.

Maryam believes creating a sustainable digital marketing strategy will require a sharp vision and loads of metrics to accompany digital plans. Maryam's digital expertise is in Social Media Marketing strategies, Website Development, Search Engine Marketing and Optimization, Online Advertising and Video / Mobile Marketing.





My Name is

Daniel Walker (Partner, BOBILA WALKER LAW LLP)

Daniel Walker is co-founder of Bobila Walker Law LLP.

He obtained his LLB from the University of Windsor and was called to the Ontario Bar in June 2013. Daniel is fluent in German, Serbian, Croatian and Bosnian. He earned his undergraduate degree at the University of Ottawa in Commerce (International Management).

Daniel focuses on assisting in the following areas of law: domestic and international civil litigation; commercial law; complex cross-border family and estate matters.

Bobila Walker Law LLP serves the Greater Toronto region, including Aurora, Markham, Newmarket, Vaughn, Scarborough, Maple, Thornhill, Hamilton and other immediate areas.





Message me anytime you want...

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LEGAL ISSUES IN THE DIGITAL WORLD

Your digital footprint is all the stuff you leave behind as you use the Internet. Comments on social media, Skype calls, app use and email records- it's part of your online history and can potentially be seen by other people, or tracked in a database.





YOUR LEGAL EXPOSURE

- The Personal Information Protection and Electronic Documents Act (PIPEDA)
 - *Privacy, Data and Security*
- Copyright / Trademarks
- Reviews and Competition (Libel / Defamation)
 - Public internet postings that “defame” another – meaning any communication that tends to lower the esteem of someone in the eyes of a reasonable person.*
- Other Legal Risks





PRIVACY LAW

- ❑ Privacy is a fundamental right of every Canadian. In order to protect that right, companies are required by law to protect your personal information, and to follow strict rules when collecting, using and disclosing your personal information
- ❑ PIPEDA generally applies to personal information held by private sector organizations that are not federally-regulated, and conduct business in in all provinces.
- ❑ PIPEDA does not apply to organizations that **do not** engage in commercial, for-profit activities.
- ❑ Unless they are engaging in commercial activities that are not central to their mandate and involve personal information, PIPEDA does not generally apply.





COPYRIGHT / TRADEMARK

- ❑ Marketing firms need to protect their own trademarks, copyrights, and brand reputation, along with those of the clients they are actively promoting.
- ❑ Monitor social media platforms to ensure your intellectual property
- ❑ Have processes in place, such as work-for-hire contracts and statements of work
- ❑ Pay for the rights to use photos and illustrations, or get written releases, rather than grabbing images from Google image searches.
- ❑ Trademark clearance searching - Canadian Trademarks Database, which is available online



Google

Reviews

5.0 ★★★★★



ONLINE REVIEWS AND ITS DANGERS

There are two types of defamation in Ontario: slander (spoken) and libel (written). To prove defamation, a plaintiff must prove all of the following on a balance of probabilities:

- ❑ that the impugned words were defamatory, in the sense that they would tend to lower the plaintiff's reputation in the eyes of a reasonable person;
- ❑ that the words in fact referred to the plaintiff; and
- ❑ that the words were published, meaning that they were communicated to at least one person other than the plaintiff





SOME EXAMPLES



Search icon and blurred text

★★★★★ 2 months ago

Totally unprofessional. No support on complaining and no solution. I have been lied by sales guy. Advice, triple check the car and documents regardless of what they say because after you buy it is your problem. ...



Response from the owner - 2 months ago

Hi Adrian, We're really sorry to read that you had a bad experience. Could you send us a private message with your details (including your name, contact information) and your Vehicle registration number and your complaint. We will forward it to our Customer Services Department and someone will get in touch with you soon.



RG

Local Guide · 75 reviews · 34 photos

★★★★★ 3 months ago

No sound absorbing materials, extremely loud. Party groups right next to people trying to dine. Fish the size of a thick cell phone battery. Good flatbread pesto. Excellent cinnamon ice cream. But never again.



Response from the owner 3 months ago

While it's great the ice cream and flatbread pesto impressed you, I'm sorry if your experience could've been better. If you had any preferences with the seating, we would've been happy to accommodate if something else had been available. We are a Tavern but we do have an upstairs available for dining that is a little better on the ear. I hope you'll give us another chance so you can get the kind of excellent experience we're known for. -Bonni





SOME EXAMPLES

 **Marcel** 

The young man behind the bar is very rude. We had to go because the electricity was too expensive for them. We had ordered several drinks and were working on our laptops. We have only been there for a shohrt time. We asked before ordering if it was Ok for us to work on our laptops and use the wifi... The girls serving the drinks are very friendly

 Like  Comment

  Hi Marcel, we are restaurant not an office, we more than welcome guests to use the free wifi and charge rhere phones, but pulling out an extension board to recharge every electronic device in your life is taking the p!ss, 3 hours a chai latte and a gingerbeer later, atleast your have enough power to write a crappy review 🙄🙄

boredpanda.com

 **Peter B.**
FOREST HILLS, NY
 10 friends
 66 reviews

 2/8/2015 ·  Updated review

 14 check-ins

Sometimes people are just so rude and lacking in compassion that you can't go back to their restaurant even though the food is mostly good, like the panini and salad here. The pasta is mushy, though, and the service crappy. But after waiting 45 minutes to get seated even though a table was available, simply because one person was missing from my party, I've grown tired of the owner-chef's horrible attitude. Honestly, I had two people there and they seated other parties with two ahead of us. Then the chef gave us a nasty lecture. Ciao!

Was this review ...?

 Useful 7  Funny 1  Cool 1

 Comment from gaia b. of Gaia Italian Café
Business Owner

2/8/2015 · Yes Peter, we are tired too of your attitude, everybody else on saturday at lunch time with the place packed was were waiting for a table without complaining, you were the only one pretending to have a table when you were still waiting for your guest to arrive. We have been patience in the past many time accepting all your nasty behaving sometime you can not push human patience too far especially when you see all the staff working so hard to try to make everybody happy. Is not fair Peter and we are sure you will find the right place for you. Ciao! [Read less](#)





Google forced to reveal anonymous reviewer's details

Melbourne dentist to reality TV stars accused of leaving defamatory review for competitor

By court reporter [Danny Tran](#)

Posted Thu 23 Jul 2020 at 5:18pm



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Anonymous internet posters sued for defamatory comments in online chat forum

Colin Perkel
The Canadian Press

Published Wednesday, January 15, 2020 2:50PM EST

"Roger is like a pest diseased dog spreading his filthy rabbies (sic)," the user Nastynasta wrote. "A mangy dog that won't go away until he's put down."

"The management team are liars!!!" TrueNorthStrong wrote. "Been lying for 21 years!!!"



"Documents filed in the Federal Court name Dr Georgy as the writer of an anonymous Google review aimed at competitor Matthew Kabbabe, who claims it tarnished his own teeth-whitening business.

Towards the end of 2019, Dr Georgy is accused of **impersonating a customer and "maliciously" penning the Google review**, which Dr Kabbabe said defamed him and suggested he was unfit to be a dentist.

"[Dr Kabbabe] has been **brought into hatred, ridicule and contempt and has been gravely injured in his character and reputation** as a dentist, and has suffered hurt and embarrassment," court documents said.

"The truth was that the applicant was a properly qualified dentist ... with reasonable care and skill, and was fit to practise as a dentist," documents allege."





ONLINE REVIEWS

- 1. Don't make things up**
- 2. Make sure it's true and you can prove it.**
- 3. Be specific**
- 4. Reach out and tell the company they're not very good.**





ONTARIO'S ANTI-SLAPP LEGISLATION

SLAPP suits – or Strategic Lawsuits Against Public Participation. The Legal Test:

1. The plaintiff must show that “*there is credible and compelling evidence supporting the claim as being a serious one with a reasonable likelihood of success.*”;
2. The plaintiff must demonstrate to the Court that “*there is a reasonable probability that none of the defences [proffered by the Defendant(s)] would succeed...[at] Trial.*”; and,
3. The plaintiff must produce *credible and compelling* evidence of harm that appears reasonably likely to be proven at trial.



GTA

Court dismisses company's libel lawsuit against teacher over Facebook postings



By **Alex McKeen** Staff Reporter

Wed., July 26, 2017 | 3 min. read





LEGAL CONSIDERATIONS FOR SELLING ONLINE

- ❑ A business must obtain consent from a customer before sending commercial electronic messages to them.
- ❑ This includes to their email, social media accounts, and cell phone.
- ❑ In the message, the sender must identify themselves or the agency on whose behalf they are sending the message.
- ❑ All messages sent to recipients must have an unsubscribe function that takes effect immediately.
- ❑ False representation or misrepresentation is prohibited in the online promotions of products or services.
- ❑ The collection of electronic addresses through computer programs is prohibited.





LEGAL RECOMMENDATIONS

- ❑ Do not post fake reviews.
- ❑ Do not engage in negative conduct with customers or anonymous users online.
- ❑ Delete all tracking cookies and browsing history from your computer regularly
- ❑ Review security settings on social networks and stay updated on new features and settings
- ❑ Make sure to use the latest version of your Internet browser and have anti-virus software subscriptions.
- ❑ Choose safe and secure passwords that are unique to each login and be sure to change them regularly.
- ❑ Do not store client's credit cards unless absolutely necessary.
- ❑ Opt out of providing personally identifiable information (e.g. you may not be required by law to provide your telephone number when making a purchase)
- ❑ Remember that anything posted is public (even if your social network settings are private) as the information is stored on a server network.
- ❑ Think twice before posting.





Negative Comments

- Do you respond to negative reviews?
- Responding to negative reviews shows that you are proactive in providing a positive experience for your customer.
- What are your comments to a negative review?





Negative Comments

How do you respond to a negative Comment?

- Sympathize
- Ask if you can discuss ways to help fix the situation off line.
- Offer alternate solutions to the problem only WHEN you are fully aware of the problem.
- Ask for the client to write a follow up review to the solution you have offered.





Tool/ Process in place

“People don’t always go online to let others know that they’re happy. That makes getting positive reviews hard unless you have an effective tool / process in place.” - Scott Dickinson
Valley Hi Auto Group





Tool/ Process in place

- Identify your client's preference
- Select your ideal reference tool (client reference)
- Set up an in-house process for you
- Set up a client process for your clients
- Set up a respond time time-table
- Collect data





Build Legitimacy

- Build legitimacy.
- Build a balanced presence across all of the sites that matter most to your store.
- SEO & Recognition: Google, Yelp, and Facebook
- Diversification & Increased Trust





Have you been buying reviews?

Businesses should focus on earning online reviews rather than buying them because the consequences of buying reviews far outweigh the short term benefits you might receive.

A few reasons you'll get dinged:

- Multiple reviews coming from the same IP Address
- Offering monetary compensation for a positive review
- Creating fake accounts to leave positive reviews





DON'T BUY WEBSITE TRAFFIC

- ❑ The first reason is that buying website traffic be viewed as unethical. Your site is a value to your core audience and to advertisers. Buying traffic is sort of cheating both.
- ❑ Second, publishers view buying website traffic as ineffective. Low-quality traffic has a much better chance of causing harm than good. Even if you don't see it as an ethical business challenge, it could become a major business risk if done improperly (which is the most common way it is done).





DON'T TAKE OTHER PEOPLE'S PHOTOS

Sharing photos is now easier than ever. So is stealing them. Professional photographers often find that people are sharing their photographs without their permission.





- ❑ The moment a photographer takes a photograph, that image has copyright.
- ❑ The photographer can ask for statutory damages
- ❑ Unless a person has a photographer's permission, they cannot do any of the following to an image:
 - ❑ Reproduce it
 - ❑ Display it publicly (including online)
 - ❑ Create derivative works based upon it
 - ❑ Distribute copies to others for sale, rent, lease, or lending





We are here to help you.



Thank you to

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