



# Can IP infringement make Instagram shut your Instagram page?

Intellectual Property infringement can make Instagram shut your Instagram page! There are social media reports, that a popular Instagram merchant, that sells beddings, had her Instagram account of over 7000 followers shut down, for selling bed sheets that carried a “Gucci” Logo. Gucci had written to Instagram, complaining about a possible infringement of its Intellectual Property. This underscores the need for Instagram Influencers/Vendors to retain Intellectual Property lawyers.

It's a good thing if you think you have goods or services that you are certain that the world needs. Even better, when you make use of social media to sell your goods and services.

## An Instagram Economy?

We have witnessed the birth of Instagram Merchants, Instagram Comedians, Instagram Musicians, Instagram Caterers, Instagram Lawyers, Instagram Consultants, Instagram Bakers and Instagram Tailors etc. Instagram has evolved to become a full eco system offering a viable platform for people to work and play with ease, regardless of where you are in the world.

Having a vibrant Instagram account, filled with 7000 organic followers is great, **one of the easiest ways to lose that account, is by violating intellectual property belonging to other people!** Where Instagram finds that a person's account, has infringed or violated other people's intellectual property, Instagram reserves the right to shut down such an account.

You can violate other peoples Intellectual Property, when without getting a license, you use their pictures, videos, logos on your shirt, dresses, bed sheet, use a cartoon character on your cake, their songs, music videos, copy content out of their book etc. That you found the logo on the internet, does not mean you own it, or that it is available for use by all and sundry.

## Intellectual Property?

Intellectual property (IP) is intangible property that is created in someone's mind using his intellect or other tangible goods. Categories include pictures, logos, videos, apps, art, literary works, music, inventions, designs, processes, copyright, patents and trademarks.

Intellectual property has value just like tangible property, and you have to protect it otherwise your property can be exploited without your knowledge or permission.

Some view intellectual property as a shield that prevents unlawful exploitation while others view intellectual property as a net that allows you to synergise with others through licensing of intellectual property.



To use other people intellectual property safely on Instagram and beyond, you need a license!

### Licenses and Your Rights

A license allows an intellectual property rights holder (the licensor) to make money from an invention or creative work by charging a user (the licensee) for product use. Licenses protect proprietary rights in things such as software and other computer products, for example. An intellectual property owner uses a license to give someone permission to do a certain activity or to use his property, without the license this would have been unlawful.

### Websites and Social Media: Connecting with Customers

As an Instagram influencer, merchant or vendor, there is a need to ensure that your company website does not contain information which you want to be able to classify as a trade secret or confidential or proprietary. Websites need to be reviewed regularly to ensure such information is not placed at risk. Instagram Business owners must address what information employees can discuss or post on Instagram blogs, and prohibit the disclosure of confidential information and trade secrets. It might be prudent to monitor the Instagram Account activity frequently, and take steps to prohibit or stop trade secret disclosures or violation of other peoples Intellectual Property.

It is a good thing, you are gaining traction on Instagram, and you now have 100,000 followers, great! However, **why have you not registered your catchy “Instagram Handle name” as a trademark?** You also need an Intellectual Property Policy? A brand extension strategy, SME IP tool kit, and tips on how to leverage your brand outside social media.

### Consequences of Failing to Register Trademark/other Intellectual property

The absence of trademark registration may limit your expansion into new territories. Trademarks are tied to a geographical location; without trademark registration, your rights may be limited and **you can get boxed in if a third party registers the same name you use.**

In addition it also means you have no obvious asset. You may have trademark rights based on prior use (at common law), but banks and other financial institutions are more likely to reckon with trademark registration as a “tangible” evidence of an “intangible” asset.

If you want to **franchise your business model**, not having a trademark registration is a significant risk and your franchisee may just go ahead and register your trademark in their own name and then go ahead to rail road you out of the market.



## Conclusion

Simply owning intellectual property rights does not generate money.

To produce income the owners of these rights must exploit them financially through various types of commercial agreements including but not limited to licensing arrangements and/or assignments of rights.

Laws relating to intellectual property can be extremely complicated. An IP lawyer can provide invaluable help in monetising your intellectual property safely.

Olufola Wusu is a Commercial/Oil and Gas and I.P. Lawyer with **Megathos Law Practice** based in Lagos.



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