



Social Media Expert Witness

One of the fastest-emerging areas where online infringement is occurring is in Social Media.

We've seen instances where major brands and individuals are impersonated — either to divert fair trade, or in order to hijack identity via impersonation — often in order to try to damage reputation.

It's not unusual for an organization or an individual to begin using a social media platform, only to discover that someone else has obtained and reserved their name, first. Some of these instances are coincidence. Some name registrations are from brand name fans. But, yet others grab usernames for more malicious purposes, or they set up the name speculatively, hoping to sell it.

[Chris Smith](#) is a Social Media Expert Witness as well as an Online Trademark Infringement Expert.

Smith has long experience in setting up social media accounts on behalf of companies and individuals, in addition to developing them, optimizing them to increase their engagement and influence ratings, and in managing them over time to increase their follower audiences. In addition, he has experience in leveraging social media to help fight online reputation attacks, and he has successfully petitioned social media companies to remove damaging and defamatory postings as well as to forcibly relinquish trademarked usernames to assign them to their rightful owners.

In cases of online trademark infringement, social media can be another channel through which marks may have been promoted and distributed improperly. An experienced research may be necessary to detect such infringement, as well as to establish whether social media was used as part of a search engine optimization campaign to promote other webpages where infringement occurred. Further, even if an infringer did not use social media directly, third parties could have unwittingly distributed their infringing materials, causing greater brand confusion in the marketplace.



Social media usage can be a significant component of damages calculations in trademark infringement cases, because the views and clicks could increase misimpressions (i.e. the number of instances where consumers were exposed to an infringement of a trademark). Social media analytics may be used to determine how many misimpressions occurred, in addition to disclosed numbers of “Likes” and re-shares.

There are a great many social media experts, but few of them have the necessary technical experience to properly investigate social media usage for litigation involving the internet. Few social media experts can evaluate the effect of social media postings on search engine optimization, as well as relating internet analytics to social media usage.

As a social media expert witness, Smith has documented social media posts for use as evidence exhibits in court, and has testified regarding the use of social media in trademark infringement lawsuits.

The Social Media Expert Witness has extensive experience with Facebook, Twitter, Instagram, Pinterest, Flickr, Google+, Swarm/Foursquare, MySpace, WordPress, YouTube, and with blogging.

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