

# Who Owns a LinkedIn Account? An Update to *Eagle v. Edcomm, Inc.*

March 20, 2013 | Blog | By Martha Zackin

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By Christophe R. Difo

In October 2012, we told you about the case of *Eagle v. Edcomm, Inc.* pertaining to whether an employee's LinkedIn account belongs to the employee (Linda Eagle) or to her employer (Edcomm). At that time, the United States District Court for the District of Pennsylvania dismissed Ms. Eagle's claims under the Computer Fraud and Abuse Act, as well as her other federal law claims. Her state law claims, for unauthorized use of name, invasion of privacy, misappropriation of publicity, among other claims, were not dismissed. You can read more about that case [here](#), or hear it discussed at this [link](#).

On March 12, the court issued its ruling on all remaining claims, finding Edcomm liable on the three claims named above. The court reached this conclusion after determining that Ms. Eagle's name had commercial value – Ms. Eagle had invested substantial time and effort in developing her reputation in her industry, and it was undisputed that Ms. Eagle is a well-known expert in her chosen field. Moreover, the Court found that Edcomm improperly benefitted from Ms. Eagle's name when it took over her LinkedIn Account. All other claims, including those against Edcomm and individual Edcomm employees, were dismissed.

Despite prevailing on three claims, Ms. Eagle's victory was hollow; the Court found that Ms. Eagle suffered no economic loss as a result of Edcomm's misconduct. Stated differently, although Ms. Eagle was able to show that Edcomm misappropriated her name and used it without her consent, Edcomm's actions did not cause any legally cognizable harm.

Although Ms. Eagle ultimately did not benefit financially from her win, this case should serve as a wakeup call for employers. Social media law is in its infancy but, as time goes on, more parties will litigate to test its boundaries. As we have written before, employers must be proactive in developing social media policies that set clear rules regarding who owns company-related social media accounts during and after an employee's time with the employer.

## Authors



**Martha Zackin**