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Non - Competition Agreements in the Era of Social Media

13 December 2013 - An excellent article written by a leading US law firm prompted me to prepare this note for the benefit of our clients to remind them of the importance of directly addressing the use of social media in their non-competition and non-solicitation agreements with their employees.

A plethora of cases have been heard in the United States with some interesting judgments resulting. There is no one thread that can be drawn from all of these cases and the cases are limited to their own discrete set of facts. Whilst South African courts, correctly in my respectful opinion, are, with limited exceptions, ruling that there is no difference in the way the “brick and mortar” law is to be applied in the world of social media, it still makes business sense to deal specifically with the use of social media in non-competition and non-solicitation agreements with employees in order to avoid costly litigation and also to properly comply with good corporate governance.

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