

On Your Terms Episode 142:
Twitter Threads

Sam Vander Wielen: Hey there and welcome back to On Your Terms. I'm your host, Sam Vander Wielen. And we are talking all things Threads today, Threads versus Twitter, Twitter versus Threads, but also just Threads in general. So this all started when, well, I guess when Threads started. I hopped on Threads pretty quickly, I guess because it was so easy because they connected it to your Instagram account, which is like very obviously why Instagram even did that in the first place. But they made it so easy to sign up.

So I pretty immediately hopped on Threads, checked it out. I'd be so curious if you're on Threads already, if you've poked around with it. Some people are like, I'm not doing it. I don't want to be in another like social media platform. Other people are like, oh, I hopped on right away because I wanted to make sure that I got on it. It was an early adopter. And some people are also saying that they're on it just for fun and that they don't want it to have anything to do with business.

So I'd be really curious where you're at with it, but I always find it really funny with all of these things. I remember when Clubhouse came out and now with Threads and other stuff along the way, people often come out with these really off the cuff, strong opinions of like Threads is only for fun. Don't talk business here. And then you see other people be like, no, this is a great place for your business. If you're not on here already, your business is already failed.

Like just people come up with the craziest things and I'm like, maybe it's just me, but I'm like, let's just chill. We don't know what this is. And I'm not going to sit here and pretend

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like I do know what it is and what it means for you or your business. And I'm also just like not a big believer in saying, like, you're not allowed to talk about your business here or you have to talk about your business here. I mean, people had with Instagram, I'm sure that like back in the day when Instagram started, people were like, it's a photo sharing app. What does it have to do with your business? You know, I'm sure a lot of people said that. So I don't know, it's just too early. And I feel like anybody who says that they know, we can make best guesses.

I'm going to talk about a little bit at the end of the episode about just kind of where I see, I guess Threads fitting in terms of your business just based on the kind of content that you create there. But ultimately, I think people should do whatever the heck they want.

So before we hop into talking about Threads in our businesses and some of the trends I'm seeing on there and all that kind of stuff, I wanted to quickly break down the Twitter versus Threads legal issue because I actually made a thread. I don't know, is that what we're calling it? I guess I made a thread, I threaded on Thread about the cease-and-desist letter that Twitter sent Threads.

So let's reverse the tape a little bit and jump back in time and remember how this whole thing went down. So first things first is that if you remember, Elon Musk bought Twitter in October of 2022, and it was just a few short weeks later that Twitter began laying a lot of people off. Okay, So this is all relevant for the story. Now, fast forward to a couple of weeks ago. Twitter, an attorney for Twitter, sent the attorneys for Meta a cease-

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and-desist letter or a demand letter, a nasty gram, a scary legal letter, whatever you want to call it, basically saying that they were misappropriating trade secrets, among other things.

Okay. So first, I thought we would go into what are trade secrets. And then I'm going to talk about what Twitter is accusing meta of and some of the interesting legal issues at play here. So let's first talk about what are trade secrets, because essentially Twitter is accusing Threads of using Twitter's trade secrets illegally. It's what we call misappropriation in the legal biz where the cool kids hang out. Okay. So definitely not.

So essentially what trade secrets are, are the behind the scenes "recipes". I mean, either actual recipes or just, metaphorically speaking, what goes into the sauce. That's kind of the way I like to tell people to think about it. So the behind-the-scenes recipes, processes, the knowhow, et cetera to how you do business, how you market your business, how you operate it, and probably most importantly, how you sell, build and create your products and your services and the platforms they run on and all that kind of stuff. Your client lists are considered trade secrets.

There are lots and lots of things that are trade secrets about your business. We all have them, and we all need to protect them, right? So if you want to -- a lot of times what I see people complaining about in online business when they're like, oh, this person took my course, this person's copying my information, or this person used to work for me and now they're doing their own thing. You're talking about trade secrets, and

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that's intellectual property, misappropriation of intellectual property. That's the kind of stuff that we want to protect.

Now, when I was a practicing attorney and I was working in this area, one of the things that we used to look at was how seriously did the company take the protection of their trade secrets? So if this is something that's so important to you that you're now going to go barking up, let's say, Meta's tree, right, and say that you stole something or you're copying something, then how badly were you trying to actually keep this secret? How many people had access to this information? What steps were you taking in your own company to keep this information confidential?

If you were going around blabbing about it all over town or giving everybody access to stuff or not using secure whatever with technology, then lawyers like me could have made an argument that you didn't really care about it that much, otherwise you would have taken more steps to keep it secure. Right? So I've obviously never worked at Twitter, nor will I ever, and I've never worked somewhere like Meta or Facebook, Instagram, anything like that. Right? So I don't know. But I would assume that places like that take really good care of their data, especially the data that's at like the crux of what they do, right, the algorithm stuff. I'm sure that they take like really high care behind these things.

But we all have these in our businesses. I just want you to keep that in mind. You don't have to be a Twitter or a Threads or a Meta or a Tesla or any other kind of company like that to have trade secrets. Even our small businesses have lots of trade secrets.

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One of the things I found most frustrating about online business and I just I mean, I kind of talk about this broadly often is like some of the myths that I don't know, it's not like spiritual bypassing, but I almost feel like it's like the business version of it where people have told you community over competition, everyone's your friend and you have to love everyone and be open and super open mindset to all these people or otherwise you're a bad business owner. It is okay for you to have trade secrets and for you to okay or it's okay for you to feel like you need to protect them, right? I don't think that's a scarcity mindset.

Now, how you protect them and what lengths you go to and if it paralyzes you to not be able to take any further action in your business, that's a different story. Right? But that's not what I'm talking about. I think recognizing that you have secret sauce and that that secret sauce is worth protecting is completely okay.

And if we go all the way back in On Your Terms' history, the very first episode I did, episode number one, which I'll link to in the show notes, is all about busting up community over competition. Not because I don't believe in supporting people who do what you do, not because I think you should wish them any ill will or harm, or that you should literally even ever think about them or pay them any attention.

It's simply because it's okay for you to be a business. It's okay for you to want to do better than the competition. And that doesn't mean that other people have to do worse. It doesn't mean that there's not enough to go around, doesn't mean that you can

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have all the things that you want and all that kind of stuff. I believe all of that to be true. But it also is okay to, in my opinion, to be a business and to be like, I have something to protect. I'm going to protect it and I'm going to focus. I'm going to keep my head down on my own paper and I'm going to keep building this thing, right. So I just want you to keep that in mind. And if you haven't gone and listened to my two cents about that, you can go back to episode one.

Now, another -- now that we understand what trade secrets are, I think it's really important to remember that there are two kind of levels of responsibility here. So one is that if somebody was an employee of Twitter, a former employee of Twitter, for example, they have a responsibility because they had access to trade secrets. They have a responsibility to abide by their contract, their employment agreement with Twitter to do whatever that agreement said to do.

The other part of the responsibility is on a company like Meta or any other company in that another company can't use or misappropriate another company's trade secrets by illegal means. Right. So first, though, we got to start with these Twitter employees, the former Twitter employees. So theoretically, I'm just going to guess because I've never seen their contracts, but I can bet pretty good money that the people who used to work at Twitter probably had three specific clauses in their contract that are really important here.

The first of those three clauses, I bet you, was a non-compete. So a non-compete agreement is usually a clause within a contract. Not every state, by the way, finds them to be legal. Not every state enforces them. Some states do. Some states only

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enforce them depending on the circumstances. It's a whole thing. But non-competes in particular are agreements that we have people sign. The employer would give this to the employee to control the location, the time and the scope of that person's ability to work in the same or similar field. Right?

So those three things have to be present. You have to limit the scope of the work. So I can't prevent you from getting a job, period. But I could prevent you from getting a job in tech, having to do with social media or big social network or something like that. It also has to be limited in time, so they can't be forever. It usually is like one, two, three years probably at most. Some states would allow a little more, some would allow less.

And then the third thing is that it has to be limited as to geographic location. So a non-compete has to be limited as to where you're allowed to work. You can't just say like globally, it has to be within 100 miles of Los Angeles or something like that. So you would have to limit those things. So I'm assuming that the people at Twitter who used to be at Twitter probably signed a non-compete.

The second thing is that they probably signed a non-solicitation clause as well. So non-solicitation says that you can't try to poach former employees and colleagues and friends and stuff like that to come over and start working at Threads, for example. So somebody got laid off at Twitter and then they went and got hired by Threads. They can't contact all their friends back at Twitter and be like, hey, come work over at Threads. It's awesome here. They can't do that if they've signed a non-solicitation clause. And those are pretty standard in those

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kinds, you know, that level of contract.

The third thing that they probably signed in their employment agreement was confidentiality. So a non-disclosure confidentiality agreement that is all going to have a lot of language in it about trade secrets. Right? So that's going to say, hey, look, you have access to trade secrets at this company. This is what they are. You're not allowed to do anything about them. You can't talk about them. You can't use them.

And when you pair all that stuff with a non-compete and a non-solicitation clause all put together, it's like a recipe. It's like a soup recipe for like, don't go there, disaster. Legal disaster, to be honest. So I'm assuming that those three things are present. I don't know, but I just thought it was worth bringing it up because one, I think it's good to learn about. But two, assuming that they are there, I think it tells us a lot about maybe what's going on here.

So Twitter ultimately accuses Meta of hiring those former Twitter employees, of stealing their -- and to steal their trade secrets. So really like hiring the former Twitter employees to steal the trade secrets and then actually using them, which is when the misappropriation comes in. There's also some accusation by Twitter that's above my tech pay grade about scraping. I've heard about this, but like, I don't fully understand it, but I know that it's against Twitter's whatever you call it, user agreement in order to scrape data from the app itself, you're not supposed to do that. You can't write code to try to scrape data from it. And they're accusing, allegedly accusing Threads or Meta of doing that.

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So that was that. So I think legally, though, it's also important to remember that like I kept seeing all these people being like, oh, Twitter sued Meta. And just generally, I see a lot of misinformation going around about legal stuff. Sometimes it just comes from a place of not understanding which is okay. But sending a letter from one lawyer to another lawyer or I think even in this case, they sent it from the lawyer, Twitter's lawyer to somebody who worked for Meta, it's just a threat, right.

Until there are actual, it's what's called a complaint. Until a complaint is filed, then no one has been sued, but it's a threat. So those kinds of letters can be like cease-and-desist letters, demand letters. That's what this was, essentially. It was like, stop using our stuff. You can't employ these people, demanding that they do something. That's what that is. Right.

So like we talked about, the ex-Twitter employees are legally bound by whatever they signed with Twitter. So that's kind of going to be between like them and Twitter. They can be held responsible if Twitter says that there's something that they signed that they're now not abiding by. On the flip side, though, like we also talked about, Threads can also use trade secrets that they've gotten, right. So you can't take the information from another business to build your own. That would be misappropriation.

Now, in order to do that, you'd have to prove that these were trade secrets. You'd have to prove that Meta knew that, that they acquired them by illegal means. Maybe like in, I'm not saying this scenario necessarily, but I remember in my law

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practice days, I used to see stuff where the company, the new company would be like, come work for us. We're building a similar thing to Twitter, but better. And then the employers are like, we can't, we have employment agreements saying that we can't compete and non-solicitation and confidentiality. And then the Threads company would be like, don't worry about it, we'll cover you. Like just let's build it and we'll deal with the legal stuff later. That would make it illegal on their ends, right? Knowingly misappropriating Twitter's information.

That's like my little overview of the Twitter-Threads knockout. I don't know what it's going to turn into. Maybe by the time you listen to this episode, there'll be more development. But as of now, I just thought it's helpful sometimes to have real world examples, especially of the tech companies, especially those tech companies that are in our space. So I hope you like that little breakdown.

I also just like wanted to share, I guess, some general thoughts on Threads while you're listening, because I've had a lot swirling around in my brain. And funny enough, I'm like, I don't want to type all this out on Threads and I don't want to talk about it on Instagram. So I don't know. I'm just really into long form content right now. I have been for a long time, but I say to my friends, like, to me, whether it's Threads, it's Instagram, it's Twitter, it's Facebook, whatever, it's very difficult. Outside of YouTube and podcasting and blogging, it's very difficult to have a full conversation about something.

And maybe I'm just like 187 years old, but I feel like most things deserve a full conversation. Most things have nuance, and they need to have like, yeah, context. And I think that it's

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just nice. Personally, I enjoy consuming content. I would love to hear from you actually. I think there's a time and a place, like I over the weekend I deleted Instagram, and I spent like 5 or 10 minutes yesterday watching funny dog and bunny and cat videos on TikTok.

And it's like, I don't know. It's just like, it's fine. That kind of content, that short form, seven second video of your dog doing something funny is still content. I don't know. It's still fun content sometimes. It's just not what I crave, I guess, most of the time. And it's also not what I crave when I'm trying to learn something or really create like a deep, genuine connection.

And I can only tell you as somebody who had a business for like five or six years before I started a podcast that I've never gotten so many messages about something that really hit somebody, something that really sat with somebody and impacted them in a certain way until I started the podcast. I feel like before that I got lots of, I love this email, this email is great. Or like a quick comment on social media.

But you tell me, you're going to have to reach out to me and tell me on Instagram if you're on there. I mean, I guess you could write to me on Threads if you want, but you could write to me on Instagram. You can email me Sam@samvanderwielen.com. But I would love to hear from you. Like, I love having these conversations. I like listening to these conversations. Maybe I'm just also craving slowing down more and not being so busy and not priding myself on being so busy and not having to have seven second reels all the time because I just realized that that has destroyed my attention span, my ability to be present,

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lots of things. So I've really been enjoying long form content.

I guess that's a good segue into talking about some of my thoughts on Threads. So I think one of the things that's been bothering me a lot that I've been seeing on Threads repeatedly is that I keep seeing people write on Threads that they love Threads because unlike other apps, they feel like they can be themselves and it's allowed them to be more free. And I'm really glad for people that they feel that way about Threads and that's fantastic. But what's bothering me about that statement is the insinuation that you can't be yourself elsewhere. Right?

And I know a lot of people have so much smack to talk about Instagram and that is completely valid. It makes sense to me, but I wish that we all understood that that's more of a choice of our way of participating there. Yes, the platform might have become super curated. Like people keep writing like, oh, it's so curated or oh, everything has to be on video. Sure, but you don't have to. Like that doesn't mean that that's what you have to do just because that's what other people are doing. And you don't have to let an app dictate to you how you show up on it.

And I understand that video is not for everybody. And trust me, I've lost both my parents in the last year. I don't want to show up in video a lot of times either. I also, though when I do feel up to it, just don't give a shit about how I look, right? Like I feel like sometimes baked into a lot of these comments about like, oh, I don't want to be on video, I don't want to be on video. It's a lot of fear about perception and what people are going to think of you or what you look like. And if that's the issue, then I want us to work through that instead of blaming it on the app. Right.

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I mean there's also, and this is why again, this is why I love long form content because I can't fit this into a seven second thing, because there are a lot of different angles and issues here. Right? It's also okay for you to not want to be on video. If you just genuinely don't love video, totally fine, totally fine. But I don't want it to be because you're not super thrilled with how you look or you don't think you're always perfect or you don't think you're super articulate or some other thing, right?

I also just hate people saying like, oh, I can't be myself on Instagram. It's like, why not? I think that would just be a curious, a question I would get very curious with ourselves about is like, why can't I be myself on Instagram? What story am I telling myself about why I'm not safe there to be myself? Is it because people can see you, like physically see you on video, or have you even created a story around Instagram that you have to be on video in order to be on Instagram, in order to make connection with people? I'm just curious and I think it's helpful for us to explore some of these stories that we might be telling ourselves.

I've also been frustrated by seeing people saying that they love Threads because there are no ads. Hear me out about this one. Okay. So as somebody who admittedly runs lots and lots of ads only on Facebook and Instagram, I don't know that Threads is even an option yet, but I guess I get peeved as a business owner for one thing, because I'm like businesses run ads, right? Businesses run ads. When you are driving down the street, you're in the airport, you're in the back of a taxicab in New York, you are getting hit with ads.

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It's just that companies like mine, who primarily or exclusively operate online, we advertise in places like Facebook and Instagram because that's where you hang out, right? That is my taxicab. That's it. If I advertise on a billboard somewhere on I-95, that's not going to help me. Right? So it's always just a little frustrating to me that I'm like you're using a free app, and this is a business's billboard, and you get hit with them all the time and you don't pull over on the side of the highway and call the company that you see the billboard for and complain about it, right? You just are used to it. But for some reason, digital ads, it's like we get all this vitriol, we get all the vitriol of social media and I don't know. I just don't understand why we're treated any differently.

So I guess one, I would just encourage you, if you don't like ads, just ignore it. But two is maybe even just try to have a little compassion for your fellow business owners that this is just their version of advertising. That's all it is. And you're on a free app, free to you app where you're there to build your business. And frankly, people like me are paying so much money for ads every month probably are keeping the ads going. Right. And they're keeping them free to everybody else.

So I've always thought that that was interesting just in terms of I'm always encouraging all of us, myself included, to really like be more of a member of the entrepreneurial community, a little bit more like, yeah, really be a member of the community, to be like more supportive of the whole of saying, you know, look, my colleagues are running ads. They're doing what they got to do. Everybody advertises. We're just doing it in different ways.

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And when my business got big enough, I started paying for ads. When you're on Instagram talking about your business, you're advertising it, too. It's just free for right now. Right? But you're going to amplify that maybe one day with paid ads. It's the same thing. So that's one thing. But the other thing is that, like, I see people writing this about the ad stuff on Threads and I understand it makes it like a more enjoyable experience and stuff and it's annoying to see ads or whatever. I don't know. I just kind of just like breezed past it.

You know what, you got like when you get hit with life stuff like I have in the last couple of years, you stop giving a shit about how many ads you see. I'm just being honest with you. It's like I only have so much energy to give a shit. And ads, not one of them, just not it. Right? I want to, like, do good in my life and move forward and give my energy where I want stuff to flow. Hating on other people's ads, it's not one of them.

And so, I would encourage you to ignore them if they really bother you that much. But the other thing and back to what we were talking about where people are saying they can't be themselves on other platforms other than Threads, is that when people are saying on Threads, oh, I love it here because I'm able to show up because there are no ads. How does other people -- I literally saw like four posts about that yesterday. How does other people running ads impact your ability to show up on an app? I'm genuinely curious. I'm like, what difference does it make?

Like you, I really prescribe, and I know it's like we call me Tina from Philly when I get like this because I really prescribe

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this like tough talk business situation, which maybe no one loves and nobody wants to hear about it. But I'm going to give it to you anyway because that's what people from Philly do. But we waste so much time worrying about what other people are doing in business instead of just working on our own.

Do you remember in elementary school when they used to have us take standardized tests or big tests or whatever at the end of the year, they would put up those little dividers between us and we would all just have to keep our heads down and not be able to copy off of each other? I feel like giving, like sending everybody who has an online business the digital version of these dividers, just keep your head on your own paper.

If Sally's running ads, if Britney's running ads, if Sam's running ads, it doesn't matter. That shouldn't impact your ability to show up on an app. And sure, we could create a story around that where, hey, people are running ads on this app and that's what's not allowing me to do as well. Or the truth of the matter is that you could just keep showing up anyway because what is the difference? If you're not ready to invest in ads, then there's no alternative. So you can keep showing up and there are tons and tons of people who are showing up on various social media platforms who are not running ads and who are doing an incredible job.

And I hate to break it to you, but ads were not the magic bullet or the pill or whatever that made my business successful. They still don't make up the majority of my sales. So it's not like blaming everything on people running ads, ruining your experience, making it not as fun for you, making it not be able to show up. It just doesn't sit right with me, to be honest.

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So overall, my take on Threads is have fun, do whatever you want. I mean, if you want to be on there and talking about your business, I think that's great. If you want to be on there and never talk about your business because you just want to talk about fun stuff, do that. I'm really a proponent of everybody just doing whatever works for them and not prescribing and judging to everybody else. And if you don't want to be on there because you -- when they start ads, don't go on there. If you don't want to be on Instagram because they have ads, don't go on there. You're not -- none of the stuff, you're not forced to do anything. You can do whatever you feel like doing.

Now from like a businessperson's perspective, as somebody who constantly thinks about business, admittedly, I'll just tell you my thoughts, just for myself. Again, not telling you what to do, but just for me what I'm thinking of my own business. For me, in my own business, Threads is a fun place. It's just fun. Not so much business. Now, I think when you have our kinds of businesses, there's like a time and a place for creating personal connection and yeah, just showing kind of the fun more behind the scenes side of a business or a person. That's kind of what I see Threads for.

Now, if you've listened to my podcast before, you know that I'm a pretty staunch advocate of creating Evergreen content. So content that you don't just create once and be done with it, but content that's going to drive consistent traffic to your business over time or maybe even pick up and gain traffic over time. Like an SEO optimized blog post. Like a podcast that's optimized. Like a YouTube video that's optimized, stuff like that, right?

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So for me, that's where I spend the bulk of my time in my business. I spend it on Google, on my website, so I drive traffic from Google. I spend it on this podcast. I spend a lot of time on this podcast, believe it or not. And I also spend it on optimizing that content, and for things like YouTube or for the blog and all of that kind of stuff. I focus on my email list because as I drive signups from all of those different places, I now have tons and tons of people on an email list that I'm trying to nurture and get to know better and build a stronger relationship with. So that's where I spend the bulk of my time.

Things like Instagram are probably then the next step because I can attract new customers there. I can drive them to my next step in my funnel. I can get to know them more. I can chat with them more there, right? There are definitely like many different surfaces that allow me to get to know people in different ways, like stories and then feed posts and videos and Reels.

And then I would say things like Threads and Facebook, whatever else kind of are that last little piece. It's kind of like an upside-down triangle and the tiniest piece of it, right? So that's not a place where I'm going to spend a lot of my time. It's probably a place I just kind of flit around for fun sometimes. It might be a place where I pop off an idea here or there. We'll see. We'll see where it goes.

As of when I'm recording this in the middle of July, it's only even been out for a couple of weeks. And I feel like the enthusiasm has really fizzled a lot already. I mean, which is natural. It came out and people were really excited and all that kind of stuff. But definitely Threads is like fever. It has

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definitely sizzled, fizzled a little bit. So I think we'll see where it goes. We'll see how people like it.

I know that a lot of people were saying like, they're not really just like, oh yeah, what the world needs is another social media app. That's how I feel right now when I see like new streaming channels, streaming apps, I'm like, oh yeah, the world needs another streaming app. We all have nine million streaming apps and it's too much and overwhelming already, and I can never remember which app the thing I want to watch is on.

So we'll see. We'll see. It should be interesting, but that's just my strategy for now or my approach. It's not even really a strategy. I'm just kind of open. I know I've told you before, but my favorite word in the world is curiosity. And so, like, I lead with curiosity. I'm curious where this will go. I'm curious at how it will play in. I'm curious how it might not play in at all. I'm curious what people are craving from Threads and why. I'm curious what people don't like about Instagram and why, what they do like about it, all kinds of stuff. So I just like to remain open and curious. That's me.

So I know this was a little spicier than I had planned. But you know, it bothers me about the weird treatment that some entrepreneurs give to some other entrepreneurs. I feel like it's a really strange, if I'm being honest, that's something that I talk to my friends a lot about is when I do get a nasty comment or a nasty email, I think the thing that sits with me the weirdest is you're a fellow business owner and you're mad at me for sending you an email or like you're mad at me because you saw an ad on Instagram which you were using for free. Like just scroll past it.

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Like, what's going on? I don't understand like why you would hate me so much when, like, again, you like drive by a Target billboard and you're not writing Target letters. Like, how dare you send me that billboard while I was driving on I-95? I just find the attitude towards us very weird and the entitlement of like I should be able to use all these apps the way that I want to be used, I want to be using them and nothing should ever be served to me that like makes them money, let alone that's also keeping the app going for me to be able to use it for free. I just find it really strange. I find like weird treatment.

I just talked about this in my Dupe episode. If you've listened to my Dupe culture episode, I'll drop the link below. But I talked about this in my Dupe episode too, because it's like we sit here, and we freak out about so-and-so copying us and mimicking us, stealing our product. And then we buy products that are stolen from other companies. It's just very interesting.

So I think there's always room for reflection. I don't care. I mean, I do stuff every day that's hypocritical, right? And so, I just try to notice it when I can. I'm sure there are tons of times I do stuff when I don't notice it, but I try to notice it and I try to get curious about why am I okay with that when I'm not okay with this? Am I being supportive? Am I really? When I say I'm supportive of other entrepreneurs, am I really being, you know, stuff like that? So I don't know. I'm just liking to be -- I tried to be introspective. I try to think about these things.

I'll be so curious what your thoughts are, your honest thoughts

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are after you listen to the episode. So send me a message, check out the links and the resources that I'll drop in the show notes. Anything I talked about, any episodes I talked about, I'll drop down there. And thank you so much for listening and I'll see you in the next episode.

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