



## Say What?

How many of you can put your hand up 🙋 and say you've never used an emoji? Never popped a smiley face 😊 in an email? Never used a wink 😏 in a text message? What about a thumbs up 👍 in a social media post?

Emojis or emoticons are small digital icons used to express an idea or emotion in electronic communication. They are becoming increasingly common in our interactions with others and our legal system is rapidly recognising their significance. No longer seen as simply fun or silly pictures, emojis are being given a wider berth - as valid forms of communication that can have serious legal implications.

A French case held an individual's gun emoji 🔫 sent in a text message to his girlfriend constituted a death threat. The young man was sentenced to six months imprisonment.

In Israel, a combination of positive emojis 😊 🤖 🔑 was taken to depict the acceptance of a contract to lease an apartment.

Closer to home, the Queensland Supreme Court accepted a deceased man's draft text message as a valid will. The unsent text bequeathed his house and superannuation to his brother and nephew and ended with the words "My will", followed by a smiley face 😊.

One of the major issues with the use of emojis is that their meaning is not concrete. Different people can ascribe different meanings to the same image. In other instances, emojis can be used ironically, with an individual arguing they meant the opposite of what the emoji depicted. Further, different devices can display emojis differently - sending an emoji in a text message from a Samsung can look dissimilar when received on an Apple.

So next time you go to add an emoji into your communications, you may be best to think twice 🤔 😏 about the legal ramifications. And if that's not enough to stop you, perhaps cast your eyes 👁️ over [this 2017 study](#) which found the use of a smiley face 😊 in a professional context can decrease perceptions of competence.

Food 🍷 🍷 🍷 for thought 🗣️.