

Legal Issues for Writers: An author's guide to protecting your rights and avoiding liability.

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Disclaimer:

This workshop is not intended as legal advice, nor is it intended to create an attorney-client relationship between Teresa and any participant.

Topics:

Copyright Basics:

- _ The Bouquet of Rights. What are you really selling when you sell your book?
 - Reproduce
 - Sell
 - Distribute
 - Perform Publicly
 - Display Publicly
 - Prepare Derivative Works

- _ Great idea! Are you infringing if you use it? When is a work protected?

Copyright protects an "original work" "fixed in a tangible medium of expression"

- _ Infringement—what's the difference between plagiarism and infringement? When is copying permitted?

- _ The Internet. Infringement at the speed of light. What is permissible on your website? What is the copyright status of your posts on message boards?

Trademark:

What about using product names in fiction? Get ready to strap on those inline skates and don't forget to bring your portable music device for some tunes while you roll down the street. Runny nose? Use some facial tissues. And when you're thirsty, have a nice cold soda.

The warranty clause: Or, I'm promising what?

- Sole author of the work, sole and exclusive owner of the rights

- The work is:
 - Original
 - Does not infringe
 - The work is innocent
 - The Work has not heretofore been published

- The Publisher may rely upon the representations in dealings with any third party

Useful sources of information on legal issues of concern to authors

For the text of the law, forms and basic information visit the U.S. Copyright office website: www.lcweb.loc.gov/copyright

The Author's Guild of America has advice for authors as well as articles on current author's rights issues in the public areas of its website:
<http://www.authorsguild.org/welcome.html>

The Author's Guild also publishes an excellent book:
Crawford, Tad and Murray, Kay, *The Writer's Legal Guide: An Author's Guild Desk Reference* (3d ed 2002) ISBN: 1-58115-230-2.

Nolo Press offers general legal information in a variety of areas including Copyright law at: www.nolo.com

Nolo also publishes an excellent book for authors:
Fishman, Stephen *The Copyright Handbook: How to Protect & Use Written Works* (8th Ed. 2004). ISBN: 1-4133-0091-X
This book is available both in print and as a downloadable eBook from their website.

Kozak, Ellen M., *Every Writer's Guide to Copyright and Publishing Law*, ISBN 0-8050-7378-7

For General Legal Research:

www.findlaw.com provides links to all kinds of legal information on the web, including state laws, court opinions and forms. This is an excellent source for authors trying to find out about laws that may affect their fictional world.

For federal law, the best place to start is Thomas, a website developed by the Library of Congress: <http://thomas.loc.gov/>

Another great place to start is the website of the State Bar where your story is set, or a law school library in that state.

BIO

Teresa Bodwell is the author of Western historical romances, including a story in the anthology *My Heroes Have Always Been Cowboys* released in paperback February 2010. Visit her website at www.tbodwell.com for articles and helpful links for writers.