

Protect Yourself

Learn to Identify Legal Issues in Your Work

As a Wordclay author, you will experience the thrill and satisfaction of publishing. To insure that publishing is a positive experience, there are important legal issues you should be aware of before publishing your work. It is imperative that you understand the basics of how to recognize and avoid content that constitutes invasion of privacy, libel and copyright infringement.

An invasion of privacy lawsuit can occur when a living individual feels the right to control personal information has been violated, causing emotional distress caused by those statements. There are various categories of invasion of privacy, but for publishing purposes, those that apply include: the disclosure of private facts that a reasonable person would find objectionable; publication of facts that portray the individual in a false light, even if the facts themselves are not libelous; and appropriation, or the unauthorized use of a person's name or likeness.

Libel is the written form of defamation of character, while slander is the spoken form.

Defamation of character and libel are any false statements that could hurt the reputation of a living individual, company, entity or institution. If you make a libelous claim in your manuscript and publish it, an individual or party has the right to take legal action against you to sue for a monetary sum.

A copyright infringement lawsuit can occur when copyrighted materials, such as quotes, pictures, excerpts, etc. are used in a work without permission from the copyright holder. Any material obtained from a book, newspaper, magazine, the Internet, an artist, photographer, or another author is copyright protected by law, even if it is an unpublished work.

As stated in our user agreement, it is your responsibility to review your manuscript and remove any libelous, copyright protected (without permission), or questionable content that could be considered an invasion of privacy.

We understand that legal issues can be intimidating and confusing. So, here's a list to help you identify the “red flags” of possible legal issues in your work. If any of the following statements are true, you should seek legal advice with a qualified legal professional before publishing. Please contact Wordclay if your book is already published and you have legal concern, and we can put a hold on your book while you pursue legal advice.

Seek legal council if your manuscript contains statements as facts or implication about any living individual, company, or any other organization regarding:

- Any statement that could damage their reputation
- Criminal conduct or conviction of a crime by a company or individual
- Unethical conduct by a person or company
- Immoral sexual conduct
- Bankruptcy
- Association with distasteful or immoral people
- Private, embarrassing facts
- Professional incompetence or disbarment
- Alcoholism, drug addition or any other dishonorable acts
- Possessing a mental disease or disorder
- Thoughts or feeling attributed to an individual
- Portraying someone in a false light
- Minor (aged 21 or less) who is an adopted child
- Sexual or physical abuse of a minor
- A minor who is a victim of a crime

Seek legal council if your manuscript contains:

- Trademark, service mark or trade name used in the title of your book
- Picture, quote or close reliance on a copyrighted work without permission from the copyright holder

If any of the previous listed items are present in your manuscript, you could be at risk for a legal suit. Before proceeding with publishing, look more closely into these issues.

Also, if your manuscript has previously been rejected by another publisher due to content, talk to a legal advisor for assistance. With professional help, you can remove questionable material and make necessary changes in order to proceed with publishing your work.

Remember, just because a statement is true, will not necessarily protect you. Although truth does negate a libel claim, it can be extremely hard to prove in court, as well as time consuming and costly. Additionally, truth does not protect you from invasion of privacy suits.

Once you have addressed these legal concerns, you can confidently publish your work and enjoy the excitement of publishing.

(Note: Due to the complexity of our legal system, this article may not contain every circumstance of possible legal issues contained within your manuscript. Please seek legal counsel for a thorough review.)