



## PROTECT YOURSELF

### *Learn to Identify Legal Issues in Your Work*

To insure that your DIY e-book experience is a positive one, there are some important legal issues you should be aware of before self-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.

As stated in our user agreement, it is your responsibility to review your manuscript and remove any libelous, copyright protected (without permission), or invasive content that could raise legal concerns.

**Please Note:** *Due to the complexity and nature of our legal system, this document does not contain every circumstance of legal issues that might be contained within your manuscript. Please seek legal counsel for a thorough review.*

### **Invasion of Privacy**

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An invasion of privacy lawsuit can occur when a living individual feels his or her right to control personal information has been violated and has suffered emotional distress on account of statements made about his or her personal life.

There are various categories of invasion of privacy. Those applicable to the publishing process include:

- Disclosure of private facts that a reasonable person would find objectionable
- Publication of facts that portray an individual in a false light, even if the facts themselves are not libelous
- Appropriation, or the unauthorized use of a person's name or likeness

### **Libel**

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Libel is the written form of defamation of character. Slander is the spoken form.

Any written false statement that could hurt the reputation of a living individual, company, entity or institution might constitute libel or defamation of character. If you make a libelous claim in your manuscript and publish it, an affected individual or party has the right to take legal action against you to sue for a monetary sum.

## Copyright Infringement

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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newspaper, magazine, the Internet, an artist, photographer or another author is copyright protected, even if it is an unpublished work.

## Red Flags

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We understand that understanding 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 Booktango if your book is already published and you have become aware of a legal concern. We can put a hold on your book while you pursue legal advice.

Seek legal counsel if your manuscript contains statements as facts or implications concerning 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 addiction or any other dishonorable acts
- Possessing a mental disease or disorder
- Thoughts or feeling attributed to an individual
- Any portrayal of someone in a false light
- A 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 counsel 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 above items are present in your manuscript, you could be at risk for a legal suit. Before proceeding with publication, look more closely into these issues.

### **Final Thoughts**

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With professional help, you can remove questionable material and make necessary changes in order to proceed with publishing your work.

If your manuscript has been previously rejected by another publisher due to issues of content, talk to a legal advisor for assistance.

Remember, the fact that a statement is true will not necessarily protect you in a lawsuit.

Although truth does negate a libel claim, it can be extremely difficult (not to mention time consuming and costly) to prove in court.

Truth does not protect you from invasion of privacy or copyright infringement suits.

Once you have considered and addressed these legal concerns, you can confidently publish your work and fully enjoy the satisfaction of self-publishing.