



6 legal FAQs for book authors & writers



podcast episode 41 tip sheet

Writing a book? Worried you might write something that could get you in trouble? Not sure if you can mention your ex-boyfriend or write about your former 9-5 job and your horrendous boss?

It can be scary to write a book wondering if you're going to inadvertently offend someone or, worse yet, have someone sue you. Here are 6 Legal FAQs for book authors and writers: No matter what kind of entrepreneur you are or what your book is about, the question I am most frequently asked is...

1. Should I Copyright my book?

Yes. You most definitely should copyright your book. Copyright rights are intellectual property rights granted by law to the AUTHOR of an original creative work like a book. They generally give the author the exclusive rights to use, reproduce, duplicate, distribute, display, transfer, and sell the book and more.

Copyright rights begins when the author creates an original work in a "fixed" and "tangible" medium of expression which means that the second you put pen to paper – or fingers to keyboard – and you start expressing your ideas in writing, Copyright rights start forming. However, to have Copyright protection under federal law where you can bring a claim under the Copyright Act, you need to obtain a registered Copyright from the US Copyright Office.

2. How do I file for a registered Copyright?

To file for a registered Copyright, you need to complete an application with the US Copyright Office and send them a copy of your manuscript. I recommend recommend speaking with an attorney first to be sure you're filling out the forms correctly.

As a book author or writer, make sure that you are obtaining the Copyright registration in your name. In addition, if you have other contributors to the book, like a writer who drafts your forward, you need to a signed written statement from that writer releasing their ownership rights to the forward before you can file the Copyright registration.

The Copyright registration process can take 14-16 months. If granted, having a registered Copyright gives you additional federal against infringement by someone else for 70 years plus the lifetime of the author. You're allowed to own your work and legally protect it under federal Copyright law – and you should.

On a spiritual level, I align copyrighting with your 5th chakra – **your throat chakra** - because the throat chakra supports communication and speaking your truth – things that we do through our written words on the page. Copyright registration puts a legal boundary around your book or your article AND an energetic boundary to hold and protect your work.



3. Can get in trouble for writing about other people in my book?

Under our 1st Amendment right in the United States, you're allowed to express your opinion in writing. You can tell your life story in your book. However, where it gets tricky is that even when expressing your opinion, you have to present facts that are (1) true and (2) not defaming.

If you're sharing facts or information only known privately between you and someone else, and not known publicly, the other person could come after you for violating their privacy through what's called the "public disclosure of private facts".

If you're sharing facts that may be embarrassing or cast the other person in a negative light, or that could cause them humiliation or ridicule, they could come after you for causing harm to their reputation which is called "defamation of character" or "libel".

There is always risk when writing about other people. Talk with a lawyer if you have questions and you're holding yourself back from sharing your story, and be sure to include a legal disclaimer in the front of your book. A lawyer can help you assess your situation, draft your legal disclaimer, and help you become aware of how much risk you are willing to take.

4. Can I use the real names of other people?

If you want to use the real name of someone in your book, it can come with some risk, but there are ways to protect yourself.

If you have a friendly relationship with the person, the safest bet is to have them read your written manuscript where you reference them by name and read for themselves what you say about them. Then get their written permission to disclose their name and identity in your book BEFORE you publish your book.

If you don't have a friendly relationship – say, in the case of an ex-boyfriend – and you're thinking that they won't want you to write about them in the book, then you can choose to write about them at your own risk. You get to decide how much risk you want to take, knowing that if they read your portrayal of them in the book and they don't like it, they could potentially come after you.

If you're concerned that you might upset someone for disclosing their name or your comments about them, one option for decreasing your risk is to change the name of the person at the same time you change “material facts” about that person's identity. Know that when you publish a non-fiction book and tell your story involving other people, there is always some level of risk.

5. Can I mention famous people in my book?

You are allowed to express your opinion about famous people in your book under the 1st Amendment. However, there are limitations to free speech. While you are allowed to write satire or parody to criticize famous people or make fun of them (think “Saturday Night Live” skits or late night talk shows), there still are limitations as to how far you can go with your criticism.

There's no hard and fast line that determines what is permissible and what is harmful – it all depends on the facts of your case and how the courts have decided similar issues in the past.

6. What if I want to include well-known products or brand names?

When it comes to products, the question arises as to whether you might be infringing the product owner's copyright rights or trademark rights. You can use the names of common household goods and brand names, without necessarily violating the product owner's trademark rights.

However, know that you can't use brand names in the title of your book – or in the titles of other forms of expression like blog posts or podcasts. People do all the time – but not without risk.

To avoid risk, be careful with how you represent a product so that you aren't tarnishing the reputation of the product or the company or using it in a context that isn't consistent with their brand. In other words, you don't want to bad-mouth a product or say something that isn't true about the product or it could potentially get you into trouble.

Whether it's your first book or your fifteenth book, you'll want to talk with an attorney with intellectual property experience before you write your book so that you can receive personalized guidance for your specific situation about how to keep yourself and your book safe.

Have questions about the legalities of book writing or need help with filing a Copyright Application? Feel free to reach out to us at clientlove@lisafraley.com. We're always happy to help you however we can.

Here's to getting legally enlightened!

With Legal Love,



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Lisa Fraley, JD, CHHC, AADP, is an acclaimed attorney, Legal Coach®, speaker and #1 Best Selling Author of "Easy Legal Steps...That are Also Good for Your Soul." With her unique blend of coaching, legal expertise, and spirituality, Lisa has supported thousands of heart-centered entrepreneurs and small business owners to protect themselves, their businesses and their brands through DIY legal templates, online legal courses and one-on-one services.

From sharing international stages with thought leaders like Kris Carr and Gabrielle Bernstein to being featured on hundreds of podcasts, webinars, radio shows and bonus calls, Lisa has made it her mission to help every single small business owner understand that the law can be accessible, empowering, loving, and even spiritual. When she's not saving the world (with Legal Love) one contract at a time, she's posting free legal tips and connecting with her tribe at lisafraley.com.