**COMMON LEGAL ISSUES FACING MAGAZINES AND PUBLISHING**

Although publishing ventures rely especially on copyright and defamation law, many other bodies of law apply, often with their own unique publishing spin. What follows is a list of the legal subjects and challenges regularly confronting publishers.

**Copyright Challenges**

*Author Grants.* The first step in the publishing process is to properly obtain rights from authors.

*Copyright Procedures.* The second step for publishers is to protect the copyrights they control. This means using proper *copyright notices* on published works (including the international copyright symbol ©, date of publication, and name of copyright owner) and, at least for significant works, copyright *registration* in the name of the owner.

*Protecting Against Infringement.* A fourth copyright measure is to implement procedures and train personnel so as to promote proper use and non-infringement of the rights of others.

*Internet and Electronic Uses.* One can’t leave the topic of copyrights in publishing without noting the issues created by new electronic means of reproduction and distribution.

**Contract Challenges**

A second set of legal challenges arises from the realm of contracts and licensing law. Several of these have already been mentioned, but let us review them as a related set.

*Publishing Contracts*. First, as indicated above, a publisher’s number-one priority is to be sure its contracts with authors are clear, comprehensive, and reasonable.

*Distributor/Reseller Arrangements*. In dealing with their channels of distribution, publishers must appreciate how exclusive arrangements affect other opportunities:

**Defamation, Privacy, and Publicity Issues**

Another set of challenges to publishers comes from the shifting boundaries of the laws of privacy, publicity, and libel. Publishers can be sued for publishing false and defamatory statements and, sometimes, even just embarrassing private facts about individuals.

*Defamation Challenges*. A “defamation” is generally a false statement of fact about a living individual (though it may apply to deceased individuals in certain jurisdictions and, occasionally, to corporate entities) that holds the person up to ridicule or scorn.

*Privacy Rights*. A related issue concerns individuals’ rights of privacy. Privacy is usually more of a challenge to publishers of newspapers and magazines, in which up-to-the-minute reporting may propel the disclosure of facts that should not be made public, including medical, financial, or other highly personal information.

**Negligent Publication**

An issue unique to books that provide instructions, directions, how-to information, self-help (especially medical), and other guidance is a claim of *negligent publication*.