

IP LEGAL CHECKLIST FOR BLOGGERS (ver.1.1)*

Prepared for: **Women In Consulting (WIC)**
Blog Your Business to Another Level:
Building Business Through a Dynamic, Interactive Web Presence
(August 21, 2008)

1. Copyrights.

- ✓ **Protect your own work:** (a) Decide on a copyright approach – “all rights reserved” vs. “some rights reserved”; (b) Learn about “works for hire” (see Copyright Office “Circular 9” for more info) and ownership generally; (c) Consider registering your copyright; (d) Attempt to work things out when you believe someone is ripping you off (assume that a C&D letter will end up on a blog).
- ✓ **Respect the rights of other copyright holders:** (a) Obtain permission when it is required (and know when it is not required); (b) Know your rights as a “fair user” and determine your risk tolerance; (c) Respond promptly when contacted regarding possible infringement.
- ✓ **Make appropriate use of open source, royalty-free, and/or traditionally licensed content.**
- ✓ **Resources:** EFF’s Blogger’s Guide available at <http://w2.eff.org/bloggers/lg/>; www.copyright.gov (Copyright Office official website); www.creativecommons.org (Creative Commons).

2. Trademarks.

- ✓ **If you are building a brand:** (a) Determine if your “brand” can function inherently as a trademark, and search to determine if others are already using it in your field; (b) Keep records of your dates of first use; (c) Consider obtaining trademark registration; (d) Seek legal advice!
- ✓ **Know that your domain name may not alone function as a trademark.**
- ✓ **Respect the trademark rights of others:** Understand what is considered “nominative” or “fair use” of another’s trademark.
- ✓ **Resources:** Rules for the Revolution episodes 13 and 14 (available here: <http://www.rulesfortherevolution.com/category/trademarks/>); <http://www.uspto.gov/main/trademarks.htm> (US Trademark Office official website)

3. Publicity/Privacy Rights.

- ✓ **Respect the privacy of others:** Don’t use the name or image of another person to promote or advertise your blog/brand without getting that person’s permission first.
- ✓ **Privacy Policy/Statement:** Consider whether you should implement a formal privacy policy (e.g., if you collect “personally identifiable information” you must have a policy).

4. Other Issues.

- ✓ **Website Policies:** Consider having a website terms of use, a formal privacy statement (see above), and a copyright “DMCA” policy (esp. if you permit comments or other “user-generated content”).
- ✓ **Insurance:** new media insurance resources (*see* Rules for the Revolution, episode 019) (<http://www.rulesfortherevolution.com/2007/09/19/episode-019-new-media-insurance/>)
- ✓ **Incorporate/business formation:** get your business formation done properly to add a layer of protection from your personal assets.
- ✓ **Use your common sense and be a good blog citizen!**

** Disclaimer: This checklist provides general information about legal topics but it is not a complete discussion of all legal issues that arise in relation to blogging nor is it a substitute for legal advice*