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LEGAL RESOURCES FOR CITIZEN MEDIA





tisks Associated With Publication

ery time you publish something online, whether it's a news article, blog post, podcast, video, or even iser comment, you open yourself up to potential legal liability. This shouldn't come as too much of a rprise because the Internet, after all, is available to anyone who wishes to connect to the network, and en the smallest blog or most obscure discussion forum has the potential to reach hundreds of millions people throughout the world.

ten the legal risks are small, but not always. The risks you could face when you publish online can ke a number of forms, depending on what and how you publish. The sections that follow are not tended to make you an expert on media law, but merely to help you identify potential "red flags" so at when you publish something that might result in liability, you will know to be extra careful and will ke the necessary steps to minimize your potential legal risks.

t's start with the more obvious risks.

rst, if you publish information that harms the reputation of another person, group, or organization, inflicts emotional distress upon another person, you may be liable for "defamation" or "false light." <u>stamation</u> is the term for a legal claim involving injury to reputation caused by false statements of fact d includes both libel (typically written or recorded statements) and slander (typically spoken atements). False light, which is similar to defamation, generally involves untrue factual implications out the subject that, although they might not hold the subject up to scorn or ridicule, nevertheless use emotional distress. The crux of both of these claims is falsity; with very rare exceptions, truthful atements and implications that harm another's reputation will not create liability, although they may en you up to other forms of liability if the information you publish is of a personal or highly private ture. We explain the details of defamation and false light and provide some practical tips for avoiding famation and false light claims in the section on Publishing Information that Harms eputation.

econd, if you publish private or personal information about someone without their permission, you tentially expose yourself to legal liability even if your portrayal is factually accurate. For example, in ost states you can be sued for <u>publishing private facts</u> about another person, even if those facts are ie. The term "private facts" refers to information about someone's personal life that has not eviously been revealed to the public, that is not of legitimate public concern, and the publication of nich would be offensive to a reasonable person. This could include such things as writing about a rson's medical condition, sexual activities, or financial troubles.

you use someone else's name, likeness, or other personal attributes without their permission for an ploitative purpose you could also face liability for misappropriation or violation of the right of blicity. Usually, people run into trouble in this area when they use someone's name or photograph in commercial setting, such as in advertising or other promotional activities. But, some states also ohibit use of another person's identity for the user's own personal benefit, whether or not the purpose strictly commercial. We discuss the details of misappropriation/right of publicity and private facts ums and provide some practical tips for avoiding these claims in the section on Publishing ersonal and Private Information.

ird, if you have web forums, allow reader comments, host guest bloggers on your site, or if you post information that you receive from RSS feeds, section 230 of the Communications Decency Act CDA 230") will likely shield you from liability for certain kinds of problematic statements made by ur users, guests and other third-parties on your site. This important federal law protects you from rt liability for statements contained in these materials – and any other user-submitted content – you blish on your site. You will not lose this immunity even if you moderate or edit this content, whether r accuracy or civility, so long as your edits do not substantially alter the meaning of the original atements. Keep in mind that CDA 230 will only protect you if a third-party - not you or your

pployee or someone acting under your direction – posts something on your blog or website. It does t shield you from liability for your own statements. We cover this protection in more detail in the ction on Publishing the Statements and Content of Others.

purth, if you publish or use the creative work of others, their trademarks, or certain confidential

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fth, if you are a blogger or social media user who reviews or otherwise writes about products and rvices, the Federal Trade Commission has issued "Guides Concerning the Use of Endorsements and stimonials in Advertising" that may impose disclosure requirements on you. These guidelines guire that you disclose "material connections" you may have with a company whose products or rvices you "endorse." Without the legal jargon, this means that bloggers and social media users must sclose their relationship with a company when they are being paid or otherwise compensated by the mpany to comment favorably on its products or services. We cover these requirements in the section Publishing Product or Service Endorsements.

istly, as you publish your work online you may want to correct things you have previously published. our willingness to fix past errors in your work will provide several benefits. It will make your work ore accurate and reliable and will likely diminish your liability for defamation and other potential gal claims. We explain the benefits of correcting your errors and provide some practical tips for ndling requests to correct or remove material in the section on Correcting or Retracting Your ork After Publication.

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Last updated on June 18th, 2011



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