



WEDNESDAY, MAY 9, 2012, 7pm

▶ **A Business and Legal Primer for Self-Publishers—from Concept to Distribution**

Let's face it. When it comes to publishing your own book, you would probably rather focus on creating the content and attracting readers. The business and legal aspects of getting your message out into the world are often an afterthought. But in today's dynamic publishing environment, understanding the legal aspects will allow you to play by the rules and stay out of trouble.



At the May 9 meeting you will hear about the latest trends and issues that today's successful publishers need to know. Our speaker will be Mary Ann L. Wymore, an officer at Greensfelder, Hemker & Gale, P.C., in St. Louis. Mary Ann is a member of the firm's litigation, communications and media, and intellectual property practice groups. She will give us an overview of the essential elements of the publishing process from a legal perspective.

Here are some of the topics Mary Ann will cover:

- formatting and editing your book
- title and cover design
- using a third-party self-publisher vs. creation of your own "publishing house"
- developing and implementing your marketing and distribution strategy

She will also give an overview of your legal rights and obligations, including the nuts and bolts of:

- copyrights and trademark
- defamation, privacy, and rights to publicity
- obtaining (and giving) clearances
- author warranties
- indemnification
- releases

We hope you'll join us May 9, when you will hear firsthand how to navigate the legal landscape and create a successful book. 📖

"Self-publishing has been paying my rent since August."

— David Gaughran, Author

▶ **Applying Copyright and Fair Use Laws to the Internet**

by Mary Ann L. Wymore

Advanced technology and a proliferation of social media outlets have made it increasingly easy for authors to self-publish successfully. The market implications are dramatic in terms of the speed with which self-publishers can showcase their works to more than 1.8 billion Internet users. Equally dramatic, however, is the technological ease by which others can pilfer and exploit a work published online. So before you upload your great American novel, be sure you understand the risks of doing so.

Generally, content on the Internet is protected by the same copyright laws that protect off-line content. Simply, that means no one can copy another's work without permission unless the copied work is in the public domain, is uncopyrightable (such as an "unadorned idea"), is subject to a Creative Commons license by which the author or creator chooses a set of conditions that apply to the work, or the copying is a "fair use."

What constitutes fair use is at best unpredictable in even the most typical of circumstances. It is even more unpredictable in the context of social media. Indeed, the Copyright Office itself has cautioned: "[T]he endless variety of situations and combinations of circumstances that can rise in particular cases precludes the formulation of exact rules." As a general rule, however, the courts look at four subjective factors to determine whether a use qualifies as a fair use:

1. The purpose and character of the use, including whether the use is primarily commercial in nature
2. The nature of the copyrighted work
3. The amount and importance of the portion used in relation to the copyrighted work as a whole
4. The effect on the potential market or value of the copyrighted work

This last point means, the more the copied work diminishes the marketability or value of the original work, the more likely a court will be to find the use is not a fair use.

There is no bright line to the analysis of these factors, and the weight given to a particular factor is ever-changing in view of the facts and circumstances of a particular case. There are, however, some guidelines. For example, borrowed passages used in parody, critique, political and social commentary, news reporting, teaching, scholarship, and research, often—but not automatically—are found to be fair uses. Similarly, works based in "fact" may receive less protection than works that are more creative or fictionalized in nature.

▶ FEATURED MEMBER

Peggy Nehmen, Graphic designer, Nehmen-Kodner
www.n-kcreative.com

A Checklist for Authors:

I'm a graphic designer. You're an author. Your manuscript is ready for layout . . . or is it? Here's a list of tips to use and mistakes to avoid when preparing your manuscript for layout. Read more: <http://slpa.memberlodge.com/blog?mode=PostView&bmi=906763>

▶ News You Can Use

The following is a selection of timely articles, resources, and information to help you CREATE, PRODUCE, and MARKET your books. Find the live links at www.stlouispublishers.org

CREATING

Writing a Novel People Want to Read. 4/27/12

Chuck Sambuchino

At every stage of the writing process—story building, composition, and editing—I asked myself the question: am I advancing a narrative that will reach the widest possible audience? Read more: <http://www.writersdigest.com/editor-blogs/guide-to-literary-agents/april-26-scheduled-corban-addison-gc>

PRODUCING

Steps and Techniques for Sharper Proofreading and Editing. 7/19/11

Proofreading and editing are essential steps in the writing process. After the brainstorming, outlines, drafts, and rewriting, proofreading and editing give a piece luster. It makes your work shine. Read more: <http://www.writingforward.com/category/polished-writing/proofreading-and-editing>

MARKETING

How Self-Published Books Create Highly Profitable Businesses. 4/26/12

Robert Skrob

When you use your self-published books as a sales tool to identify customers and make additional sales, then your self-published books become a money-generating tool that can drive a million-dollar business. Read more: <http://entrepreneurs.about.com/od/salesmarketing/a/selfpublished.htm> 

▶ Continued from Page One . . .

Even in such circumstances, though, the copying of the “essence” or “heart” of a copyrighted work weighs against a finding of fair use.

Notably, neither Congress nor the courts have squarely expanded the fair use doctrine as a defense against unauthorized use of copyrighted content on social media sites—although there is no per se reason such a defense would be inapplicable. Moreover, a media site's terms and conditions may give members the requisite permission. In a pending federal case, for example, a press group sued a photojournalist for antagonistic assertion of rights after the journalist demanded payment for the press group's use and

▶ The SLPA Mission

The St. Louis Publishers Association empowers authors and publishers to create and market quality products and books. A nationally recognized organization, the SLPA provides educational, informational resources on publishing. Through its monthly meetings, the organization provides networking opportunities for people involved in all aspects of the publishing industry. 

▶ What's Ahead? June 13, 2012

Join us Wednesday, June 13, 2012, when Erica Smith will give us her insights on Social Media for Authors and Publishers. Visit www.stlouispublishers.org for more information! 

▶ SLPA Meetings

SLPA meets on the second Wednesday of the month:

Brentwood Community Center
 2505 S. Brentwood Blvd., Room 101
 Brentwood, MO 63144
 (Enter through the door closest to the flagpole)

Doors open for networking at 6:30pm and meeting begins at 7pm. The formal meeting concludes at about 8:30pm with networking continuing after the meeting.

Our regular meetings are free to members. Guests – \$10 at the door, cash or check only. 

▶ Questions about SLPA?

Contact Membership Chair:

Kim Wolterman, membership@stlouispublishers.org

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Members: Get your article featured in the SLPA newsletter and posted on our blog. E-mail Katherine Pickett at communications@stlouispublishers.org for more information. 



dissemination of a photo he took in Haiti and posted on his Twitter account. The press group claimed the journalist was bound by Twitter's terms of service and had therefore granted a nonexclusive license to use, copy, and distribute his photographs. The journalist counterclaimed against the press group for copyright infringement, violations of the DMCA, and contributory and vicarious infringement. In allowing these counterclaims to proceed, the court reasoned that while Twitter “encourage[s] and permit[s] broad re-use of Content,” it does not clearly confer a right on other users to reuse copyrighted postings. Stay tuned! 