

## **Know Your Rights—and Limits:**

### **Legal Guide for JTC Students Publishing Online**

Many of you (i.e., JTC students) make postings to your blogs, personal websites, YouTube, and social networking sites. Also, micro-blogging is getting popular. One golden rule to remember about these postings is that legal issues applying to what you publish offline (e.g., a publication of your article in the Collegian or your photo in the College Avenue) also applies to what you published online (e.g., a publication of your article on Wordpress.com or your photo at Flickr.com).

Also remember that your online postings are never “private” (even when your mom is the only one who reads your blog). Moreover, what you publish online becomes permanent records that are stored in cyberspace, searchable by those who are interested in knowing about you (e.g., your potential employers may look at your Facebook profile to decide whether to hire you), and traceable back to you even if you posted anonymously. Thus, it is advised that you think carefully before you click the “publish” button while enjoying your freedom to publish and disseminate your work to the worldwide audience at no cost.

The main legal issues involving online publications include defamation, invasion of privacy, and copyright. For detailed information, check out the additional resources listed at the end of this Guide, but here are some key points in each area:

#### Defamation

Q: What is defamation?

A: Defamation is a false statement of fact that injures someone's reputation. For instance, if you falsely accused your roommate of engaging in an illegal activity, your roommate could sue you.

Q: What if it was Cammy, another friend of mine, who told me about it and I accurately quoted the defamatory statement to Cammy in my posting? Would I be responsible for repeating the statement?

A: Yes, if you repeat someone else's defamatory statement, you are just as responsible as the originator of the statement. There are important exceptions to this rule, though. If you reported accurately and fairly what was said during official government proceedings and/or what was written in official government records, you would be protected under the fair report or public record privilege. Also, ISPs are given immunity, under the section 230 of the Communications Decency Act, for content posted by a third party.

### Invasion of privacy

Q: I met an amazing JTC graduate during the CSU Alumni Media Festival. Later I became to know private details about the alumnus' college life that have not been disclosed to the public. Can I blog about it?

A: Well, it depends on what the private facts are. Unlike defamation, truth is not a defense in privacy cases. If the private facts are “offensive to a reasonable person” and “not a legitimate matter of public concern,” the alumnus could sue you for disclosing embarrassing private facts.

Q: I am an avid Facebook user, but I heard there are lots of privacy issues with using Facebook. What are they?

A: Electronic Privacy Information Center (EPIC) has put together a great section on Facebook Privacy (<http://epic.org/privacy/facebook/>). It will answer your questions.

### Copyright

Q: To hold a valid copyright ownership over what I create and post online, do I have to register my work with the Copyright Office and/or put a copyright notice on it?

A: No. There are benefits for registering and/or attaching copyright notice to your work, but copyright ownership begins automatically as soon as you create something and fix in a tangible medium of expression. On the other hand, there is a public, free license that you can use to have your work disseminated as widely as possible. Check out [creativecommons.org](http://creativecommons.org) if you are interested in.

Q: I read something interesting online. Can I quote it?

A: Short quotations are likely to be fair use especially when the quotations are used for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. However, there are no hard rules for fair use, and courts and legal experts often disagree over the extent of what is allowed under the fair use doctrine. If your quotation was “not too long” and you used it in a “transformative” manner (e.g., you commented upon it), it is more likely to be fair use. Be sure to accurately cite the source and provide a link to the original.

Q: I made a short video about bicyclists on the day of Tour de Fat in Fort Collins and dubbed in my favorite music as background music. Can I post it to YouTube without getting permission from the music copyright holder?

A: If you used the entire song, it is not fair use. Also, no exact rules exist on how many seconds of a song can be used under the fair use doctrine. YouTube started implementing Audio ID tool that identifies copyrighted music used in user-generated videos: Copyright owners may decide to

block, monetize, or track the use. If you get a notice from YouTube stating that your video has been removed due to copyright infringement, see if your use would qualify fair use. If you believe your video has been wrongly removed, you can send a counter notice to YouTube.

Q: I found a perfect picture for my blog posting. The picture was posted at Flickr.com by someone else. Can I use it?

A: Copying and pasting someone else's picture in its entirety without permission is not going to be a fair use even if you do not make any money off it. However, many Flickr users offer their work under a Creative Commons license. In such case, you can use it without permission as long as you abide by the license conditions.

### Additional Resources

Bloggers' Legal Guide by Electronic Frontier Foundation:

<http://www.eff.org/issues/bloggers/legal/join>

Code of Best Practices in Fair Use for Online Video by American University Center for Social Media: [http://www.centerforsocialmedia.org/resources/publications/fair\\_use\\_in\\_online\\_video/](http://www.centerforsocialmedia.org/resources/publications/fair_use_in_online_video/)

12 Important U.S. Laws Every Blogger Needs to Know by Aviva Directory:

<http://www.avivadirectory.com/blogger-law/>

Libel FAQs by Media Law Resource Center:

[http://www.medialaw.org/Content/NavigationMenu/Public\\_Resources/Libel\\_FAQs/Libel\\_FAQs.htm](http://www.medialaw.org/Content/NavigationMenu/Public_Resources/Libel_FAQs/Libel_FAQs.htm)

Social Networking Privacy by Electronic Privacy Information Center:

<http://epic.org/privacy/socialnet/>

YouTube Copyright Infringement Notification: [http://www.youtube.com/t/dmca\\_policy](http://www.youtube.com/t/dmca_policy)

Blog Law Recap by Eric Goldman:

[http://blog.ericgoldman.org/archives/2006/07/blog\\_law\\_recap.htm](http://blog.ericgoldman.org/archives/2006/07/blog_law_recap.htm)

### Further Questions?

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