Legal Considerations

Consider the Legal Implications of Your Communications

When should you consult your legal team?
What are slander and libel?

If it's damaging information, you must be able to prove it.
Legal Considerations

Liability applies to communication.

Instructions

Warnings

Don’t get sued!
Legal Considerations

Consider the opinion of the jury.

**Remember**

- Tone matters (Elvira)
- No electronic communication is really private

Tickets were $450

Legal Considerations

Check contracts carefully.

Definitely use your legal team.
Legal Considerations

Respect Copyrights: get permission to use intellectual property. (usually involves royalties)

Intellectual property =

• Music
• Books
• Emails
• Photographs
• And so on
Legal Considerations

Under Fair Use doctrine, you can use a small percentage of a copyrighted work without getting permission from the copyright holder—**BUT you MUST credit the copyright holder.**

However what’s a small percent? Better consult legal.

Avoid accusations of plagiarism too.
Legal Considerations

What’s Public Domain?

Intellectual property with expired copyrights is in the Public Domain:

• *Moby Dick*
• *Twelfth Night*
• *Symphony No. 5* (Beethoven)

**BUT:** Some copyrights are renewable. Better consult legal.
Legal Considerations

Respect Trademarks.

Logos
Slogans
Names

™
®
Legal Considerations

Here are some commonly abused trademarks:

<table>
<thead>
<tr>
<th>Trademarked Name</th>
<th>Generic Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frisbee®</td>
<td>flying disk</td>
</tr>
<tr>
<td>Velcro®</td>
<td>hook and loop tape</td>
</tr>
<tr>
<td>Coke®</td>
<td>cola, soda, soft drinks, pop</td>
</tr>
<tr>
<td>Kleenex®</td>
<td>tissues</td>
</tr>
<tr>
<td>Tylenol®</td>
<td>acetaminophen</td>
</tr>
</tbody>
</table>

Lost trademarks: aspirin, cellophane, thermos, escalator, yo-yo
Legal Considerations

There are reports of people from these places calling all soft drinks “coke”:

Texas
Louisiana
Arkansas
Michigan
Tennessee
Oklahoma
Germany
Legal Considerations

Use trademarks properly:

Always use trademarks as adjectives, not as nouns, and use it on multiple products:

• Nike® running shoes
• Nike® shirts
• Nike® training socks
Legal Considerations

Use trademarks properly:

Trademarked Fonts

From Capitolis Pirata, a type font designed by Roland Henss entirely from scavenged corporate logos. "There are some interesting trademark issues," says Joshua Berger, managing partner of Plazm Media, which offers a free download of the font set at www.plazm.com/fonts/downloads.

From our lawyers: Fast Company does not authorize the use of these logos, nor does it own the rights to do so. There may well be "interesting trademark issues" at stake--so users should get permission from the companies involved or proceed at their own risk.

Legal Considerations

Use TM as soon as you label the product.

Poly Students Rule!™

(Okay, potentially not an option to trademark that text.)
Legal Considerations

Register with the Patent and Trademark office so you can use ®
Legal Considerations

Check McDonald's® trademark list:

(This is the short one.)

If in any doubt, consult your legal team.