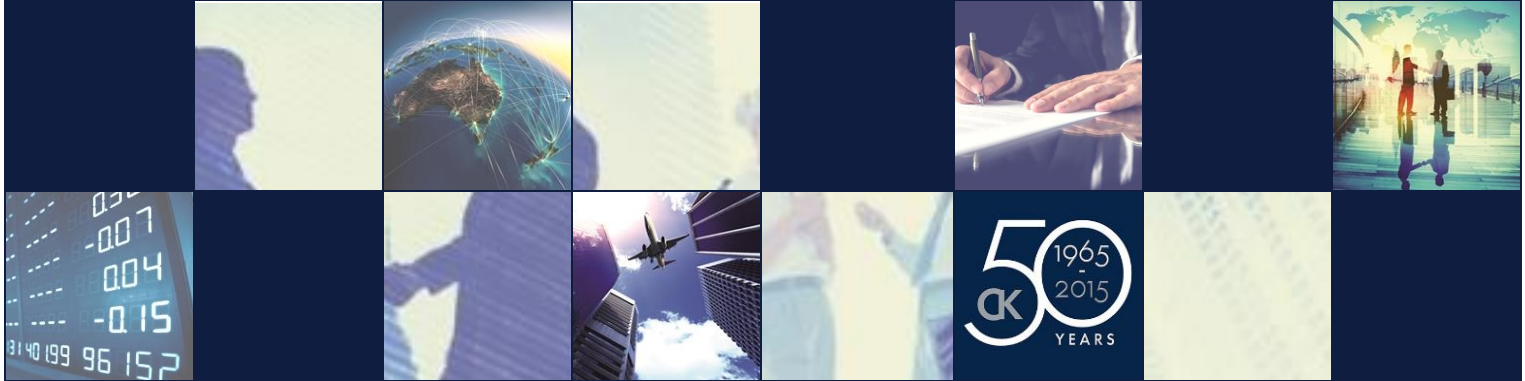




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Checklist of Legal / Risk Issues for Publishers

AUTHOR - PETER KARCHER

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MASTHEAD PROTECTION

Register your mastheads as trade marks. Domain names, Business and company name registrations don't give you protection for the name as against other traders. Do a search, or get us to do one, before deciding on a new masthead, as the name may not be available.

EMPLOYEE / CONTRIBUTOR AGREEMENTS

While content that an employee creates is generally owned by the employer, content created by a freelance contributor is generally not, unless you agree in writing that it is. If you are sourcing a fair amount of content from external contributors, most publishers develop a standard contributors agreement that deals with fees / payment, ownership of content, usage rights, re-use fees, and liability issues.

TERMS AND CONDITIONS FOR ADVERTISERS

These need to deal with issues including payment, liability for misleading advertising, flexibility to edit ad content and re-position advertising.

PRIVACY

While not all publishers are captured by the Privacy Act, most publishers want to adopt best practice compliance, given the importance to subscribers of transparency and disclosure with their personal information. This is especially the case if you are going to use your database for marketing purposes or make it available to third parties who may do so, or if there is a chance that the personal information you hold will be transferred offshore. You will need a compliant privacy policy, but you will also need advice on how to implement it, and how best to get consent to your privacy terms in the data collection process.

DEFAMATION AND LIABILITY ISSUES INCLUDING IN THE ONLINE SPACE, BLOGOSPHERE AND IN SOCIAL MEDIA

Publishers generally deal with defamation issues as they arise, however it is good to have some knowledge of the law in this area so you know how to deal with liability issues quickly and confidently when they arise. Often it is advisable to get some pre-publication advice and clearance where the subject matter is potentially controversial. Particular liability issues arise in the context of forums, chats and blogs where other people are posting on your platform.

LICENSED CONTENT AND COPYRIGHT ISSUES

So that you don't end up liable for claims of copyright infringement or unpaid licence fees, you should be aware of what copyright protects and the limited exceptions that allow you to use third party copyright material without the owner's consent.

MAGAZINE LICENSING

We have considerable experience in masthead and magazine licensing, both from the perspective of licensor and licensee. There are a few tricks and traps so it's best to take advice on protecting your interests in a licensed publication arrangement.

FOR MORE INFORMATION, PLEASE CONTACT:



PETER KARCHER //
Partner

T 61 2 8235 1218

E p.karcher@clarkekann.com.au

ClarkeKann
LAWYERS

CLARKEKANN.COM.AU

Queensland
Level 7, 300 Queen Street
Brisbane QLD 4000
Australia

T // +61 7 3001 9222
F // +61 7 3001 9299
E // ck@clarkekann.com.au

New South Wales
Level 4, 9 Castlereagh Street
Sydney NSW 2000
Australia

T // +61 2 8235 1222
F // +61 2 8235 1299
E // ck@clarkekann.com.au