



Authors & Writers

For authors and writers, life has gotten a lot more complicated lately.

The Internet has opened access to millions of new readers, but it has also increased the risk of piracy and plagiarism. E-books and DIY services have changed the publishing game. Intellectual property rights are in flux.

Throughout all this, Olive & Olive has represented writers of all types – from first-time screenwriters to accomplished novelists.

The landscape might have changed since 1957, when our founder opened the first IP practice in what is now called the Research Triangle of North Carolina, but our approach hasn't. Then and now, we've offered top-line IP advice and sound business counsel.

We make sure our writers know their rights.

As an author or writer, your primary form of intellectual property protection is copyright, which gives you exclusive rights over the original works you create. If someone wants to use your work, they need your permission (ideally in writing). You may require or request payment in exchange for reproduction rights.

You may also want to think about trademark protection as you establish a brand. Why? Do you want to see another author using your name or pen name on books you didn't write? Do you want to see your book series co-opted by a different author, so that folks who think they are getting a new book in your series actually buy someone else's book? If you've got a website, do you want others to copy the clever title you created for your

domain?

We sweat the small stuff, so you can write.

Obtaining a copyright doesn't require any extra work on your part. The copyright exists (and you, as the author, own it) as soon as you have created your work and saved it in a tangible form—on your computer, on paper, or on any other perceptible medium. You can immediately start using a copyright notice, too, to let the world know the work is yours.

Similarly, a trademark exists when you start using your brand. The use itself creates the right. And you can immediately start using a “common law” trademark notice—the letters TM or SM—to claim your right. (But for trademarks, there's a wrinkle ... you need to be sure you actually have the right to the mark, or you could be facing an infringement suit.)

The devil's in the details

If you don't take extra steps to secure your rights, you could be in trouble. Just like recording the deed to your house, copyright registration establishes a public record of your claim.

With a copyright registration, you can sue infringers (which, if you're a U.S. citizen, you can't do without registration). A registration that's obtained soon after the work is written allows you to take legal action against infringement, and it may entitle you to some extra benefits: enhanced damages, plus attorney fees if you have to sue.

If you become involved in a copyright dispute and you don't have a registered copyright, you may win the case but actually be in a hole because of having to pay attorney's fees. If you have a registered copyright, you could have your legal fees paid for, and you might actually get some money back for all of your trouble.

An added benefit: simply having a registration is often enough to make potential infringers think twice before copying your work.

Trademarks, too, bring extra benefits once registered. Our trademark attorneys can answer all your questions. And we can perform a trademark clearance search to keep you out of infringement trouble.

Olive & Olive is here to guide you through the changing world of publishing.

We write publishing contracts. We negotiate publishing contracts. We teach about publishing contracts. And we know what rights you need before you publish.

We help you think through clauses in traditional publishing contracts. We discuss the pros and cons of self-publishing. We educate you on the issues connected with publishing in unique formats such as anthologies and literary journals.

And when it comes to websites, domain names and domain disputes, we will help you maximize your brand and minimize your risks.

Our services include:

- Copyright registration. We draft and file copyright applications and deal with any complications that arise.
- Trademark clearance. We conduct searches for potential infringement barriers before you adopt a pen name, series title, or brand.
- Trademark registration. We draft trademark applications, and we file and manage client marks.
- Copyright and trademark education. We train our clients in the ramifications of copyright and trademark law and ownership issues so that appropriate documents transferring or licensing rights can be prepared and signed at early stages of the work rather than after problems arise.
- **DIY training**– Part of our copyright counseling, in particular, teaches our clients how to help themselves: when feasible, our professionals teach our clients how to prepare and file their own applications for copyright registration, so that in situations involving similar types of works, clients can avoid unnecessary legal fees.
- Templates for re-use. We prepare templates that our clients can use in repetitive situations – model releases, for example, and agreements with content providers, software developers, and customers.

- Commercialization of your copyrighted properties in the U.S. and abroad. We help you evaluate and decide how to monetize your work and keep the revenue flowing.
- Publishing contracts. We prepare and negotiate licenses and other contracts. A traditional publishing contract will cover issues such as: What percentage royalties are you getting on the piece, and is this in line with industry standard? Are you giving the publisher exclusive or non-exclusive rights (meaning you could publish the story elsewhere)? Do your rights cover specific formats (e.g. print, audio, or digital)? What about exploitation of other rights—toys based on your characters, coffee mugs with taglines or quotes, movies, and videos?
- Domain registration, **and** privacy policies. If you've got a website, you've got an entire universe of new complexities to deal with. We have substantial experience in this area.
- Dispute settlement and litigation. Our experienced litigators will evaluate your situation and determine whether to go to court or pursue some other alternative like mediation or arbitration.

It's your great creation. We'll help keep it safe. And we'll give it solid legal protection, including guarding it against infringement.

Olive & Olive's unique combination of business acumen and IP expertise has served authors and writers for more than 60 years. Need help protecting your work, getting it out to the public, and making sure you're not cheated in the process? Contact us and let's talk.