

Welcome to the Write Publish Market podcast. If you're an entrepreneur considering writing a book to serve your business, you're in the right place. Or maybe you've already decided — that's even better. I'm your host, Jodi Brandon, book publishing partner for entrepreneurs and 20-year veteran of the book publishing industry. On the Write Publish Market podcast, in addition to learning from me, you'll meet entrepreneurs just like you and hear about their experiences as we explore all facets of writing, publishing, and marketing a book that will help your business grow in ways you might not even have dreamed up yet.

Hey, author-entrepreneurs. Today we are talking about CYA when it comes to using client stories and the like in your book. So this is not about getting permissions as far as "I want to quote these few sentences from this book. And I know I need to obtain permission to legally do so because that person is the copyright holder." It gets a little bit dicey sometimes when it comes to sharing a client story, for example or sharing a quote from a podcast — something like that, where the copyright owner of the material is not always clear. It can be a little bit muddy. Certainly, we've all had those instances where we're sharing a client case study or a client's success when we're maybe not even naming them. So we don't obtain their permission to use that as an example. But when it comes to putting something in a book, sometimes it gets a little bit dicey here. This comes up all the time in the book publishing world, but it's been coming up, at least in my circle of people, more and more frequently. I've heard from three or four people in the last, I want to say, six to eight months about something that has come up for them that has caused them to reach out to me and say, "Hey, is this normal in the book publishing world? Or am I making a stink about this?" So let me just talk through a couple of these examples so you can get a sense for what you should and should not be doing as far as best practices when you're putting a book together and you want to use other people's stories, words, etc.

Let's talk about podcasts, for example. If I'm on a podcast as a guest, and there's no release form that tells me who owns the transcript, who owns the audio, who owns the graphics that might be shared about that podcast, the assumption, of course, is it's the podcast host. But the assumption is also that that podcast host isn't doing anything with that material aside from publishing the podcast to generate money for themselves that I may or may not feel that I'm entitled to. I have a friend who was on a podcast, as we all do. Months and months later — it might have even been a year later — she got an email from this podcast host saying, "Hey, I need you to sign this release. I'm putting together a book and I'm using a piece of the transcript from your episode." And she was expected to sign this release and send it back. The host offered a "Thank you. I'll send you a copy of the book once it's finished." Backing up, there was no form or guest release or anything like that, that talked about what the host planned to do with the episode and the assets from it after the podcast was published. So that's one thing: I suggest signing a release before you're a guest on a podcast episode, because you just never know what's going to come up a few months later, a year later, or whatever the case may be.

But also, here's a non-best practice from this particular example: The host sent my friend a release to sign to say, "Hey, I'm cool with my transcript being used in this book," but she didn't send the material itself. So my friend who is expected to sign this release, saying, "Yep, that's cool. Include my story in your book/my episode in your book" — without having any idea which

pieces or piece of the transcript was being used, what the context would be surrounding it, or anything like that. No information whatsoever, just “Sure. Here you go.” And obviously, in lieu of compensation, she was being sent a copy of the book after the fact. Now, I will say that is fairly standard. It’s **not** typical to be paid for this kind of thing when somebody is using it in a book. Honestly, perhaps if it becomes more common, monetary compensation will become a best practice. But for the time being, it’s really not. Being sent a copy of the book is pretty standard.

But that raises the question: What should the author of that book be sending to people? The transcript itself? The piece of your book where it’s being included? Just that piece, or the whole chapter, so that you know what the whole context is before/after that information? And then we get into “Well, as the recipient of that — as the former guest on that podcast — what if I have a problem with the way my transcript or my words or whatever are being presented? What if I don’t agree?” I don’t have to sign the release. But does the author then move forward without permission? Does the author take my material out? Does the author roll the dice and keep it in and just use it without my permission? What happens there? That’s one thing that could happen here.

Another example is in an anthology type of book, where you have various people contributing. In those circumstances, it is really, really important to have some kind of agreement in place — but also to be clear about who has final say over material. If I’m contributing a chapter to a book about book publishing, I want to make sure that I see what that final chapter looks like, what has been taken from what I submitted, what has been changed, what has been added, and who has the final say over what that chapter looks like, before that anthology is printed and published. That is something that varies from project to project. It depends on the submissions process: Are people submitting a chapter draft? Are people being interviewed and then that transcript is being used? Which pieces of that interview and transcript are being used? Is everything on the record? Is some off the record/ That’s an area where all sorts of shenanigans can come into play.

You want to make sure if you are offering that book, who holds the copyright for all of this contributed material?

There are a lot of things that you need to think about before you just go ahead and include something in your book, even something as simple as a case study, which maybe you’ve been given permission to use by your clients. In my business, for example, as part of my offboarding form, I asked for a photo and a testimonial. That’s part of a standard offboarding process that I know many business owners have. But I say where I’m going to use that testimonial: on my website, in my social media, graphics and press materials, that sort of thing. If I’m going to do something else with that testimonial, I need to go back to my clients and say so — and make sure they are okay with that use. That’s probably the legal way, but that’s definitely the way it’s done for me as a human. Even if it’s not necessarily “This would be required of me” (in this case, to let someone know that I’m using their testimonial or their case study in my book, if they’re identifiable), is it the right thing to do to ask them for permission — versus letting them

know I'm using it and giving them a chance to opt out, versus letting them know I'm doing it and this is what it's going to be?

So there are a lot of things to think about. You can see why. For example, if you're a podcast host, you can put something in your podcast guest release form to say, "Hey, we don't know yet what we're going to be doing with this thing in the future. But we want to be able to do what we want. As the creator of the podcast, we want to control this episode, this transcript, the assets surrounding it." If you are working with clients, and you know that a book is in your future, you can put that in your offboarding. "I may want to use our experience together as a case study on my website, in a future book, in a future whatever. Is that something that you're comfortable with?" Yes, no, maybe let's talk about it; see what the options are there. You really are in the driver's seat when it comes to this, but waters can get muddied, especially if there are not releases and things like that in place, as far as who owns the material, who owns the copyright, who owns the right to use this piece of information, that asset, et cetera. These are things that you want to be aware of as a book author — as an author-entrepreneur — as you're putting together your book, if you are including this type of material in your book.

Not every book will have this, so this discussion won't be applicable to everyone. And this does not mean, again, that you can't use a quotation from somebody or you can't use a case study where you're not identifying the client. That's totally different. You know, if you want to say, "I worked with client X from the book publishing industry, and before we worked together she was at X spot. And when we finished working together 12 weeks later, she was at Y spot," you can totally do that. But if you want to say, "I worked with Jodi Brandon of Jodi Brandon Editorial, and when we started working together, she had 3,000 Instagram followers. And 12 weeks later, when we finished working together, she had 7,000 Instagram followers (or whatever the case may be)," I might not want you talking about me and our experience together or results that way, and the ins and outs of us working together. Do you have a confidentiality agreement in place? All of those things come into play. But you want to start thinking about those things well before you are trying to wrap up writing your book draft. If you are set up for this properly from the get-go, you won't end up in a sticky situation and you won't end up needing to CYA, as they say.

Thanks for listening to this episode of the Write Publish Market podcast. I know just how busy entrepreneurs' schedules are. I'm grateful you've taken some time out of yours to journey into the world of book publishing with me today. If you enjoyed this episode, take a quick screenshot and share on social media to let others know you're listening. Use the hashtag #writepublishmarket to spread the love. Until next time, friends, happy writing.