

# A CASE STUDY ON HOW LAW IMPACTS A LITERARY WORK

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Last year, a fellow lawyer asked me to edit an anthology she was planning to put together of stories by women in the law. I said yes; the project combined my passions for writing, the law and volunteering. Other lawyers joined our editorial team, serving as co-editor and key readers. We all belong to a forum organized under the umbrella of a not-for-profit society.

We originally received submissions only from forum members, then 114 stories poured in. We could easily have assembled 1,014 stories, but it was time for our baby-with-114-mothers to be born. In November 2018, she was launched as *Truth Be Told: An Anthology of Inspirational Stories by Women in the Law*.

My insider perspective on the copyright and other legal considerations that arose while compiling the anthology made it a mini-case study for this column whose title, after all, is "Write/Right."

## HOW DID YOU DEAL WITH COPYRIGHT OWNERSHIP?

Each contributor retains copyright in her individual story; the umbrella organization owns the copyright in the book as a compilation work. Once the book was published, we prepared an application for copyright registration. Registering copyright costs \$50, and greatly enhances the owner's

remedies in case of infringement. Copyright subsists for the life of the last author to pass away, plus 70 years.

## HOW DID YOU HANDLE EDITING?

The editorial team worked directly with the contributors to hone the essays. As the stories rolled in, all imprinted with their creators' unique style and voice, we engaged a professional editor to ensure consistency in grammar, spelling, numbering and other conventions. The editor created a style guide that became an essential reference point.

## WAS THE SUBMISSION OF A STORY ENOUGH, OR DID YOU HAVE A CONTRACT?

Submitting a story could imply consent to publish it, but we wanted explicit permission from each contributor. We sent a publication consent form to each writer. Our umbrella organization retains the bundle of signed consent forms.

## DID ANY STORIES CONTAIN COPYRIGHT INFRINGING MATERIAL?

One story referred to a musical and contained actual lyrics. Since the musical is not yet in the public domain, we worked with the author to change



her text so that lyrics were replaced with references to the songs. The story also contains an attribution of the musical's copyright owner.

## DID YOU HIRE AN ARTIST FOR THE COVER? DID YOU HAVE TO GET CONSENT?

We paid for and obtained consent to use an artist's work for the cover. We received the permission of a photographer to use a photo on the back cover.

## WHAT ABOUT SELLING THE BOOK, ANY CONTRACTS THERE?

Consigned copies of the book are available at Audreys in Edmonton and Shelf Life in Calgary. Each bookstore has its own consignment agreement.

These are just a few examples of how the law can affect a literary work. ■

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