

# The 9 things every college journalist should know about online media law even though it's scary, confusing and boring.

By Jacob Meyer

Online media law can be scary. It can be confusing.

It can also be excruciatingly boring.

Even so, it's crucial as a student journalist to be informed about the do's and don'ts of online media law.

My task, then, is to give you the nine most important things about media law without you falling asleep.

What you're probably thinking right now:



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## 1. Defamation

[According to Poynter's News University](#), defamation is publishing something that tarnishes the reputation of another.

- Libel = written defamation
- Slander = verbal defamation.

To be proven guilty of defamation, the journalist must have acted not only incorrectly, but negligently.

So basically, don't do this:



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## 2. "But I quoted them."

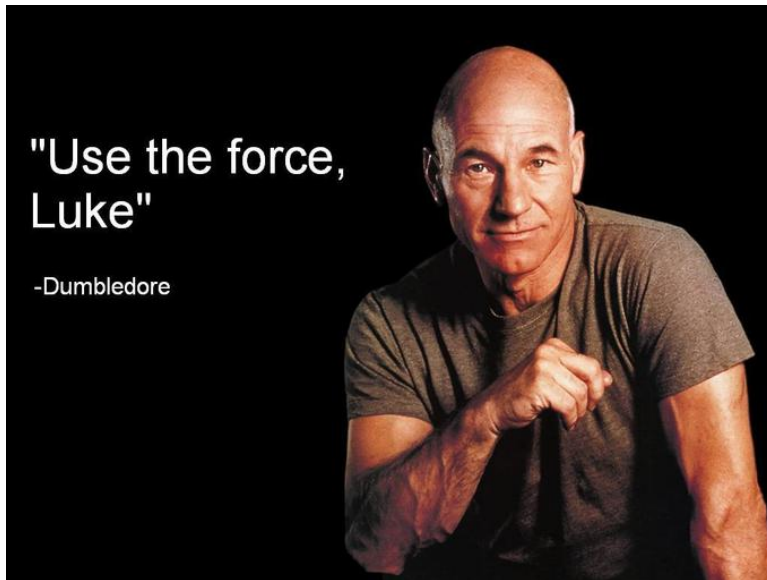
Just because you quoted a source, doesn't mean you aren't liable for the libel (see what I did there?)

[According to Steven Price of Media Law Journal](#), who reports or publishes the quote is the one liable, not the person who said the quote.

"It's not enough for the publisher to prove that it has reported the accusation accurately. It must be able to prove that the accusation itself is true," Price writes.

Another thing to remember about quotes to avoid defamation is to quote the source accurately.

[According to the Reporters Committee for Freedom of the Press](#), in the *Masson v. New Yorker Magazine, Inc.*, U.S. Supreme Court case, the courts decided small parts of the quote can be wrong, as long as the meaning of the quote stays consistent.



*Meme via knowyourmeme.com*

### **3. Public vs. Private**

To not defame someone, it must first be known who is considered a public figure versus someone who is private.

[Poynter's News University](#) defines a public figure as "an individual who is so famous, powerful, or influential that he or she is subject to public interest and scrutiny."

For athletes, politicians and entertainers, proving defamation in court is more difficult, as they have to "prove the publisher acted with 'actual malice.'"

Simply, a private figure is someone who is not a public figure. In court, a plaintiff who is considered a private figure does not have to prove "actual malice," but they must show the publisher was "negligent."

Are you still awake?



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#### 4. The best defense against defamation:

[According to Saia Law Firm](#), “truth, or substantial truth, is a complete defense to a claim of defamation.”

Pretty simple here. Just listen to Will Smith:



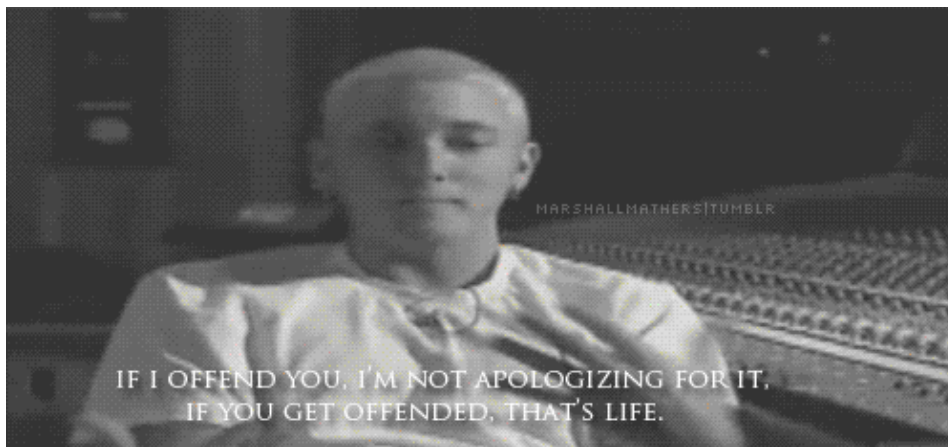
“Concussion.” Gif via: [giphy.com](#)

#### 5. False light

Defamation and false light are virtually the same thing, except for one key difference.

[According to Aaron Minc of Defamation Removal Law](#), the difference is defamation focuses on the person’s reputation and false light is based around “emotional distress.”

This is not how it works:



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## 6. Invasion of privacy:

When it comes to invasion of privacy, there are two main aspects: intrusion and publication of private facts.

[According to Poynter's News University](#), intrusion does not need the information to be published and is defined as the "...intentional, highly offensive intrusion into the plaintiff's solitude, seclusion, private affairs or concerns."

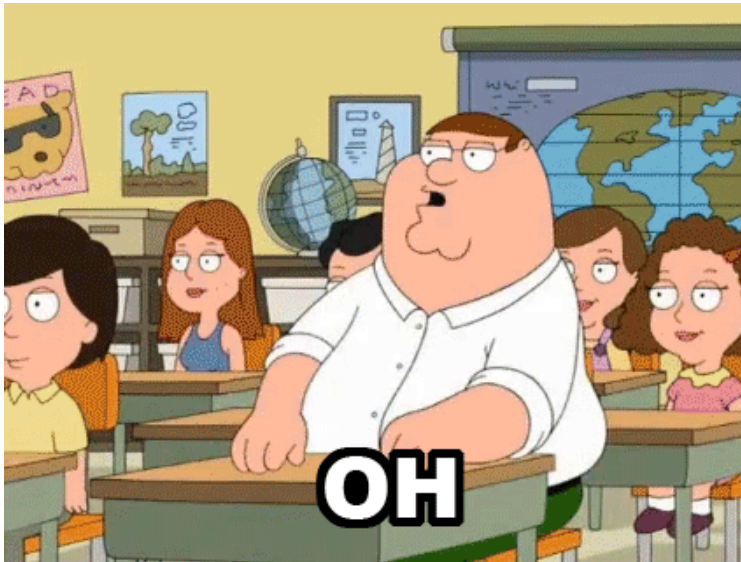
Recording someone without his or her permission and looking into someone's home are examples of intrusion.

A publication of a private fact is determined an invasion of someone's privacy if it is "highly offensive to a reasonable person and not a legitimate concern to the public."

## 7. The best defense against the publication of private facts:

As truth is the best defense against libel, newsworthiness is the best defense against the publication of private facts.

If your readers are going to think this, you probably shouldn't publish the private fact:



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## 8. Copyright

If you aren't asleep yet, you surely will be by the end of copyright. Stay with me.



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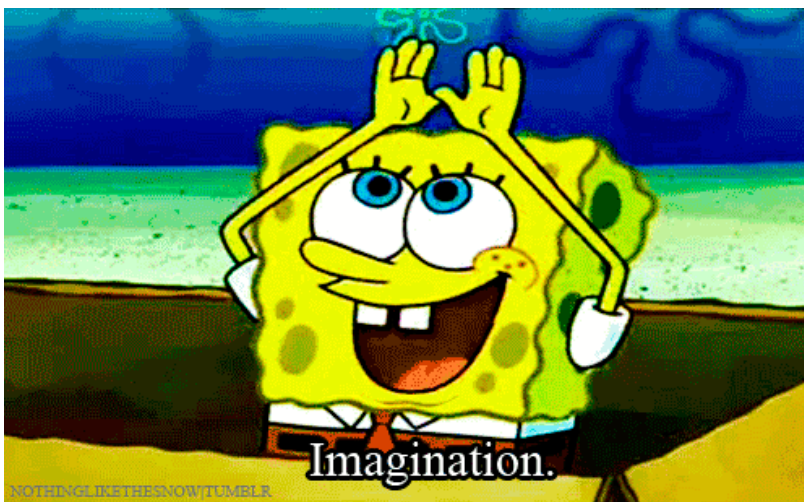
The Copyright Act defines copyrighted works as “original works of authorship.”

Paintings, drawings, recordings, music, among many others are considered works that can be copyrighted, according to [Poynter’s News University](#).

Ideas, concepts and procedures cannot be copyrighted under the Copyright Act.

For copyright to be infringed upon, the owner must first have a copyright on the work. Secondly, it must have also been copied or used by the plaintiff. Lastly, “...the copied sections of the work are protected by copyright.

Overall, the best way to not commit copyright infringement is to use your own ideas and not take others. Be sure to use your:



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## 9. “Fair use doctrine”

We all love exceptions. And that’s exactly what the “fair use doctrine” is.

Under the “fair use doctrine,” copyrighted works can be reproduced for ““purposes such as criticism, comment, news reporting, teaching...scholarship, or research,” [according to Poynter’s News University](#).

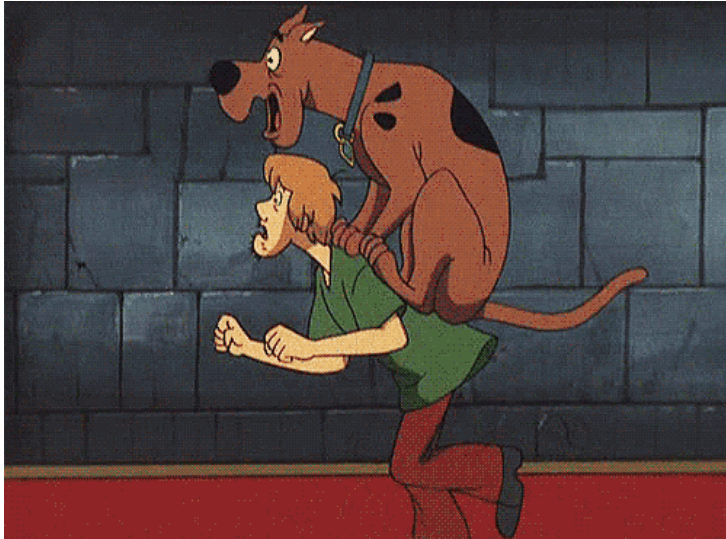
For the work to be under fair use, the reason it is used, how it is used, the amount it is used and the influence the published work has all apply.

If the new work diminishes the copyrighted work, then it is not covered under the “fair use doctrine.”

Also, the new work should be “transformative” and add “a new meaning or message” to the original work.

Be careful when operating under the “fair use doctrine,” because if these guidelines aren’t followed, then it is probably copyright infringement.

If you do, you should probably start running:



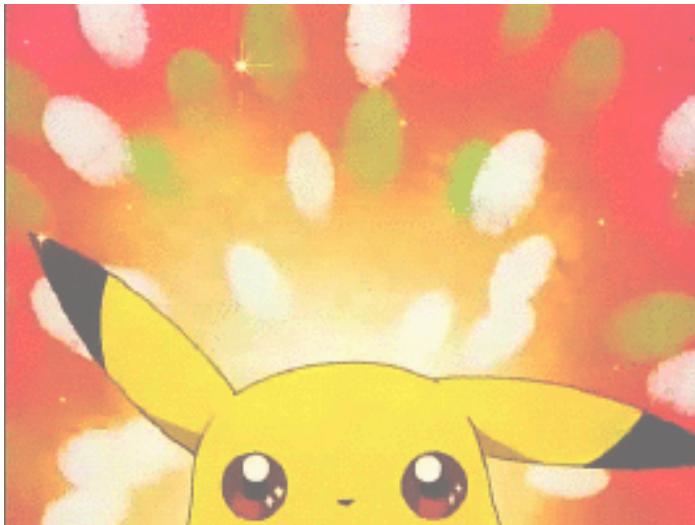
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Well, I hope you’re still awake and at least a little less scared and confused about media law. I hope to imagine you started something like this:



Gif via: <http://giphy.com/gifs/screaming-falling-asleep-passing-out-11mZ7LKLGhkwaA>

And now you're like this:



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