

they are familiar with, or with which they have had good experience in the past. Your initial measure of success is effective communication, and your long term success may be measured in the sale or new contract for services.

Words and Your Legal Responsibility

Your writing in a business context means that you represent yourself and your company. What you write and how you write it can be part of your company's success, but can also expose it to unintended consequences and legal responsibility. When you write, keep in mind that your words will keep on existing long after you have moved on to other projects. They can become an issue if they exaggerate, state false claims, or defame a person or legal entity such as a competing company. Another issue is plagiarism, using someone else's writing without giving credit to the source. Whether the "cribbed" material is taken from a printed book, a Web site, or a blog, plagiarism is a violation of copyright law and may also violate your company policies. Industry standards often have legal aspects that must be respected and cannot be ignored. For the writer this can be a challenge, but it can be a fun challenge with rewarding results.

The rapid pace of technology means that the law cannot always stay current with the realities of business communication. Computers had been in use for more than twenty years before Congress passed the Digital Millennium Copyright Act of 1998, the first federal legislation to "move the nation's copyright law into the digital age."^[3] Think for a moment about the changes in computer use that have taken place since 1998, and you will realize how many new laws are needed to clarify what is fair and ethical, what should be prohibited, and who owns the rights to what.

For example, suppose your supervisor asks you to use your Facebook page or Twitter account to give an occasional "plug" to your company's products. Are you obligated to comply? If you later change jobs, who owns your posts or tweets—are they yours, or does your now-former employer have a right to them? And what about your network of "friends"? Can your employer use their contact information to send marketing messages? These and many other questions remain to be answered as technology, industry practices, and legislation evolve.^[4]

“Our product is better than X company’s product. Their product is dangerous and you would be a wise customer to choose us for your product solutions.”

What’s wrong with these two sentences? They may land you and your company in court. You made a generalized claim of one product being better than another, and you stated it as if it were a fact. The next sentence claims that your competitor’s product is dangerous. Even if this is true, your ability to prove your claim beyond a reasonable doubt may be limited. Your claim is stated as fact again, and from the other company’s perspective, your sentences may be considered libel or defamation.

Libel is the written form of defamation, or a false statement that damages a reputation. If a false statement of fact that concerns and harms the person defamed is published—including publication in a digital or online environment—the author of that statement may be sued for libel. If the person defamed is a public figure, they must prove malice or the intention to do harm, but if the victim is a private person, libel applies even if the offense cannot be proven to be malicious. Under the First Amendment you have a right to express your opinion, but the words you use and how you use them, including the context, are relevant to their interpretation as opinion versus fact. Always be careful to qualify what you write and to do no harm.

KEY TAKEAWAY

Words are governed by rules and shape our reality. Writers have a legal responsibility to avoid plagiarism and libel.

EXERCISES

1. Define the word “chair.” Describe what a table is. Draw a window. Share, compare, and contrast results with classmates
2. Define love. Describe desire. Draw patience.
3. Identify a target audience and indicate at least three words that you perceive would be appropriate and effective for that audience. Identify a second audience (distinct from the first) and indicate three words that you perceive would be appropriate and effective. How are the audiences and their words similar or different? Compare your results with those of your classmates.

4. Create a sales letter for an audience that comes from a culture other than your own. Identify the culture and articulate how your message is tailored to your perception of your intended audience. Share and compare with classmates.
 5. Do an online search on “online libel cases” and see what you find. Discuss your results with your classmates.
 6. In other examples beyond the grammar rules that guide our use of words, consider the online environment. Conduct a search on the word “netiquette” and share your findings.
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[1] Aristotle. (1941). De anima. In R. McKeon (Ed.), *The basic works of Aristotle* (J. A. Smith, Trans.). New York, NY: Random House.

[2] Russell, B. (1962). *The problems of philosophy* (28th ed., p. 9). Oxford, UK: Oxford University Press. (Original work published 1912)

[3] United States Copyright Office (1998). Executive summary: Digital millennium copyright act. Washington, DC: U.S. Government Printing Office. Retrieved from http://www.copyright.gov/reports/studies/dmca/dmca_executive.html

[4] Tahmincioglu, E. (2009, October 11). Your boss wants you on Twitter: Companies recognizing value of having workers promote products. MSNBC Careers. Retrieved from <http://www.msnbc.msn.com/id/33090717/ns/business-careers>

