

## **Book Publishing Problems**

### **Defamation, Breach of Confidence and False Light Invasion of Privacy**

A book publisher and author/psychiatrist were sued for defamation, breach of confidence and false light invasion of privacy after publishing a book that relied upon case studies of the author's patients. The case was eventually dismissed because the court deemed that the book was not "of and concerning" the plaintiff. However, legal fees to defend the case were high – in excess of \$100,000 – because the jurisdiction wherein the case had been filed was very expensive.

### **Defamation, Emotional Distress**

A publisher with expertise in world travel guides was sued for defamation in Europe by the proprietor of a youth hostel. Young women were warned to stay away from the plaintiff's hostel because of his voyeuristic tendencies. After years of jurisdiction skirmishes and exorbitant legal expense – legal expense in excess of \$300,000, the case was finally dismissed.

### **Trade Dress Infringement**

Book publisher A., a publisher of mysteries, sued book publisher B for trade dress infringement arising from B's book jacket cover that featured cut-outs in the jacket that provided "glimpses" into the artwork beneath, which was similar to the jackets of A. In granting summary judgment for B, the judge ruled that there wasn't a likelihood of confusion. Legal expense, however, was in excess of \$50,000.

### **Trademark Infringement**

A publisher, which specialized in "unauthorized" biographies, planned to publish a book about a television character. The book was advertised in its Fall Title Catalog. The book's title referenced the name of the television character, along with a picture from the television series. Because the publisher was trading on the likeness of the character, it was sued by the television network that produced the series for trademark infringement. The network also filed a motion for a restraining order, which was granted by the court, to prevent the distribution of the book. (The Actress could have sued for right of publicity.) This claim illustrates the need for coverage in place at the time works are advertised as it was the title and jacket cover that triggered the claim – not the content of the work.