**Writer’s Digest**

[**http://www.writersdigest.com/editor-blogs/guide-to-literary-agents/10-tips-for-writing**](http://www.writersdigest.com/editor-blogs/guide-to-literary-agents/10-tips-for-writing)

**10 Tips for Writing**

By: [**Chuck Sambuchino**](http://www.writersdigest.com/author/chuck-sambuchino) | August 7, 2015

1. **Don’t write linearly:** Don’t set out to write something from beginning to end. A story is meant to be read from front to back, but not necessarily created that way. If you have an idea for writing the sixth chapter first, then start there. The epilogue can even be the first thing you put down on paper, then work your way back. Scattered chapters will eventually be filled in, and it will force you to look at the story from different angles, which may present different ideas or new approaches. You’d be surprised how well this works when a whole book starts coming together. It’s also great for getting around writer’s block.

**2. Have two or more projects on the go:** Speaking of writer’s block, having more than one project on the go is never a bad idea. Although focus and dedication are paramount to completing a work, sometimes you inevitably get stuck. It’s good to be able to move on to something else instead of feeling frustrated and stagnant. You don’t have to have a few big projects happening either … maybe you’re penning a novel, but also some short stories and an article or two.

**3. Be your own editor:** There are days where I have difficulty writing altogether, so I’ll switch to editing my stories rather than trying to create them. Never assume it is someone else’s job to fix your mistakes. Find all the errors first, and deal with them yourself. The more polished and refined your work is, the more favorably it will be received when you’re finally ready to present it.

[*(Should you mention self-published books when querying an agent?)*](http://tinyurl.com/lq25ru9)

**4. Ask for (and take lots of) punishment:** It is well worth finding yourself a professional writer or editor and asking/paying them to look at your work. Tell them to give you highly critical feedback with no sugarcoating. Let them go so far as to be cruel too, just so you really get the point. There is a lot of rejection and criticism involved in the publishing industry. Getting accustomed to it sooner than later is advantageous. If you want to be serious about your writing, then you’ll need to know everything wrong with your writing. Accepting and understanding the harsh realities of your shortcomings is a most important step to getting better.

**5. Disconnect:**Twitter, Facebook, Instagram, Pintrest, the Internet in general … we know how invasive social media and technology is in our lives these days. We also know that it can be good for promotion, building a brand, and having an online presence. But you know what else social media and technology is really good for? Procrastination, distraction, and countless wasted hours. Being able to unplug for long periods of time is more important than you may think. All those tweets you’ve posted might have added up the word-count of half a novel by now…

**6. Learn what good writing is:**Honestly, there’s so much terrific writing out there, but there is also considerably more garbage as well. I’m constantly surprised by how many people don’t know the difference between the good and the bad. Art is subjective, true, but it isn’t that subjective when you remove ignorance and replace it with education. Duke Ellington said it best: “There are two kinds of music. Good music, and the other kind”. The same applies to writing.

**7. Have your own workspace:** It’s trendy nowadays to take your laptop to coffee shop or bar and write in public. I even advocate a change of environment/atmosphere when writing feels stifled. But I believe it’s more important to have and maintain your own private workspace, a spot you can call your own with a desk and preferably a door you can close when you need to shut out the world in order to create your own.

[*(Can your query be longer than one page?)*](http://tinyurl.com/le6mxh8)

**8. Dedicate to the craft:** Serious writing is not something you merely do if or when you can find the time. It’s not just for Sunday afternoons, or the occasional evening, or a few hours a week when you can give it some attention. Make the time, and make lots of it. Tackle the craft daily and dedicate a generous portion of your existence to honing your skills. You’re only going to get out of it what you put into it, and serious writing requires a lot of investment.

**9. Time management:** When it comes to the hours or days you’ve reserved for writing, make sure you stick to your guns. Consider it sacred. To most other people, your ‘writing time’ is merely ‘flexible time’. They will invariably think that you can cancel, minimize or postpone working when it suits you (or them). Tell these people that your personal work time is not negotiable; much like theirs isn’t at their day jobs. You don’t need a regimented schedule, but you do need to clock in the hours.

**10. Remember the Three “P’s”:** I’ll admit there’s still a hell of a lot more to say on the topic of writing tips, but what it all comes down to in the end are three things I believe writers need to remember above all else: Patience, Perseverance, and maintaining your sense of Purpose.

IUniverse site

http://www.iuniverse.com/expertadvice/20writingtipsfrom12fictionauthors.aspx

20 Writing Tips from Fiction Authors

Writing success boils down to hard work, imagination and passion—and then some more hard work. iUniverse Publishing fires up your creative spirit with 20 writing tips from 12 bestselling fiction authors.

Use these tips as an inspirational guide—or better yet, print a copy to put on your desk, home office, refrigerator door, or somewhere else noticeable so you can be constantly reminded not to let your story ideas wither away by putting off your writing.

**Tip1:** "My first rule was given to me by TH White, author of *The Sword in the Stone*and other Arthurian fantasies and was: Read. Read everything you can lay hands on. I always advise people who want to write a fantasy or science fiction or romance to stop reading everything in those genres and start reading everything else from Bunyan to Byatt." —**Michael Moorcock**

**Tip 2:** "Protect the time and space in which you write. Keep everybody away from it, even the people who are most important to you." —**Zadie Smith**

**Tip 3:** "Introduce your main characters and themes in the first third of your novel. If you are writing a plot-driven genre novel make sure all your major themes/plot elements are introduced in the first third, which you can call the introduction. Develop your themes and characters in your second third, the development. Resolve your themes, mysteries and so on in the final third, the resolution." — **Michael Moorcock**

**Tip 4:**"In the planning stage of a book, don't plan the ending. It has to be earned by all that will go before it." —**Rose Tremain**

**Tip 5:** "Always carry a note-book. And I mean always. The short-term memory only retains information for three minutes; unless it is committed to paper you can lose an idea for ever." —**Will Self**

**Tip 6:** "It's doubtful that anyone with an internet connection at his workplace is writing good fiction." — **Jonathan Franzen**

"Work on a computer that is disconnected from the internet." — **Zadie Smith**

**Tip 7:** "Interesting verbs are seldom very interesting." — **Jonathan Franzen**

**Tip 8:** "Read it aloud to yourself because that's the only way to be sure the rhythms of the sentences are OK (prose rhythms are too complex and subtle to be thought out—they can be got right only by ear)." — **Diana Athill**

**Tip 9:** "Don’t tell me the moon is shining; show me the glint of light on broken glass." – **Anton Chekhov**

**Tip 10:** "Listen to the criticisms and preferences of your trusted 'first readers.'" — **Rose Tremain**

**Tip 11:** "Fiction that isn't an author's personal adventure into the frightening or the unknown isn't worth writing for anything but money." — **Jonathan Franzen**

**Tip 12:** "Don't panic. Midway through writing a novel, I have regularly experienced moments of bowel-curdling terror, as I contemplate the drivel on the screen before me and see beyond it, in quick succession, the derisive reviews, the friends' embarrassment, the failing career, the dwindling income, the repossessed house, the divorce . . . Working doggedly on through crises like these, however, has always got me there in the end. Leaving the desk for a while can help. Talking the problem through can help me recall what I was trying to achieve before I got stuck. Going for a long walk almost always gets me thinking about my manuscript in a slightly new way. And if all else fails, there's prayer. St Francis de Sales, the patron saint of writers, has often helped me out in a crisis. If you want to spread your net more widely, you could try appealing to Calliope, the muse of epic poetry, too." —**Sarah Waters**

**Tip 13:** "The writing life is essentially one of solitary confinement – if you can't deal with this you needn't apply." — **Will Self**

**Tip 14:** "Be your own editor/critic. Sympathetic but merciless!" — **Joyce Carol Oates**

**Tip 15:** "The reader is a friend, not an adversary, not a spectator." — **Jonathan Franzen**

**Tip 16:** "Keep your exclamation points under control. You are allowed no more than two or three per 100,000 words of prose. If you have the knack of playing with exclaimers the way Tom Wolfe does, you can throw them in by the handful." — **Elmore Leonard**

**Tip 17:** "Remember: when people tell you something's wrong or doesn't work for them, they are almost always right. When they tell you exactly what they think is wrong and how to fix it, they are almost always wrong." — **Neil Gaiman**

**Tip 18:**"You know that sickening feeling of inadequacy and over-exposure you feel when you look upon your own empurpled prose? Relax into the awareness that this ghastly sensation will never, ever leave you, no matter how successful and publicly lauded you become. It is intrinsic to the real business of writing and should be cherished." — **Will Self**

**Tip 19:**"The main rule of writing is that if you do it with enough assurance and confidence, you're allowed to do whatever you like. (That may be a rule for life as well as for writing. But it's definitely true for writing.) So write your story as it needs to be written. Write it honestly, and tell it as best you can. I'm not sure that there are any other rules. Not ones that matter." — **Neil Gaiman**

**Tip 20:** "The nearest I have to a rule is a Post-it on the wall in front of my desk saying ‘Faire et se taire’ (Flaubert), which I translate for myself as ‘Shut up and get on with it.’" —**Helen Simpson**

Even famous authors sometimes have a tough time with writing; they also go through periods of self-doubt. Despite this, they always manage to come up with the goods. So take a lesson from them and stop putting off your writing plans and get started on your publishing journey today.

**Basic Copyright Concepts For Writers**

**http://www.writerswrite.com/journal/sep97/basic-copyright-concepts-for-writers-9973**

by Claire E. White  
*The Internet Writing Journal*, [September 1997](http://www.writerswrite.com/journal/sep97/)  
  
One of the most important legal concepts that a freelance writer must become familiar with is that of U.S. copyright law. Many misconceptions exist regarding this topic, especially on the Internet. The Internet itself poses some tricky problems regarding copyright, not all of which are settled under U.S. law. This article will address some of these basic concepts and will give some practical advice for freelance writers on protecting their work.   
  
**What Copyright Law Covers**  
  
Copyright law protects "works of authorship" which include literary works such as short fiction, short stories, novels, nonfiction articles, poetry, newspaper articles, newspapers, magazine articles, magazines, computer software, software manuals, text advertisements, manuals, catalogs, brochures, and compilations of information, such as databases. Other categories of protected works include dramatic works, motion pictures, other audiovisual works, and sound recordings. Copyright law does not protect ideas, facts, inventions, processes, systems of operations, words, names, symbols or proprietary information, although it may protect the way these things are expressed. Inventions and processes are protected under patent law. Words, names and symbols used to identify good and services are protected by trademark law. Proprietary information (information secret to a business such as customer lists) is protected by trade secret law.   
  
**How Do You Get Copyright Protection for Your Work?**

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The original author of a work owns the copyright to that work, unless he or she has assigned those rights to a third party. Copyright protection arises automatically, without any action taken by the author, the moment the work is fixed in a tangible form so that it is perceptible either directly or with the aid of a machine or device. For a short-story writer, the work becomes fixed as soon as the author dictates the story, writes it down or types it into the computer. The work must be "original", *e.g.*, not based upon someone else's work. The fact that the short story may be similar to many other stories does not mean it is not "original" for copyright purposes, so long as the author did not copy the story from another source.   
  
For works published before March 1, 1989, a formal copyright notice was required to be placed on the work in order to receive copyright law protections. That is no longer the case. For works published after March 1, 1989, no copyright notice need be placed on the work in order for full copyright protection to apply. From a practical standpoint, however, an author should always place the following notice on his or her work: Copyright © 1997 by Author's Name. All Rights Reserved. The reason for this advice is purely practical; such a notice warns people who view the work that the author takes copyright issues seriously and may have a deterrent effect upon possible infringers, especially those who are unfamiliar with the intricacies of copyright law. Furthermore, if the work carries a proper notice, in the event of a subsequent infringement lawsuit the defendant will be unable to claim "innocent infringement"--that is, that he or she did not realize that the work was protected. (A successful innocent infringement defense may allow the defendant to pay less in damages than the copyright owner would otherwise receive if the infringement was found to be unintentional.)   
  
"Publication" has a technical meaning in copyright law. According to the U.S. Copyright statute:

"Publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication."

In general, publication occurs on the date upon which copies of the work are first made available to the public.   
  
**Registering a Copyright**  
  
Given the fact that an author owns the copyright in his or her work the moment the work is fixed in a tangible form without a formal copyright notice, why bother to formally register the copyright in a work with the [U.S. Copyright Office](http://lcweb.loc.gov/copyright/)? There are several reasons to register:

* To sue someone for copyright infringement the owner of the work must first register the work with the U.S. Copyright Office. You may register the work after someone has infringed upon the work, but the registration will only apply to infringements that occur after the registration. However, if you register your work within 90 days of publication, the statutory damages provisions apply to infringements before and after the actual registration.
* Registered works may be eligible for statutory damages up to $100,000 and attorney's fees in successful litigation.
* If the registration is made within five years from the creation of the work, it is considered prima facie evidence in a court of law.
* Registration is inexpensive ($20 per work registered) and relatively simple. To register the author simply fills out the copyright application and mails it to the U.S. Copyright office with a check and a nonreturnable copy of the work (one copy if the work is unpublished and two copies if it has been published). Works that have been published must be registered within three months of the publication. This is called "mandatory deposit".

Copyright registration is considered effective the day the Copyright Office receives all the materials required for registration. Authors may copyright the name in a pen name or pseudonym by simply checking the "Pseudonymous" box on the application.   
  
**Can Foreigners Copyright Their Work in the U.S.?**  
  
Many works of foreign origin are protected by U.S. copyright law. All unpublished works, regardless of the nationality of the author, are protected in the United States. Works that are first published in the United States or in a country which has entered into a copyright treaty with the U.S., or are created by a citizen or domiciliary of a country which has entered into a copyright treaty with the U.S. are also protected and may therefore be registered with the U.S. Copyright Office. The U.S. has copyright treaties with many countries, including Australia, Canada, China, France, Germany, Japan, New Zealand, Sweden, Switzerland and the United Kingdom.   
  
Copyright laws of individual countries vary quite a bit. Some resources to investigate include the [Canadian Intellectual Property Office copyright site](http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/home) and an [Australian copyright site](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/index.html) maintained by the Law Foundation of NSW.   
  
**How Long Does the Copyright Last?**  
  
Works published or created after January 1, 1978 are not subject to renewal registration. For works published or registered prior to January 1, 1978, renewal registration is optional after 28 years but does provide certain legal advantages.   
  
The length of copyright protection depends on several factors: when the work was created, who created the work, and when the work was first distributed commercially. For works created on and after January 1, 1978, the copyright term for works created by an individual is the life of the author plus 50 years. The term of the copyright for "works for hire" is 75 years from the date of first "publication" (distribution of copies to the general public) or 100 years from the date of creation, whichever expires first.   
  
The right to enforce the copyright is owned by the owner of the copyright. Usually, that will be the author of the work. However, if an employee creates a work within the scope of the employee's employment, any work created belongs to the employer. This is called "work for hire". For example, a comedy writer for The David Letterman Show writes several jokes for the monologue. The jokes are the property of the employer, not of the comedy writer because they were written within the scope of the writer's employment. The writer does not own the copyright to those jokes, the employer does.   
  
"Work for hire" can also occur in a freelance situation if the author signs a specially commissioned "work for hire" agreement before the development of the project. Unless an independent contractor (the writer, musician etc.) signs a specially commissioned "work for hire" agreement, the copyright to the work created will remain with the author of the work. If a "work for hire" agreement is signed, the copyright to the work created will belong to the developer of the project. For example, Production Company wishes to develop and produce a documentary film. Production Company will enter into agreements with independent filmakers, writers, and musicians to create original work to which Production Company will own all the rights. In order to own the copyright to the finished product, Production Company will enter into specially commissioned "work for hire" agreements with each person who contributes original works to the final film. "Work for hire" agreements are common in the entertainment industry as well as in ghostwriting arrangements. The author must realize that if such an agreement is signed, he or she is giving up all his or her rights in the finished product forever.   
  
**Copyright Infringement**  
  
An author must be concerned with two aspects of copyright infringement: avoiding having his or her work infringed upon and avoiding infringing others' works. Copyright law protects against the copying of the "expression" of a work, not of the author's ideas. The difference between the expression and the idea of a work is a difficult concept from a legal perspective. Even if someone does not copy a work exactly, the "expression" of the work may have been copied. This concept is particularly apparent in music and art. If the allegedly infringing work is "substantially similar" to the copyrighted work, copyright infringement exists.   
  
The owner of a copyright really owns a "bundle" of rights, like a bundle of sticks. Each stick or right can be sold or assigned separately to a third party. The rights owned by the author are as follows: 

* The Right to Reproduce the Work: the right to copy, imitate, reproduce, duplicate or transcribe the work in fixed form.
* The Right to Derivative Works: the right to modify the work to create a new work. A new work that is based upon an existing work is a "derivative work".
* The Right to Distribution: the right to distribute the work to the public by sale, rental, lease or lending.
* Public Display Right: the right to show a copy of the work directly to the public (e.g., hanging up a copy of a painting in a public place) or by means of a website, film, slide, or television image at a public place or to transmit it to the public.
* Public Performance Right: This is the right to recite, play, dance, act or show the work at a public place or to transmit it to the public.

Infringement can occur when any of these rights is violated. For example, Joe, a science fiction enthusiast, decides to create a webpage featuring Star Wars®. He places pictures on his site of Princess Leia, Han Solo and Luke Skywalker underneath a big Star Wars® logo which he copied off the official Star Wars® website. He also places a midi on his site which plays the Star Wars® theme music and shows an animation with 3 stills copied from the video version of the original movie. He then adds an interactive message board where viewers can add a paragraph to a new adventure on which these characters embark and a quote "There is no try...only do" under a picture of Yoda. Sound familiar? There are sites like this all over the Web.   
  
So, what copyright violations has Joe committed? Well, he has infringed upon Lucasfilm's bundle of copyright rights in a number of ways. By copying the pictures of the characters from the film he has infringed upon Lucasfilm's right of reproduction and possibly upon the individual actors' rights to publicity. By creating a new storyline with the same characters from the film he has violated the right to create derivative works. By showing stills from the movie in sequence he has violated the right of public performace. By playing the midi he has violated the rights of the holder of the copyright to that music and of the holder of the rights to that particular recording of the music. He would also be liable for reuse fees which are paid to the owners everytime that music is played or performed in public. The quote could possibly be considered a copyright infringement upon the script of the movie if it is considered a key phrase, even though the quote is small. He has also infringed upon the trademarks of Lucasfilm by showing the Star Wars® logo, which is a registered trademark of Lucasfilm.   
  
A number of myths persist on the Internet in this regard. The first myth heard is, "it's just free advertising so it's not infringement". Not true. The holder of the copyright has the exclusive and sole right to decide when and how to advertise its products. This issue is a hot one - thousands of fanzines online and offline are gathering places for fans to discuss their favorite movies and television shows. The fans get very angry when the big studios and companies send threatening letters to the owners of infringing websites and obtain injunctions ordering sites to be shut down. Some studios even encourage the fans' unauthorized activities behavior on the quiet, while adopting an official policy against any infringement. The reason for this behavior has to do with trademark law, not copyright law. A holder of a valid copyright cannot lose that copyright in a work by failing to defend it. However, a holder of a trademark can lose the trademark if the holder fails aggressively to prosecute trademark violations and defend the mark. Therefore, Joe should be especially worried about that trademarked StarWars® logo sitting illegally on his site. The bottom line is, if you copy something without authorization you are taking the risk of being sued and/or having your site shut down. You must obtain a license or assignment from the owner of the copyright before you may reproduce the copyrighted material in any format whatsoever, including on the Internet.   
  
Another misconception heard on the Internet is that if the site is free and the owner is not making money from the site, than any material on the site does not constitute copyright infringement. Irrelevant. Although whether the infringement is commercial or not may have a bearing on the damages awarded in the subsequent copyright infringement suit, it is not a defense to infringement that you made no profit from the infringement.   
  
One of the biggest misconceptions on the Internet appears to be an idea that one can gain title to a copyrighted work by altering the image. This is absolutely false. If Joe, our hypothetical infringer, copies a copyrightable photograph of a horse in a field from Sue's webpage then adds animation to it so that the horse now appears to be running through the field, Joe does not own copyright to the picture. He only owns the copyright to the animation element, not of the horse running because it is a derivative work of the original photograph.   
  
**Exceptions to the Infringement Rules**  
  
There are three exceptions to the copyright infringement rules which allow one to reproduce a another's work without obtaining a license or assignment of rights: when the use is considered "fair use", when the work is in the public domain, and when the material is not copyrightable. "Fair use" is a doctrine which states that one may reproduce the copyrighted work for a limited purpose of teaching, reviewing, literary criticism and the like. Without the "fair use" doctrine no one would ever have his or her book reviewed or have been able to study the works of Kurt Vonnegut in college or high school. "Fair use", however, is a slippery doctrine, and is determined on a case by case basis. Quoting small amounts from a work have been held to be copyright infringement where the quoted matter was crucial to the work and the copying contributed to the decline in commercial value of the work. On the other hand, entire passages quoted from books have been held to be "fair use". To be safe, ask permission from the author.   
  
Public domain refers to works which are no longer covered by copyright law. For example, the recent rash of movies adapting Jane Austen's novels may have something to do with the fact that no one holds the copyright to these works; they are in the public domain and no license fees have to be paid to the author or her heirs. Facts which are common knowledge such as the form of calendars are also considered to be public domain and may be copied and reproduced at will.   
  
The third exception relates to noncopyrightable works. Facts are not copyrightable, nor are ideas. However, a compilation of facts presented in certain order with original input and formatting, such as Writers Write's® guidelines listings database for example, is entitled to full copyright protection.   
  
**Conclusion**   
  
The Internet has compounded the copyright problem. When an author posts his or her work on a homepage it can be seen by people all around the world in countries which have no copyright treaty with the United States. Even if the author's work is infringed upon, he or she may never even hear about it if the work is reproduced in a foreign country. Furthermore, it is expensive to pursue a copyright violation lawsuit in a foreign country. However, it can be done.   
  
If you find a copyright violation, the first step is to write a letter to the offending party requesting that the infringing material be withdrawn or removed from a website. If the infringing material is located on a website and the owner refuses to remove the offending material you might consider informing the owner's Internet Service Provider ("ISP") about the situation. The law in several countries is changing to hold ISP's liable for violations of various laws by users of the ISP and many ISP's will respond to complaints about illegal activities on members' websites. The underlying remedies for copyright violations have not changed because of the electronic revolution; one can still sue for damages and for an injunction to prohibit the display or transmission of the copied work. However, it is a good idea for today's authors to pay attention to what is happening on the Internet in order to protect their creative works.   
  
PLEASE NOTE:   
  
This article is intended to be a general summary of basic copyright concepts and may not be relied upon as a substitute for legal advice. If you have a legal matter involving copyright issues you should consult an attorney regarding the specific facts of your case.

*Deb McAlister's Blog*

http://debmcalister.com/2013/04/28/copyright-myths-from-the-world-of-fan-fiction/

[**Copyright Myths from the World of Fan Fiction**](http://debmcalister.com/2013/04/28/copyright-myths-from-the-world-of-fan-fiction/)

Posted on [April 28, 2013](http://debmcalister.com/2013/04/28/copyright-myths-from-the-world-of-fan-fiction/)

If you’ve never experienced the uniquely creative and often surreal world of Internet fan fiction, then you’ve missed out on one of the most creative offshoots of the online revolution. Fan fiction, for the uninitiated, is just what it sounds like: works of fiction written by fans of the worlds, characters, and plot lines created by other authors.

There are millions of works of fan fiction available for free on the Internet – and some fan fiction stories have been read by millions of readers. There is fan fiction out there set in the world of [Pride and Prejudice](http://www.fanfiction.net/book/Pride-and-Prejudice/), [Sherlock Holmes,](http://www.fanfiction.net/book/Sherlock-Holmes/) [Harry Potter](http://www.harrypotterfanfiction.com/), [Twilight](http://www.twilighted.net/), [The Lord of the Rings](http://www.lotrfanfiction.com/), [Sookie Sackhouse](http://www.fanfiction.net/book/Sookie-Stackhouse-Southern-Vampire-Mysteries/" \t "_blank) (True Blood), [Harry Dresden](http://www.fanfiction.net/book/Dresden-Files/) and nearly every other popular book series, movie, or TV show you can think of.  To find free stories based on your favorite characters, just search for the name of your favorite series or book and add the words “fan fiction” to the end.

Some of it is so good you’d gladly pay for it.  My grandson loves G. Norman Lippert’s amazing [James Potter series](http://www.jamespotterseries.com/) and I like Melinda Leo’s [The Seventh Horcrux](http://fanfiction.mugglenet.com/viewstory.php?sid=47012) far more than the final Harry Potter book.

Of course, some of it is so bad you won’t make it more than a few paragraphs in before giving up in dismay. Note: If you’re just starting to look at fan fiction, look for works marked “Complete”, and pay attention to warnings. The phrase “slash” refers to a sexual relationship between two characters (sometimes the description will simply say “slash”, other times “Harry/Draco” or “Gimli/Legolas” — but a story marked as “slash” includes a sexual relationship between same sex characters). If you see these words in the description, take them seriously: *mature*, *character death*, *violence*, and *graphic content.*Some fan fiction is safe for pre-teens, while some is explicit. I review stories that our 11-year-old wants to read before he’s allowed to read them, and other parents will probably want to do the same.

Most authors — notably J.K. Rowling and the estate of J.R.R. Tolkien — simply ignore the fan fiction sites so long as the authors do not attempt to sell or profit from their work. They ignore fan fiction because they don’t want to alienate their fans, and because a thriving fan community equals money in the bank for them. Older works like *Pride and Prejudice* are in the public domain, and many successful fan fiction authors now post “previews” of stories they are selling on Amazon.com on the fanfiction sites.

However, even those who take a tolerant attitude towards fan fiction will go after writers who cross an invisible line. J.K. Rowling, for example, went from giving an award to [*The Harry Potter Lexicon*](http://www.hp-lexicon.org/) and writing “This is such a great site…my natural home” to suing the site’s creator for what his publisher believed to be a legal reference work.

Others, such as the estate of *Star Trek* creator Gene Roddenberry, *Star Wars* creator George Lucas, *1632* or *Ring of Fire* series creator Eric Flint, and the *Vampire Diaries* TV show license their worlds to other writers and have published anthologies that include their own work plus stories by other authors.

Many of today’s top best-selling writers got their start writing spin-off titles for *Star Trek*or *Star Wars*. New York Times best-selling author Alan Dean Foster wrote the very first*Star Wars* novel *Splinter of the Mind’s Eye*as well as the second Star Trek movie (*The Wrath of Kahn*), Meg Cabot (*The Princess Diaries* and the *Airhead* series) got her start with Star Trek fan fiction, and the list goes on and on with names like Lois McMaster Bujold, John Scalzi, and Orson Scott Card among those whose first published works were fan fiction.

The biggest fan fiction “success story”, however, is a writer called Snowqueen’s Icedragon.  Her story *Master of the Universe*attracted legions of fans a few years ago with a shocking (and explicit) twist on *Twilight’s* vampire love story.  The erotic story was so popular that the author decided to rename the characters in her fan fiction story, edit out the vampire references she’d borrowed from Stephanie Meyers, and publish her novel commercially.

So Bella and Edward became Anastasia Steel and Christian Grey, and Snowqueen’s Icedragon became E.L. James, and *50 Shades of Grey* made publishing history.*(*By the way, it seems a bit surprising that James and her publishers seem to be actively pursuing writers who attempt to publish works that are “derivative” of [*50 Shades of Grey*](http://www.mediabistro.com/galleycat/fifty-shades-of-grey-wayback-machine_b49124).)

[](http://debmcalister.files.wordpress.com/2013/04/masters-of-the-universe.jpg)

Screen Capture of the*Masters of the Universe Twilight* fan fiction story before E.L. James took it down.

Fan fiction is a great way for beginners to learn the ropes of publishing and that includes the legal rules and restrictions that apply to all writers, whether they publish on fan fiction sites, self-publish an eBook sold on Amazon, or sell their work to a commercial publisher.

There are formal guidelines for writers who choose to publish commercial *Star Trek*stories, and the guidelines are strictly enforced. *Star Trek* writers learn quickly that some topics are taboo and the rules for using the characters require that manuscripts be submitted through an authorized publisher and survive an editorial review process.

The major fan fiction sites have their own rules which they enforce. Unfortunately, some of those sites perpetuate copyright myths through their own rules. The sites are almost all staffed by volunteers (many of then young teens), and there is no consistent editing or review process. This is why fan fiction quality varies wildly, and why some unfortunate myths have grown up within the fan fiction forums. Here are the top three legal myths out there that get fan fiction writers into trouble.

Myth #1: Disclaimers Protect You

Go to any fan fiction site, and you’ll see disclaimers at the top of nearly every story. I copied these three from a Harry Potter fan fiction site.

* Disclaimer: Everything belongs where it should, with the amazing JK Rowling.
* Disclaimer: I do not own any part of the Harry Potter universe and no money is being made from this story.
* Disclaimer: All JKR’s, not mine.

It’s not a bad idea to publish a disclaimer that says that you have no intention of committing copyright infringement. Such a disclaimer might help to mitigate any damages — especially if you’re a minor under 15 who might reasonably be expected not to know the law.  But a disclaimer offers zero protection from a [DMCA takedown notice](http://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act) or lawsuit.

Everybody involved in fan fiction seems to be convinced that that the two rules for staying out of trouble are publishing a disclaimer and not charging for your work.  This couldn’t be farther from the truth.  No author is required to allow others to publish stories set in the fictional world they created, or use characters they created.

There is no exception in copyright law for fan fiction, disclaimer or not. No exception for kids. No exception for writers who don’t get paid. The fan fiction phenomena exists because the rights holders allow it to exist, and any rights holder can change his or her mind at any time and force the removal of infringing content. (There is a growing acceptance that “transformative works” based on a work under copyright are acceptable as long as they are non-commercial. For details on the specific tests a transformative work must pass, [click here](http://debmcalister.com/2014/07/20/a-fresh-look-at-copyright-fan-fiction/).)

A second common belief about disclaimers is that they somehow allow you to use anything you like from the original author’s work. Dozens of fan fiction writers have each published 6 or 7 novels that retell the Harry Potter stories (lifting whole chapters of Rowling’s novels in the process) with plot twists such as Harry’s parents surviving Voldemort’s original attack, Harry being short for “Harriett”, Snape adopting Harry, Harry having a new best friend so that the “Golden Trio” becomes a quartet, or Sirius surviving and becoming Harry’s guardian.

Each of these authors, I am sure, believes that they have the right to use the storylines, characters, situations, and (in many cases) thousands of pages of dialogue and description because of the disclaimer and the fact that they aren’t being paid for their work. They also seem to believe that the changes they have made (new characters, an alternate ending, plot twists) turns the story into a brand new tale that they own. Both beliefs are false unless the work meets the [criteria](http://debmcalister.com/2014/07/20/a-fresh-look-at-copyright-fan-fiction/) for a transformative work — and even then, their ownership is limited to the parts they create .

The truth is that disclaimer or not, the owner of the original copyright can have such content removed or sue for damages. The disclaimer states that the fan fiction writer does not intend to violate the law. But saying that you didn’t intend to break the law doesn’t give you the right to break it.

It isn’t just authors who can force the removal of fan fiction titles, or sue fan fiction writers of course. Many fan fiction writers quote popular music, movies, or TV shows, and use photos taken from movies or other sources as part of the “banners” or icons used with their fan fiction stories. Those secondary rights holders can take action against the fan fiction writer, too, even if the original author does not.

A fan fiction writer is most likely to receive a [DMCA takedown notice](https://www.eff.org/wp/unsafe-harbors-abusive-dmca-subpoenas-and-takedown-demands) over a copyrighted image. I can’t say this frequently enough: using graphics, photographs, screen captured images from movies or video games, and images you find in a Google or Bing search and copy using your computer is illegal. If you didn’t pay for it, or get specific permission to use it through a Creative Commons license or written permission from the copyright holder, you can’t use it on a website or in any printed work. For more on using images legally, [click here](http://debmcalister.com/2011/11/11/how-to-find-great-photos-for-your-blog/).

Myth #2: Fan Fiction Can Be “Original”

You’ll often see disclaimers on fan fiction titles that read something like this: “I don’t own anything except my original characters and ideas” or “Anything you recognize belongs to the original author; I own everything else.”

While it is true that the original characters created by any writer belong to them, a character who could not exist outside the framework covered by the original copyright can’t belong to anyone except the original creator. For example, if I create an original character who happens to be one of the blue-skinned Na’vi from *Avatar* then that character couldn’t exist without drawing on the copyrights held by James Cameron.

If Cameron or his film company went to court asking for an injunction against me, they’d get it in a heartbeat. No matter what I call that character, or how unusual and creative my story is, I didn’t come up with the idea of 10′ tall blue striped beings with long sweeping tails,  James Cameron did. So I can’t write about a Na’vi without infringing on his copyright.

I can write about a wizard or a vampire, but if my wizard attends Hogwarts or my vampire sparkles in the sun, then I may be infringing on copyrights owned by others.

Want to know if you own a character you created for a fan fiction story? Here’s the test. Can you remove the character and the plot from the original “world” and put it in a world of your own? If you can, congratulations! You own it so long as you do what E.L. James did and strip away anything you didn’t create. But if your characters rely on another author’s ideas in order for them to exist or function, you don’t own them.

As long as “your” characters and stories are set in a framework that belongs to someone else, your ownership is limited.

There is a significant exception to this rule: stories that are in the public domain because the copyright has run out.  For instance, anyone can write a sequel or spin-off story set in the world of Jane Austen’s *Pride and Prejudice.*When they do, they own it, can publish it commercially, and prevent others from violating their copyright.

Myth #3: You Can’t Plagiarize Fan Fiction

A young family friend has published several works of fan fiction set on sites devoted to*Harry Potter*, *Firefly*, and *The Lord of the Rings*. Recently, he was quite upset to find that another young writer had taken a story he had written and created a sequel to it that used many of the characters, plot lines, and unique elements that he had created.

When he sent the site’s administrator a request to have the story taken down because it infringed on his original work, the administrator said, “It’s fan fiction — it isn’t plagiarism, because you don’t own it.” A direct message to the second author was more productive, and resulted in a credit for the original author and a link to his story, along with an apologetic disclaimer.

The fan fiction site was correct when it told the original author that he didn’t hold copyright to his story — and the author was equally correct when he told the second writer that borrowing from his work for a new story was plagiarism. A work need not qualify for copyright in order to qualify for plagiarism protection.

An attorney I know is representing a fan fiction writer who was 14 when she published a novel on one of the Harry Potter fan sites. She’s now a 22-year-old college senior, and found a book in her campus bookstore that she says is a direct rip-off of her work. Because the details aren’t public yet, I am not going to be specific except to say that the fan fiction writer’s lawsuit against a very well known publisher includes these claims:

* Of the 265,000 words in the paperback book, 198,000 are “exactly or substantially” the same as the “words, phrases, descriptions, conversations, and named characters” in the fan fiction story.
* 27 of 42 named characters in the commercial book are the same as those in the fan fiction story, and the 15 characters in the fan fiction story whose names are different in the commercial work started out as well-known characters from Harry Potter.
* The author of the commercial book left a review of the original author’s story on the fan fiction site more than 7 years ago, offering two suggestions about the plot, and the two authors exchanged several emails about the story.

The attorney for the author being sued wrote to the fan fiction writer and attempted to convince her to drop her complaint on the basis that you can’t plagiarize fan fiction, because there is no copyright protection for fan fiction. I can’t predict the future, but I think it’s a sure bet that someone is going to get a surprise if this one makes it to court. It seems that this “author” has published 17 novels in recent years…and my attorney friend thinks that at least 14 of them are lifted almost wholesale from stories that began on fan fiction sites.

I’m hoping that a judge will teach this “author” (and his publisher) that stealing from children is wrong — and stealing from children who were “borrowing” content owned by Warner Brothers, J.K. Rowling, Scholastic, and Bloomsbury is just plain stupid.

**Update: February 2014:**The judge dismissed the young author’s case with prejudice, saying that any action for copyright infringement would have to be filed by the copyright holder (Rowling and her licensees), not the fan fiction writer. So I guess I was wrong: You can rip off fan fiction authors with impunity. Rather sad, really.

Important Author’s Note: