



Technical Writing and Entrepreneurship Development
from the book
Technical Communication
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Unit I – Section II –Understanding Ethical and Legal Considerations

- A Brief Introduction to Ethics
- Your Ethical Obligations
- Your Legal Obligations
- The Role of Corporate Culture in Ethical and Legal Conduct
- Understanding Ethical and Legal Issues Related to Social Media
- Communicating Ethically Across Cultures
- Principles for Ethical Communication

Unit I – Section II - A Brief Introduction to Ethics

- is the study of the principles of conduct that apply to an individual or a group
- Four moral standards
 - Rights
 - Justice
 - Utility
 - Care

Justice. This standard concerns how the costs and benefits of an action or a policy are distributed among a group

For example, the cost of maintaining a high-speed broadband infrastructure should be borne, in part, by people who use it. However, because everyone benefits from the infrastructure, the standard of justice suggests that general funds can also be used to pay for it. Another example: justice requires that people doing the same job receive the same pay, regardless of whether they are male or female, black or white.

Rights. This standard concerns individuals' basic needs and welfare.

Everyone agrees, for example, that people have a right to a reasonably safe workplace. When we buy a product, we have a right to expect that the information that accompanies it is honest and clear. However, not everything that is desirable is necessarily a right. For example, in some countries, high-quality health care is considered a right. That is, the government is required to provide it, regardless of whether a person can afford to pay for it. In other countries, health care is not considered a right.

Unit I – Section II - A Brief Introduction to Ethics

Utility : This standard concerns the positive and negative effects that an action or a policy has, will have, or might have on others.

For example, if a company is considering closing a plant, the company's leaders should consider not only the money they would save but also the financial hardship of laid-off workers and the economic effects on the community. One tricky issue in thinking about utility is figuring out the time frame to examine. An action such as laying off employees can have one effect in the short run — improving the company's quarterly balance sheet — and a very different effect in the long run — hurting the company's productivity or the quality of its products.

Care : This standard concerns the relationships we have with other individuals. We owe care and consideration to all people, but we have greater responsibilities to people in our families, our workplaces, and our communities. The closer a person is to us, the greater care we owe that person. Therefore, we have greater obligations to members of our family than we do to others in our community.

Unit I – Section II – Your Ethical Obligations

To Employer:

- Competence and Diligence
- Generosity
- Honesty and Candor
- Confidentiality
- Loyalty

To Public:

- Treat Customer fairly
- Product or service is both *safe* and *effective*.
- The product or service must not injure or harm the consumer, and it must fulfill its promised function

To Environment:

- Do not cause pollution
- Do not deplete the environment
- Caution the company if the product is dangerous or harmful

Unit I – Section II – Your Legal Obligations

Copyright GUIDELINES: Determining Fair Use

Basics of four different bodies of law:

1. Copyright
 2. Trademark
 3. Contract
 4. Liability
- (Examples)

Courts consider four factors in disputes over fair use:

The purpose and character of the use, especially whether the use is for profit. Profit-making organizations are scrutinized more carefully than nonprofits.

The nature and purpose of the copyrighted work. When the information is essential to the public — for example, medical information — the fair-use principle is applied more liberally.

The amount and substantiality of the portion of the work used. A 200-word passage would be a small portion of a book but a large portion of a 500-word brochure.

The effect of the use on the potential market for the copyrighted work. Any use of the work that is likely to hurt the author's potential to profit from the original work would probably not be considered fair use.





-  **Attribution.** You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
-  **Noncommercial.** You may not use this work for commercial purposes.
-  **No Derivative Works.** You may not alter, transform, or build upon this work.
-  **Share Alike.** If you alter, transform, or build upon this work, you may distribute the resulting work only under the same or similar license to this one.

Figure 2.1

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Licensed under a Creative Commons Attribution 4.0 International License, <https://creativecommons.org/licenses/by/4.0/>.

Selected Licensing Symbols from Creative Commons

The organization has created a number of symbols to represent rights that copyright owners can retain or release.

GUIDELINES: Dealing with Copyright Questions

Consider the following advice when using material from another source.

Abide by the fair-use concept. Do not rely on excessive amounts of another source's work (unless the information is your company's own boilerplate).

Seek permission. Write to the source, stating what portion of the work you wish to use and the publication you wish to use it in. The source is likely to charge you for permission.

Cite your sources accurately. Citing sources fulfills your ethical obligation and strengthens your writing by showing the reader the range of your research.

Consult legal counsel if you have questions. Copyright law is complex. Don't rely on instinct or common sense.

Trademark

Companies use *trademarks* and *registered trademarks* to ensure that the public recognizes the name or logo of a product.

A *trademark* is a word, phrase, name, or symbol that is identified with a company. The company uses the TM symbol after the product name to claim the design or device as a trademark

However, using this symbol does not grant the company any legal rights. It simply sends a message to other organizations that the company is claiming a trademark.

A *registered trademark* is a word, phrase, name, or symbol that the company has registered with the U.S. Patent and Trademark Office. The company can then use the ® symbol after the trademarked item.

GUIDELINES: Protecting Trademarks

Use the following techniques to protect your client's or employer's trademark.

- ▶ **Distinguish trademarks from other material.** Use boldface, italics, a different typeface, a different type size, or a different color to distinguish the trademarked item.
- ▶ **Use the trademark symbol.** At least once in each document — preferably the first time the name or logo appears — use the appropriate symbol after the name or logo, followed by an asterisk. At the bottom of the page, include a statement such as the following: "COKE is a registered trademark of the Coca-Cola Company."
- ▶ **Use the trademarked item's name as an adjective, not as a noun or verb.** Trademarks can become confused with the generic term they refer to. Use the trademarked name along with the generic term, as in Xerox[®] photocopier or LaserJet[®] printer.

DOES NOT PROTECT TRADEMARK

buy three LaserJets[®]

PROTECTS TRADEMARK

buy three LaserJet[®] printers

- ▶ **Do not use the possessive form of the trademarked name.** Doing so reduces the uniqueness of the item and encourages the public to think of the term as generic.

DOES NOT PROTECT TRADEMARK

iPad's[®] fine quality

PROTECTS TRADEMARK

the fine quality of iPad[®] tablets

CONTRACT LAW

Contract law deals with agreements between two parties. In most cases, disputes concern whether a product lives up to the manufacturer's claims. These claims take the form of express warranties or implied warranties.

An *express warranty* is a written or oral statement that the product has a particular feature or can perform a particular function. For example, a statement in a printer manual that the printer produces 17 pages per minute is an express warranty. An *implied warranty* is one of two kinds of non-written guarantees:

- The *merchantability warranty* guarantees that the product is of at least average quality and appropriate for the ordinary purposes it was intended to serve.
- The *fitness warranty* guarantees that the product is suitable for the buyer's purpose if the seller knows that purpose. For example, if a car salesperson knows that a buyer wishes to pull a 5,000-pound trailer but also knows that a car cannot pull such a load, the salesperson is required to inform the buyer of this fact.

Liability Law

Under product-liability law, a manufacturer or seller of a product is liable for injuries or damages caused by the use of that product. Liability is an important concern for communicators, because courts frequently rule that manufacturers are responsible for providing adequate operating instructions and for warning consumers about the risks of using their products

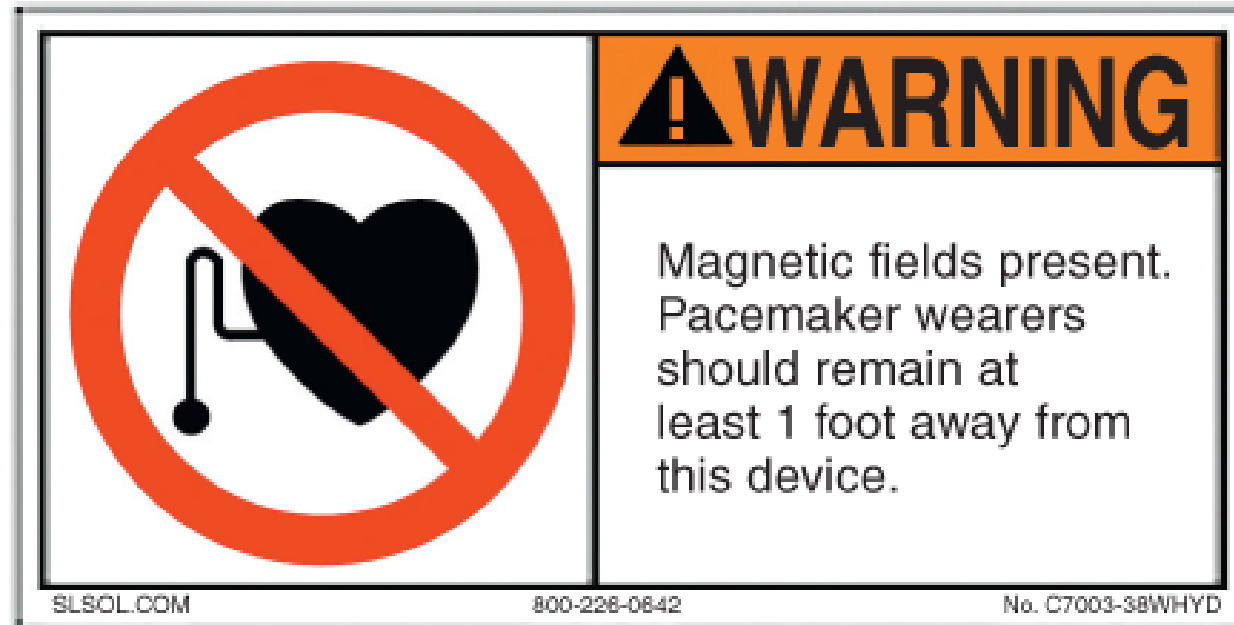


Figure 2.2

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Manufacturer has this duty to warn when all four of these characteristics apply:

1. The product is dangerous.
2. The danger is or should be known by the manufacturer.
3. The danger is present when the product is used in the usual and expected manner.
4. The danger is not obvious to or well known by the user.

Unit I – Section II –The Role of corporate culture in ethical and legal conduct

Companies can take specific steps to improve their ethical culture:

- The organization's leaders can set the right tone by living up to their commitment to ethical conduct.
- Supervisors can set good examples and encourage ethical conduct.
- Peers can support those employees who act ethically.
- The organization can use informal communication to reinforce the formal policies, such as those presented in a company code of conduct.

An important element of a culture of ethical and legal conduct is a formal code of conduct.

1. adhering to local laws and regulations, including those intended to protect the environment
2. avoiding discrimination
3. maintaining a safe and healthy workplace
4. respecting privacy
5. avoiding conflicts of interest
6. protecting the company's intellectual property
7. avoiding bribery and kickbacks in working with suppliers and customers

An effective code has three major characteristics:

It protects the public rather than members of the organization or profession.

For instance, the code should condemn unsafe building practices but not advertising, which increases competition and thus lowers prices.

It is specific and comprehensive.

A code is ineffective if it merely states that people must not steal or if it does not address typical ethical offenses such as bribery in companies that do business in other countries.

It is enforceable.

A code is ineffective if it does not stipulate penalties, including dismissal from the company or expulsion from the profession.

A survey says:

- Almost 80 percent of employers have social-media policies.
- More than one-third of employers block employee access to social media.
- More than half of the employers reported problems caused by misuse of social media by employees.
- Over 70 percent of businesses have had to take disciplinary action against an employee for misuse of social media.

GUIDELINES: Using Social Media Ethically and Legally

These nine guidelines can help you use social media to your advantage in your career.

Keep your private social-media accounts separate from your company-sponsored accounts. After you leave a company, you don't want to get into a dispute over who "owns" an account. Companies can argue, for example, that your collection of Twitter followers is in fact a customer list and therefore the company's intellectual property. Regardless of whether you post from the workplace or at home, post only about business on your company-sponsored accounts.

Read the terms of service of every service to which you post. Although you retain the copyright on original content that you post, most social-media services state that they can re-post your content wherever and whenever they want, without informing you, getting your permission, or paying you. Many employers would consider this policy unacceptable.

Avoid revealing unauthorized news about your own company. A company that wishes to apply for a patent for one of its products or processes has, according to the law, only one year to do so after the product or process is first mentioned or illustrated in a "printed publication." Because courts have found that a photo on Facebook or a blog or even a tweet is equivalent to a printed publication ([Bettinger, 2010](#)), you could inadvertently start the clock ticking. Even worse, some other company could use the information to apply for a patent for the product or process that *your* company is developing. Or suppose that on your personal blog, you reveal that your company's profits will dip in the next quarter. This information could prompt investors to sell shares of your company's stock, thereby hurting everyone who owns shares — including you and most of your co-workers.

Avoid self-plagiarism. Self-plagiarizing is the act of publishing something you have already published. If you write an article for your company newsletter and later publish it on a blog, you are violating your company's copyright, because your newsletter article was a work made for hire and therefore the company's intellectual property.

Avoid defaming anyone. Defamation is the legal term for making false statements of fact about a person that could harm that person. Defamation includes libel (making such statements in writing, as in a blog post) and slander (making them in speech, as in a video posted online). In addition, you should not re-post libelous or slanderous content that someone else has created.

Don't live stream or quote from a speech or meeting without permission. Although you may describe a speech or meeting online, you may not stream video or post quotations without permission.

Avoid false endorsements. The Federal Trade Commission has clear rules defining false advertising. The most common type of false advertising involves posting a positive review of a product or company in exchange for some compensation. For instance, some unscrupulous software companies give reviewers a copy of the software to be reviewed (which is perfectly legal) loaded on an expensive computer that the reviewers can keep. Unless the reviewer explicitly notes in the review the compensation from the software company, posting the positive review is considered false advertising. Similarly, you should not endorse your own company's products without stating your relationship with the company ([U.S. Federal Trade Commission, 2015](#)).

Avoid impersonating someone else online. If that person is real (whether alive or dead), you could be violating his or her right of publicity (the right to control his or her name, image, or likeness). If that person is a fictional character, such as a character on a TV show or in a movie, you could be infringing on the copyright of whoever created that character.

Avoid infringing on trademarks by using protected logos or names. Don't include copyrighted or trademarked names, slogans, or logos in your posts unless you have received permission to do so. Even if the trademark owner likes your content, you probably will be asked to stop posting it. If the trademark owner dislikes your content, you are likely to face a more aggressive legal response.

Unit I – Section II –Communicating ethically across cultures

- **COMMUNICATING WITH CULTURES WITH DIFFERENT ETHICAL BELIEFS**
- **COMMUNICATING IN COUNTRIES WITH DIFFERENT LAWS**

Unit I – Section II –Principles for ethical communication

- **ABIDE BY RELEVANT LAWS**
- **COMPLY WITH ACCESSIBILITY STANDARDS**
- **ABIDE BY THE APPROPRIATE PROFESSIONAL CODE OF CONDUCT**
- **ABIDE BY YOUR ORGANIZATION’S POLICY ON SOCIAL MEDIA**
- **TAKE ADVANTAGE OF YOUR EMPLOYER’S ETHICS RESOURCES**
- **TELL THE TRUTH**
- **DON’T MISLEAD YOUR READERS**
- **USE DESIGN TO HIGHLIGHT IMPORTANT ETHICAL AND LEGAL INFORMATION**
- **BE CLEAR**
- **ACKNOWLEDGE ASSISTANCE FROM OTHERS**