

VIDEO SUBMISSION - WHAT DO I NEED TO THINK ABOUT?

IF ANY OF THESE SITUATIONS ARISE SEEK ADVICE

DEFAMATION - You can be liable for defamation where content contains factual statements about individuals or companies which, in simple terms, will cause serious harm to their reputation.

Therefore the assessments should you be making are:

- Am I making any allegations that are statements of fact about any identifiable individual or a company?
- Is the publication of these statements of fact likely to cause 'serious harm' to the reputation of the individual?
- Can I prove these statements of fact? – Do I have sufficient evidence to prove 'on a balance or probabilities' that the statements of fact are true.

What is a statement of fact?

This would be any statement that would be likely to lower the person concerned in the estimation of what a Court would call "right thinking people".

- A statement of opinion is not necessarily defamatory.
 - A mere insult is not defamatory.
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Is the publication of these statements of fact likely to cause 'serious harm' to the reputation of the individual?

A statement is not defamatory unless its publication has caused or is likely to cause 'serious harm' to the reputation of the individual – What is serious harm?

- (a) Tend to lower the claimant in the estimation of right-thinking or reasonable members of society or substantially affect in an adverse manner the attitude of others towards the claimant; and
- (b) Caused or are likely to cause serious harm to the claimant's reputation.

SEE APPENDIX A

PRIVACY – SEE APPENDIX B

- Every individual has a legally enshrined right to respect for his private and family life, home and his correspondence. – ARTICLE 8 of the Human Rights Act.
 - Am I revealing details of someone's private and family life, home or correspondence without permission?
 - Are you discussing someone's child or custody arrangements? – All private.
 - What is private?
 - a) Anything that takes place inside the home – sex, affairs, sexuality, mental and physical health;
 - b) Anything that takes place on private property – can include parties, pubs, restaurants and nightclubs (yes really); and
 - c) Any situation where a person has '*a reasonable expectation of privacy*'.
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COPYRIGHT - AM I USING SOMETHING THAT SOMEBODY ELSE OWNS WITHOUT PERMISSION?

Copyright protects literary works, artistic works (including photos), videos, music and others. It arises automatically and upon its creation. Copyright protected works are everywhere.

- Copyright is probably owned by the creator of the content.
- As a rough estimate, there is no 'public domain' for any works created after the 1940's. It is owned by somebody.

Am I infringing someone's copyright?

- Infringed by copying all of it or a substantial part.
- E.g. photos: if using photos, film or music without a licence, you will likely infringe;
 - ❖ E.g. photos from Twitter, Facebook etc: will all have owners who will have a right to sue;
 - ❖ An acknowledgement won't protect you;
 - ❖ There is no "public domain"; and
 - ❖ If using photos without permission, make provision to pay out.

CONTEMPT

ARE YOU DISCUSSING OR FEATURING SOMEBODY THAT HAS BEEN ARRESTED OR CHARGED WITH AN OFFENCE?

If proceedings are active (upon an arrest or the issue of a warrant) you have to be very cautious about commenting on them.

- You can be guilty of contempt regardless of intent where:
 - The publication created a substantial risk of serious prejudice or impediment to particular proceedings' and
 - Proceedings are active: criminal – arrest, issue of warrant, services of summons; civil – when arrangements for hearing are made.
- You can be sent to prison.
- Strict liability.

ARE YOU INCLUDING ANY MATERIAL THAT IDENTIFIES A PERSON AS A VICTIM OF A SEXUAL ASSAULT?

It is illegal to do this without consent.

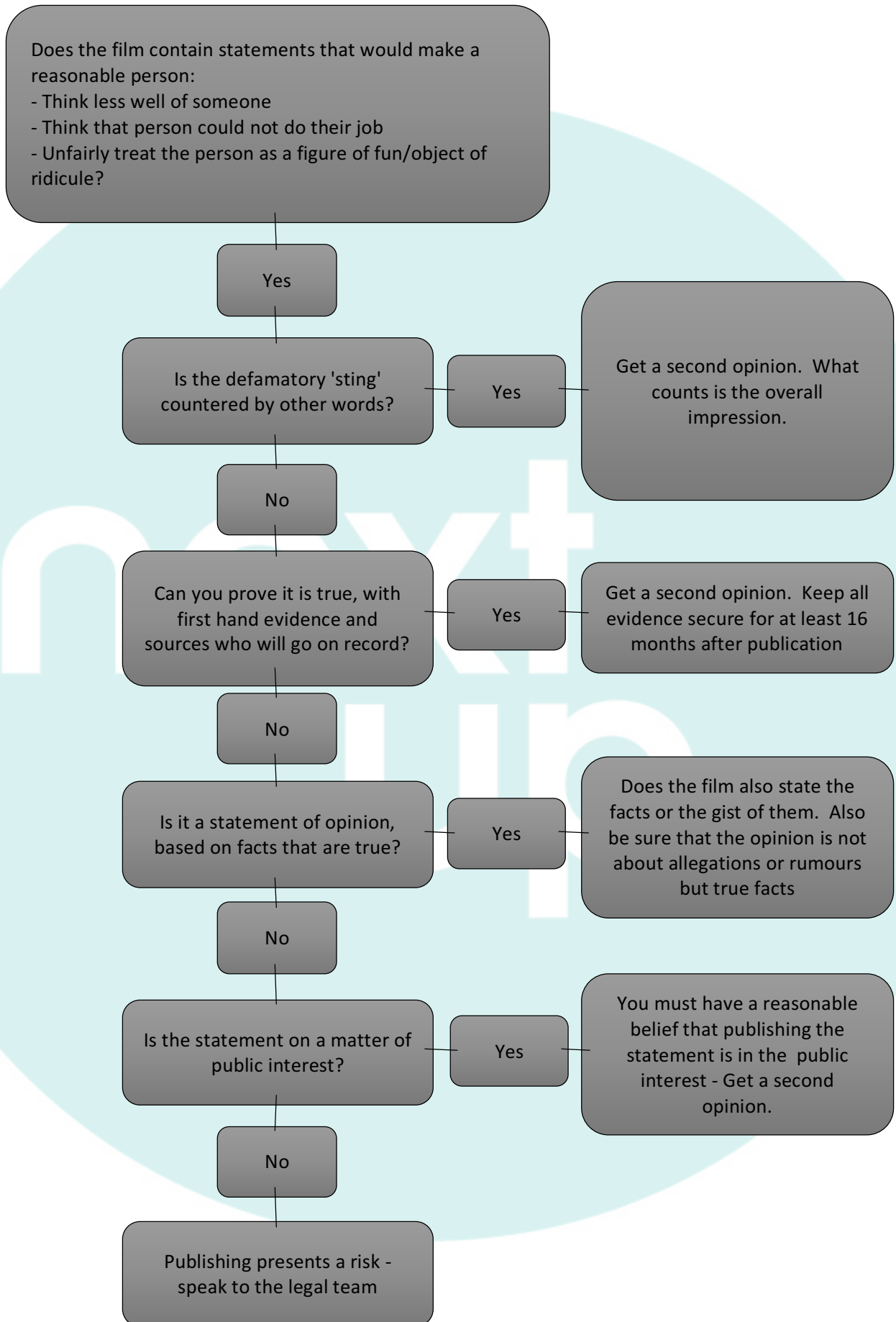
ARE YOU INCLUDING ANY DETAILS OF CHILDREN WHO ARE WARDS OF COURT OR UNDER THE CARE OF SOCIAL SERVICES? – Contact legal.

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REVIEWED & CLEARED

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APPENDIX A LIBEL



APPENDIX B PRIVACY

