

THE ESSENTIAL LEGAL GUIDE FOR BLOGGERS

D. E. Serova

Belarusian State University, Minsk;

serova-dasha91160@inbox.ru;

scientific advisor – O. Vologina, Master of Philology, senior lecturer

This article is devoted to the main legal issues related to blogging: copyright issues, privacy policy, disclaimers, restrictions on filming people. The relevant cases of Russian and Belarusian bloggers are cited and analysed. The purpose of the article is to provide a legal guide for modern bloggers. The article will be of interest to everyone who uses social networks and follow bloggers.

Key words: blogging, intellectual property, copyright, privacy policy, disclaimer, filming.

1. Copyright. Copyright is legal protection of a created work, also called intellectual property (IP). For bloggers, that means their blog posts are protected as well as other content they create for the blog — like ebooks, music, videos, software, podcasts, and photos — provided that they are the creators of it [1]. This means that we cannot just copy the text of any blogger and release it on our blog under the guise of ours. So, copyright belongs to the owner of an original work and stops others taking, copying, and distributing the work without permission. The main rule of copyright: you cannot use someone else's work without the permission of the owner [2].

2. Life hacks for using someone else's material. When can we use other people's texts, photos and videos?

2.1. After a certain period of time after the death of the author. Copyright does not last forever, and, for instance, according to the Copyright Act of 1976 for works produced in the US after 1977 lasts until 70 years after the creator's death [3]. When it expires anyone is allowed to access and use the work in any way they wish. But in Belarus the Law "On Copyright and Related Rights" of 2011 states that property rights are protected during the life of the author and 50 years after his death [4].

2.2. Fair Use. Fair use is a doctrine which allows the use of copyrighted material without the permission of the copyright holder if your work adds something new to the original (it is “transformative”). Your work may include things like reviews, criticism, parody, commentary, news reporting, research, and education [5]. For example, it would be pertinent to recall the case that happened with BadComedian. In 2019 the well-known video blogger received a lawsuit from the Kinodans company for violating copyright. The fact is that one very famous video blogger prepared and published a video review of a film that he did not like. For clarity, he inserted fragments of this film into the review. But the blogger is absolutely not guilty, because fair use took place

here. He did not only copy the finished film, but made a review and comments on it.

2.3. Author's consent. If we have the consent of the author (preferably - recorded electronically or on paper), then we have the right to use his material. For example, the famous blogger Ilya Varlamov (with an audience of about 2.5 million subscribers on YouTube) has sued about 50 times with those who reprinted his photo. In particular, he filed lawsuits against the All-Russian State Television and Radio Broadcasting Company, Channel One, the architectural site Archi.ru, etc. A few years ago, he wrote on his blog that he won 30 cases. And in many of them he sued himself for moral damage and losses in the hundreds of thousands.

3. Can you be imprisoned for using an image in one of your blog posts? In the USA infringements of copyright can send you to prison or result in a fine of up to \$150,000 per work. According to the Belarusian legislation, in case of violation of the exclusive right to an object of copyright, the rightholder has the right to demand, at his choice, from the infringer, compensation for damages or payment of compensation in the amount of ten to fifty thousand base units.

4. Legal policies every blog owner should have. There are 2 blog policies (also known as legal pages) that every blogger must have.

4.1. Creating a Privacy Policy for your blog. It is the common knowledge that when registering on any site, we put a tick next to the words: I accept the privacy policy and give my consent to the processing of personal data. A privacy policy on the blog informs visitors about what personal information a blogger is collecting from them and how he is going to use it [6].

Personal information that you may be collecting from your website visitors includes: names, email address, address, credit card information, phone number, date of birth and more.

For example, in 2020, the South Korean Commission for the Protection of Personal Information fined Facebook \$ 6.1 million for violating the personal data protection law. As it turned out, over the past six years, the social network has transferred personal information of more than 3.3 million people to other companies without their consent. This is a major example of a gross violation. This can happen to any blogger who treats their followers in bad faith.

4.2. Blog Disclaimers. A blog disclaimer is where you “disclaim” or “deny” legal liability for the content you publish on your blog to protect yourself from lawsuits [7]. For example, the famous video blogger Oblomov, whose recipes are written by every housewife, wrote the following disclaimer before his videos: «The author is not a cook and cannot cook». Such a disclaimer seems comic for the blogger who cooks in every video, but in this way he said that he was not responsible for his recipes and for the problems of using them.

5. Can a blogger film you? One of the most pressing problems of bloggers is the ban on photography and video filming.

The Belarusian law on the media states that in order to take a photo of a person or make a video with his participation, the person needs to obtain consent. Exception - if photography or video recording is made in places open for public visits, at public events [8].

There are many aspects to consider when posting photos on social networks. First, photo and video are objects of copyright. Therefore, if they are not made by the person who posts them, then it is necessary to obtain the consent of the author. The second point concerns the faces that are shown in the photo and video. The shots taken not in a public place, but in a private setting, belong to the secret of personal life, so you need to get consent for their placement from all captured persons.

Conclusion. To summarise, bloggers should know their rights, observe some particular rules and be aware of the existing restrictions. And in order to protect themselves from undesirable lawsuits, bloggers should have privacy policy and disclaimers.

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