LEGAL CHECKLIST

FOR PODCASTERS

Protecting you, your IP, and your business

DRAFTED LEGAL

Welcome!

This Legal Checklist for Podcasters is an important step forward for you and your podcasting journey.

You want to start a podcast and know that you are doing it the right way. This checklist will provide you with the peace of mind that you are setting up your podcast correctly, from a legal standpoint.

Whether you're exploring podcasting as a hobby or diving in as a full-time creator, this guide will give you a solid legal foundation for your podcast without the need to hire an expensive attorney.

We hope this gives you peace of mind and empowers you to focus on creating and growing your podcast.

Let's get started!

1. INTELLECTUAL PROPERTY (IP)

Trademark:

- ❑ Verify that your podcast name, logo, and branding are not infringing on existing trademarks.
- ❑ Consider registering your podcast name and logo as trademarks.

Copyright:

- ❑ Ensure you have the copyright for all content you create, including episodes, artwork, and written materials.
- ❑ If using third-party content (music, clips, etc.), obtain proper licenses or permissions.

2. REGISTER AN LLC

Liability Protection:

- ❑ A properly filed LLC will create a liability shield between you and your business with the goal of asset protection.

Taxes

- ❑ LLCs allow you to file taxes in various ways including as a so-called S-Corp while remaining an LLC. This can often allow you to keep more of your money and the government to get less!

3. GUEST AGREEMENTS

Release Forms:

- ❑ Have all guests sign a release form granting you permission to use their contributions in your podcast.

Copyright Assignment:

- ❑ Clarify who owns the rights to the content created during guest appearances.

4. SPONSORSHIP AND ADVERTISING

Contracts:

- ❑ Use clear contracts with sponsors that outline the terms, payment, and deliverables.

Disclosures:

- ❑ Follow FTC guidelines for sponsorship disclosures, ensuring transparency with your audience.

5. CONTENT LICENSING

Music:

- ❑ Use royalty-free music or secure licenses for any music used in your podcast.
- ❑ Understand the differences between public domain, royalty-free, and licensed music.

Sound Effects:

- ❑ Ensure any sound effects used are licensed appropriately or are in the public domain.

6. DISCLAIMERS

Content Disclaimer:

- ❑ Include a disclaimer in your podcast that the views expressed are those of the individuals and not necessarily those of your organization.

Professional Advice:

- ❑ If your podcast provides professional advice (legal, medical, financial), include a disclaimer that it is for informational purposes only and not a substitute for professional advice.

7. PRIVACY AND DATA PROTECTION

Privacy Policy:

- ❑ Create a privacy policy if you collect personal data from listeners (e.g., email addresses for newsletters).

GDPR Compliance:

- ❑ Ensure compliance with GDPR if you have listeners in the EU, including data protection measures and user consent.

Additional Resources

- ❑ U.S. Copyright Office: copyright.gov
- ❑ U.S. Patent and Trademark Office: uspto.gov
- ❑ FTC Guidelines on Endorsements and Testimonials: ftc.gov
- ❑ GDPR Compliance: eugdpr.org

- ❑ Pro Tip: Properly drafted contracts can allow you to control the content you put out, protect your business assets, provide favorable causes as to resolving disputes such as which state and how, and much more!

Wesley Henderson, Manager

When to Hire a Lawyer

Here are our thoughts on when to hire a lawyer:

- You can afford it. If your budget allows you to invest what's necessary in your business and hire an attorney, then we recommend it. It will give you peace of mind and customized legal advice.
- If you are making six figures in gross each year, you should build in a legal budget. This is a bit of an arbitrary number but the idea is to prioritize this once you have a business worth protecting.
- If you are raising money via investors.
- If you have multi-owners, you should strongly consider it. If not, be sure to spend the time going through an operating agreement that will help you make the decisions you need to make.

What to expect:

- It should be a positive experience for you if you find the right personality fit.
- You need to be prepared to spend between 5-10k on a startup legal budget. This will depend on the business needs, of course.