

**Inside this issue:**

On Moral Rights 2

Editor's Perspective 3

Active Member News 4

Supporting Member News 5

Writers' Marketplace 6

## Do You Blog? Are You Honest?

I posted an [article from Yahoo! Tech](#) this month that has spawned an interesting discussion within BWI's LinkedIn group. The headline: "FTC Plans to Monitor Blogs for Claims, Payments."

According to the story, the Federal Trade Commission expects to approve new guidelines this summer that would let the agency "go after bloggers—as well as the companies that compensate them—for any false claims or failure to disclose conflicts of interest."

The idea is that more than a few comments and blog posts that appear to be written by everyday people are actually bought-and-paid-for marketing scams. It's the same old nonsense that serious journalists have long eschewed, that the BWI Code of Ethics forbids—and that, unfortunately, persists every single day.

I'm certainly not one to defend graft, but I do have a beef with this FTC plan because it specifically targets bloggers. They are highly likely to be freelancers without expensive attorneys to help defend against unfair investigations. As more and more of us become freelancers with revenue-generating blogs in this economy, more



and more of us will be left in this potential new FTC firing line.

BWI member Marilyn DeMartini and I are of one mind on this issue. She saw the post on LinkedIn and immediately contacted her congressman. Here's a condensed version of what she wrote:

"I understand the FTC is considering action to set guidelines and scrutinize bloggers who may be receiving goods or money in exchange for things they write on their blogs (FTC 16CFR Part 255 Guides Concerning Use of Endorsement & Testimonials in Advertising).

"While I understand and appreciate that the FTC is looking to protect consumers who may not realize that

a blog may be opinion rather than fact, I think the policing and penalizing of journalists reeks of "big government" and creates a Pandora's box of regulations. It also begs the question, Where do we draw the line? Bloggers or all journalists who write reviews or editorial articles? Why doesn't this same rule apply to lobbyists? It is all a witch hunt against a group of journalists who are trying to work—many of them after being laid off from big media companies as our society changes and people get their information online.

"This action is already closed to public comment, so I urge you to let the FTC know that the voters in your district think the agency's time is better served working on identity theft, unsafe products, and other consumer safety issues."

If you, like Marilyn, would like to contact your elected officials, go to the [Roll Call website](#) and enter your ZIP code. Marilyn has offered her letter as a template that you can copy and paste from this month's *Journal*, so feel free to plagiarize from this page.

Thank you, Marilyn.

Kim Kavim  
BWI President

# Legal Views on “Moral Rights”



By Roger McAfee

One of the discussions at the BWI LinkedIn group raised the issue of “moral rights” regarding material that writers produce. One of BWI’s members had to sign away moral rights in a contract to get an assignment. Let’s define moral rights.

As with most legal issues, laws vary between jurisdictions and simple answers are not always possible. However, if we look to the Berne Convention for the Protection of Literary and Artistic Works, an international treaty signed in 1886 by many countries and

modified in 1928 to include a section that deals with protection of attribution and integrity, we find:

“Independent of the author’s economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the said

work, which would be prejudicial to the author’s honor or reputation.”

The United States did not become a signatory to the Berne Convention until 1988. Because of that, issues related to moral rights were dealt with differently by various states and courts. In many countries other than the United States (including Canada), moral rights are included in copyright legislation.

It is clear that any author has the right to control the eventual fate of his/her work, and that right is what is referred to as a “moral right.” It also seems clear that this right exists separate and apart from the monetary and economic rights an author has in the work. *The moral rights of an author exist regardless of who owns the work.* It seems clear that moral rights exist to protect the reputation of the writer and of the work created. And, finally, moral rights *can* be sold.

So, if a writer sells “all the rights” to an article for publication in a magazine, the moral rights are, subject to any other wording in the arrangement, included in the deal.

Let’s examine, practically, the effect of an arrangement that excludes moral rights. Does that mean the piece can’t be edited or rewritten in whole or in part? Not likely. We have to remember that moral rights protect the reputation of the author, and it is highly unlikely that a writer could

convince a court that a normal edit or rewrite will have damaged his or her reputation.

However, suppose the edit or rewrite changes the entire nature of the piece, such as leaving out the “do not” in the following sentence:

“I do not recommend this product to boaters.”

In this case, I think a good moral rights argument could be made by the author.

## What Does This Mean to Journalists?

It means they have to be careful and precise in what they are selling. Writers have to expect editors to edit—that’s what they do—and rewrite as necessary in the ordinary course of their job. Editors and publishers need to know that writers have the right to protect their professional reputations through control of moral rights.

This article is not a legal opinion, but rather is meant to raise an awareness of the issue. If you believe you have a moral rights issue, contact a lawyer familiar with the case law in your jurisdiction.

*Roger McAfee is a BWI member, boater, and freelance marine writer and photographer living in Canada. His day job, before he retired, was practicing law and then operating a management/labor consulting business. His e-mail is romac@kwik.net.*



# Editor's Perspective: Freelance "Likes"



By **Pete McDonald**

When I decided to write for magazines, I had a head full of ideas but no idea where to send them. Do I write the publisher? The editor-at-large? The chief procurement officer? All figured out in due time, but once I learned who to pitch, the challenges became how to pitch and how to keep getting assignments.

Now, 14 years later, I'm back in the same boat. But this time, after spending 11 years as a staff editor, I can draw on my experience from the other side. Being involved in different departments of a magazine at various points of my tenure, I assigned articles to many people. Here are things I grew to like and dislike from freelance writers.

## What I Liked

**Relevance:** I wanted writers who pitched ideas that reflected we were writing about being on the water in 2009, not 1989. Don't pitch Loran articles in a GPS world.

**Firsts:** I always hoped to be the first magazine to break news. When a writer told me, "No one else knows about this, but..." my ears perked up because it showed he or she wasn't just relying on press releases but was talking to people to get the inside story.

**Secondary Ideas:** I had colleagues who were great at this. Scouring other sources for ideas—movies, TV shows, newspapers, motorcycle magazines, science journals—and thinking, "How can this apply to boating?" It's great to think outside the box and bring fresh ideas to marine journalism.

**Word Counts:** When a freelancer kept the submission close to the assigned word count, I often found it a pleasure to edit. Focused, clean writers got most of my freelance budget.

## What I Didn't Like

**Blind Pitches:** I hated when people called or wrote saying, "I've got the world's best sailing adventure story for you." Umm... we're a powerboat magazine. It says so right on the front cover. If you didn't take the time to figure out who we were and what type of articles we ran, odds were no one on staff would take the time to deal with you.

**Copycats:** We wanted to be different from our competition, so when a writer started a pitch with, "Hey, I saw this in Motor Boating..." I would stop him or her

right there. Subject overlap is inevitable, but taking an idea from one magazine and pitching it to a competitor doesn't work.

**One Source Stories:** I didn't want stories that sounded like the writer called up one guy and basically just typed up the interview. That's P.R. As the saying goes, "trust but verify."

**No Source Stories:** I never liked an article relying just on one writer's experience. Better to use personal experiences as an introduction to a topic and then use sources to provide concrete information.

**Resells:** Every freelance how-to book and magazine article says you should maximize your earnings potential by reselling an article idea to multiple outlets. But I didn't want re-treads, because who wants a magazine that sounds exactly like everyone else?

**Over-writers:** I hated getting 1,800 words for a 600-word story with a note from the writer saying, "I just can't figure out what else to cut." Well, now you're making my job three times as hard. If you aren't willing to cut your article to size, most editors I know will seek out somebody who can.

*Pete McDonald was an editor caught in the crosshairs of the recent sale of Boating magazine. He's now freelancing adventure, investigative and technical features, and he operates [FishingJones.com](http://FishingJones.com), a fly fishing blog.*

*In this occasional column, editors sound off on issues of importance to the marine journalism community.*

*Pete MacDonald, former editor at Boating, shares likes and dislikes of dealing with freelancers.*

## Active & Associate Member News

### Boating Names New Publisher, Top Editor

Bonnier Corp. announced that two boating experts will lead its newly acquired magazine *Boating* — John McEver as publisher and Randy Vance as editor-in-chief. Both come from Bonnier's *Boating Life*. Two prominent members of the *Boating* staff, sales representative Dave Leli, who has



Vance

been with *Boating* for 16 years, and senior technical editor Kevin Falvey, who has been on staff for more than 10 years, will remain with the magazine.

Vance, with more than 30 years of experience in the boating industry, served as editor-in-chief of *Boating Life* for nine years and authored "Power Boating for Dummies." McEver's new role will be in addition to his

duties as publisher of *Boating Life* and *Motor Boating*.

*Boating's* September issue will be the first under Bonnier. Readers can expect to continue seeing stories from the title's long-serving writers, including BWI members Eric Colby, Jeff Hemmel, Charles Plueddeman, Lenny Rudow, and others.

### Johnston Opens Marketing, P.R. Firm

BWI member Brian Johnston announces the launch of Bonefish Communications, a full-service marketing and public relations firm.

A former P.R. counselor to Honda Marine, Johnston planned and executed the group's national public relations activities, domestic and global media launches, press kit creative direction, and media outreach programs. He also oversaw planning and promotion of media events in coordination with boat builders, as

well as managed development of new product websites, print, and video collateral materials.

Johnston says his new mission will be to help small businesses implement cost-effective marketing and public relations strategies. Contact him at (678) 779-2305, [brian@bonefishcommunications.com](mailto:brian@bonefishcommunications.com).

### Kavin Adds Audio, Video to Website

BWI President Kim Kavin has redesigned and rebuilt her resume website as a tool for editors interested in learning more about her skills. The site now includes a personal blog, links to her Twitter feed and CharterWave.com blog, and clickable audio and video work samples—alongside more traditional information including a resume, links to magazine clips, and links to the books she has published. Learn more at [www.kimkavin.com](http://www.kimkavin.com)

## Calendar & Events

### Accessories Show Heads to Orlando

The National Marine Manufacturers Association has announced that the Marine



Aftermarket Accessories Trade Show (MAATS) will relocate to Orlando,

Florida, from Las Vegas, Nevada, where it was held for eight years. Similar to 2008, MAATS will partner with the International Convention of Allied Sportfishing Trades, bringing together marine industry aftermarket accessory suppliers and buyers. MAATS and ICAST will co-locate within the Orange County Convention Center from July 15-17. For information, visit [www.maats.net](http://www.maats.net).

### MAATS Hospitality Set by Martin Flory

Martin Flory Group's Client Cooperative Press Suite will be in operation at the MAATS and ICAST shows in Orlando, Florida.

Join them in room W207A in the Convention Center on Thursday, July 16, starting at 6 p.m. If you have questions, e-mail [info@martinflory.com](mailto:info@martinflory.com) or call (847) 662-9070.

## Supporting Member News

### Jeppesen Supports "Americas" Voyage

By providing advanced navigational software and C-Map Max Pro cartography to the 13-month Around the Americas expedition,



Jeppesen Marine is helping a small crew of adventurous sailors circumnavigate the Americas aboard a 64-foot sailboat. The project seeks to raise awareness of ocean health issues and educate thousands in the scientific community and general populace as the "Ocean Watch" visits 31 ports in 11 countries. For details visit [www.aroundamericas.org](http://www.aroundamericas.org).

### Honda's 225 Named A Sportfishing Best

*Pacific Coast Sportfishing* magazine has named the Honda Marine BF225 horsepower outboard its Best Outboard Engine of 2009.

Unveiled in the July issue, the "Best Of" list reveals the editorial team's favorite boats, motors, tackle, and anglers. "Unlike [consumer research company] J.D. Power & Associates, the PCS 'Best Of' list is more of a shoot-from-the-hip approach," said Drew Lawler, editorial director.

Contact Sara Pines, (678) 339-1385, [Sara\\_Pines@ahm.honda.com](mailto:Sara_Pines@ahm.honda.com).

### RBFF Re-Launches 'Passport Program'

The Recreational Boating & Fishing Foundation has announced the re-launch of its Passport to Fishing & Boating Program that includes a new look and updated content.

The program provides skills, techniques and information to teach boating and fishing, and is available free on [RBFF.org](http://RBFF.org).

"Attracting newcomers, especially young people, is a cornerstone of our mission," says president and CEO Frank Peterson. Introduced in 2002, the Passport program is one of several RBFF boating and fishing education resources.

### KVH Broadband Gains Coverage

Taking another step toward offering global coverage of the mini-VSAT Broadband service, KVH Industries, Inc. announces that it will provide service coverage in Asia Pacific waters and in the Indian Ocean starting later this year and early in 2010, respectively.

With the additions, commercial and leisure vessels will be able to circumnavigate the globe without leaving the coverage area.

Contact Chris Watson, (401) 845-8138, [cwatson@kvh.com](mailto:cwatson@kvh.com).

### BoatU.S. CoOp Marinas Number 900

Launched in 1997 to offer boaters discounts on fuel,

transient slips and repairs, the BoatU.S. Cooperating Marina Program reports the 900th marina has joined the program.

"During this economic downturn, marinas are looking for incremental revenue anywhere they can find it—and boaters are looking for a break," said Program Director Jim Schofield. The program requires marinas or boat yards to offer discounts to boaters carrying a BoatU.S. membership, including up to 10 cents off per gallon of fuel, 25 percent off transient slips, or 15 percent off repairs.

Visit [www.BoatUS.com/marinas](http://www.BoatUS.com/marinas).

### Mercury's Joystick On Web and Tour

Mercury Marine has launched [JoystickBoatControl.com](http://JoystickBoatControl.com), which provides information on the Axius sterndrive propulsion system and Cummins Mer-Cruiser Diesel's Zeus pod propulsion system plus details on this summer's nationwide demonstration tour.

Members of the media wishing to attend an event should contact Tracie Lesser at (312) 596-3521 or (917) 496-2782. For more information on the systems, contact Steve Fleming, (920) 929-5340, [Steve.Fleming@mercmarine.com](mailto:Steve.Fleming@mercmarine.com).



## Operation Dry Water Targets BUI



BWI member Kimberly Jenkins, editor of *Small Craft Advisory*, sends this information on Operation Dry Water, a new program by the National Association of State Boating Law Administrators. It's an effort to raise awareness that alcohol use continues to be a major contributing factor in recreational boating accidents, injuries and deaths.

Curbing the number of alcohol-related accidents and fatalities is a key to achieving safer and more enjoyable recreational boating. In 2007, Coast Guard statistics indicate, more than one-fifth (21 percent) of all boating fatali-

ties were a result of alcohol use. This continues an upward trend in the percentage of fatalities in which alcohol was the primary cause of the accident.

Enforcement personnel will be delivering these points to remember during the campaign:

- The legal limit for blood alcohol is 0.08%.
- BUI carries similar penal-

ties as DUI (jail, fines, license suspension, etc.).

- Passengers should always wear life jackets, especially if they are drinking.

Participating boating safety agencies have been asked to work with their local media to make the public aware of Operation Dry Water as well as the hazards of boating under the influence. For details, go to <http://operationdrywater.org/>

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## Writers' Marketplace

To use BWI's free *Writer's Marketplace*, go to [BWI.org](http://BWI.org). To find a writer, click on *Writer's Directory*. Also check the "jobs" tab in the new BWI LinkedIn Group.

### Have Boat Auction Experience?

Need writer with experience buying at or attending a boat auction. Goal is to

produce a boat auction e-book edited with useful details and experiences. Contact Daniel Fox, Worth Company, LLC, [worthcompanyllc@gmail.com](mailto:worthcompanyllc@gmail.com).

## Welcome to Our New Active Members

Apply at the "Join Tab" at [www.BWI.org](http://www.BWI.org), or e-mail [info@BWI.org](mailto:info@BWI.org).

• Marny Bielefeldt, Writer/PR Counselor, St. Louis, Missouri

• Lisa Cook, Associate Editor, Essex, Connecticut

The *BWI Journal* is produced by and for members of Boating Writers International, 108 Ninth Street, Wilmette, IL 60091. (847) 736-4142. [www.bwi.org](http://www.bwi.org).

Send items to be considered for publication to Greg Proteau, [info@bwi.org](mailto:info@bwi.org). All information contained herein is meant for the use of members, is in their best interest, and appears in as true and accurate a form as possible.

Membership in BWI is open to anyone involved in the recreational boating industry. Active members are generally writers, editors, photographers and broadcasters. Associate members are generally P.R. or communications firms. Supporting members are usually manufacturers or ad agencies.

