

On Your Terms Episode 107:
What To Do If Someone Steals Your Business Content

Sam Vander Wielen: Hey, and welcome back to On Your Terms. I'm your host, Sam Vander Wielen. I'm an attorney turned entrepreneur, and I help online coaches, educators, and service providers legally protect and grow your online business using my DIY legal templates and my Ultimate Bundle.

This week, we are talking all about what to do when somebody steals your business's content, whether it's your content on social, your content in your products, your programs. I'm going to break it down and explain to you exactly what steps to take and react, how to react, how not to react if somebody steals it.

So, I'm really excited to get into this topic with you today because there is so much misinformation about this topic. And I see people always, you know, kind of going about it the wrong way online and some of the things that people do in terms of going about it in the wrong way could actually get them in legal trouble. And so, sometimes I think what people don't understand is that, like, just because somebody has done something to you that's been legally wrong doesn't mean you can just react any way that you want.

For example, I see people going on social and they call people out. They put people on blast. They're like, so-and-so stole my product and they make statements and all this kind of stuff. And it's an issue because there could be things that you would say that implicate you. There could be things that you say in a certain way that it's true, but it's the way that you put it that could be a problem. It could be considered business defamation. There are all kinds of legal issues. Sometimes it's just a strategy perspective, like, I see people handle these things the wrong way and I'm just like, "Oh. That's not the right strategy because now you've kind of given away your power." So, we don't want to do that.

I also see so often people calling things stealing in the online business industry when it's not actually stealing. And I see vice versa, when it's stealing and then I see people being like, "It's not stealing. It's flattery. It's flattery when people want to copy you." I hate that.

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I definitely want to encourage you if you haven't already, after you're done listening to this episode, some other time, listen to Episode 49 because that's where I go into detail about how to protect your online course. So, if you sell something, like an online course or even a digital product or a membership, you're definitely going to want to listen to Episode 49 of my podcast, On Your Terms. And then, also, you're going to want to go back just two episodes and listen to Episode 105. That was a Q&A I did on stealing versus inspiration, like what is mimicking versus stealing, when does it go past this threshold of actually being stealing.

So, I think that's a really good one to listen to, maybe even before you listen to this one if you haven't yet, because that's going to set the stage for knowing that this is actually stealing. And then, today, we're going to talk about, okay, if it is stealing, what do we do?

So, I also have a podcast episode in the past that I'll link to down below - I don't remember the number off the top of my head. But don't you worry, we will have the link to it down below - about the time that my business, my website, actually, got stolen by another attorney. So, another attorney went and stole my whole website and I told the whole story behind it, but also what I learned from it, and the steps that I took, and all that kind of stuff. So, I'll link to that down below as well.

So, that was a really scary time for me when somebody stole my entire website. And, obviously, I'm even more freaked out about if somebody stole my content. I have a lot of people who copy me. We get a lot of little copycats. We get a lot of mimicry. We get one bigger copycat I can think of in particular that so many of you write to me so often about and say like, "She's copying you. She's using your branding. She's using your verbiage. She makes all her courses look like you," you know, all that kind of stuff. It happens and we handle it. That's what I have lawyers for, so it's fine. And I can't deal with it anymore, and that's totally fine with me.

But this stuff is very, very frustrating. And in the beginning, especially when you don't know what to do and you don't know how to react, it can be just really, really

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overwhelming. And I know for a lot of people it can keep them from wanting to go forward in their business. People get fed up and they get tired of it. And I'm a lawyer and I'm fed up. I'm tired of it. I want people to go their own way. So, don't worry. It is normal. It's also relatively rare, you know, and it can be handled. That's what I would say about that.

So, let's talk action steps. If you have determined after listening to Episode 105 that somebody has actually stolen from you, and it's not just mimicking or it's not something that can't be stolen, like a fact or something like that, what do we do?

The first thing, step number one is that I recommend that you breathe and pause to come up with a game plan. So, step number one is all about coming up with your game plan because there's not always the same path in terms of how we react. I often look at how bad the theft is. Is it that they stole your product or is it that they stole an Instagram caption? My plan is going to be a little bit different based on how each of those are. Because it's going to be much more serious if someone steals a product or maybe steals something more copy heavy off my website versus steals my Instagram caption.

So, the first step is that we're going to breathe and pause and let's take an assessment, What has been stolen here? What exactly am I seeing? Sometimes I use this as a little bit of a research phase, too, to say, Where else is there or could there be an issue? Sometimes, for example, if you find out that somebody stole an Instagram caption of yours, sometimes that's just the tip of the iceberg to find out that there was more. And so, sometimes it is what it is. It's all that you see. So, that's kind of why I take step number one, get my ducks in a row and figure out what really is going on here.

The second thing, second step that I do if I ever find out someone stole content or any part of anything in my business is that I document. So, you want to, all along as you're going through in step one and you're starting to look around and poke around on their website or looking at their emails or whatever it is that you're looking at, you want to be taking screenshots or downloading and saving. You want to save PDFs. You want to do video recording, like I did Loom on the woman's website who stole my website. So, you

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would take this time to just document the heck out of everything.

Now, notice, by the way, that so far I have not mentioned you saying anything, doing anything, calling anybody out, writing an email. That's really, really important to note because you need to do the planning and the documenting before you put people on notice that you're aware. So, the reason that these seem like really simple steps and you're like, "Duh. Of course, this is what you would do. This is nothing mind blowing," is because so often people just react. They don't come up with a plan. They don't come up with the documentation. They reach out and then, boom, the person takes the stuff down, and now you lost your opportunity to document. So, that's why we're going to do steps one and two first.

Now, on step three, now that you've come up with a little bit of your plan and you've done a little research and you documented, this is where we're going to decide which direction we want to go in, because you kind of come to a fork in the road once you get to this point. And the fork in the road is this, either you're going to try to handle this yourself - and that comes with its own sets of pros and cons on both sides - or you're going to send this to a lawyer, if you have a lawyer or you're going to look for one if you don't.

I'll go through each of them a little bit in turn, and they definitely both have their pros and cons. So, one thing is that you can decide to handle this yourself. So, a lot of times people will ask me, Do I have to be a lawyer to do this or do I have to be a lawyer to send out a cease and desist? You do not. So, anybody can send out a cease and desist letter. You can "go after people". You can handle this yourself if you want to. The pretty obvious pros, I would say, is that it's free, other than your time. It's really fast because you don't have to wait to get in touch with a lawyer.

And I would say in the cases of it being a bit more of a minor infraction, like a stolen Instagram caption or some mimicry or more close mimicry, I think it's the nice thing to do other than going like the lawyer route right away is to reach out yourself. It's kind of a nice like, "Hey, I'll give this a try."

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Now, the con - the big con to me - and the side of trying to go after somebody yourself is that you're probably not a lawyer, so you could say something that's not that great or it could just not work. It could not be that threatening. The positive side to contacting a lawyer or having a lawyer reach out is that a lawyer is going to be scary and a lawyer is going to intimidate people. They're going to take them more seriously to be like, "Oh. I got to do something about this. I'm just going to take it down."

So, to me, big con is that maybe that you say something or do something that implicates yourself, maybe it just doesn't work. It's a waste of your time. You have other things that you really should be worried about and working on in your business. I think that's especially true for you as your business grows.

I know that as my business grew, especially with me being a lawyer, it was like, "I can do this all myself." And then, as my business grew and as the copycat stuff kept growing, it was like, "I can't be spending my time in the business doing this." First of all, from an energy standpoint, it's a really horrible place to be. If it happens once, like, "Okay."

But it happens all the time to the point where we have to have an SOP in place and we have a step by step system of what to do in the business because it happens that much. And I had to hire a lawyer because it happens that much. Once it got to that point, it was like, "This is not a smart use of my time. I can be, first of all, protecting my energy, and second of all, working on things in the business that move the business forward, not just playing whack a mole," which is what I feel I could do if I wanted to do all day long.

So, that's kind of the pros and cons of going after people yourself. Of course, I would say, the last con about going after people yourself is that you have to have the tools. You would want to know what to say in a cease and desist letter, and you would want to know the language, the powerful language. I sell all of that kind of stuff, so that's the kind of stuff you get from me if you're in the Ultimate Bundle.

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Now, option number two in this fork in the road is that instead of you contacting anybody yourself, you hire a lawyer. So, the cool thing about this is that you kind of hand it off and then, other than that, you're done. They might ask you some questions and fill in the gap of information. But, otherwise, you just hand it off and you're done.

So, the big pro is that it gets the task off your plate. You're not having to do this. You can get back to working on your business. You can protect your energy a lot better. You know that they're not going to say something that could potentially implicate you by accident or do something that you're not allowed to do.

The obvious con of hiring a lawyer is that it's expensive. And I guess the only other one I would mention is that it can be extreme in cases where it's a stolen Instagram caption. That seems like a bit much, But if it's in case of theft of your products and stuff, personally, that's exactly what I would do. That's the route that I would go.

So, notice that nowhere in here did I talk about putting people on blast or DM-ing them or being unprofessional, making it emotional, going after them personally. I've seen a lot of that in our industry and there's just really no place for it. I completely understand why you feel that way, and I would really recommend that you write the person a handwritten letter, like in your journal or somewhere, wherever you want to do it, that you don't actually ever send anyone.

But I know that for me it was really helpful to get out what I was actually really angry with them about and being like, "How dare you take this from me? I worked so hard. How could you just think that you could just come along and take this? Just act like it's yours. You have to do the hard work too, and blah, blah, blah." I just wrote all of that out as if I was saying it, and that really helped me to process it. And I kind of like kept writing it however many days I needed to, or it comes up still from time to time.

And that was really helpful in getting me to work through it versus getting it out at them, because they really don't get it, usually. In my experience, in the beginning, I would be like, "I can't believe you did this." And they would just be like, "What? What did I do?"

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Why can't I use that? That's generic. Why can't I?" And it just infuriated me.

Now, also, even in the case where you might decide to go at it yourself, I did not ever mention anything about like DM-ing, texting, Facebook Messenger, anything like that. You really want to stick to email and letter. If they have a P.O. Box or any address on their website on the bottom of their emails, I highly recommend setting a certified letter in addition to whatever you send them by email or send them an email copy of your letter and then mail them a certified version of your letter. That way you'll be able to prove that they got it in case they don't respond or in case they're a repeat offender - I had a repeat offender once - so that's helpful to have.

Now, on the proactive side, like some things you can think about to put yourself in a better position if this ever happened to you, I would consider registering your content in your courses or memberships, whatever it is that you would be really upset about your bread and butter content, what you would be upset about, or what could detrimentally financially impact your business if it was stolen and resold by somebody else, you could consider registering that with the U.S. Copyright Office. So, like the content in the Ultimate Bundle, that kind of stuff, I sent that off.

So, that's the kind of thing that you can think about doing on the frontend because then if someone steals it, it's going to put you in a much stronger, basically a lot solid position to be able to say, "This thing that you stole, it's a registered copyright." So, that's a really, really good proactive thing to do.

You could also do the same with trademarks. So, if somebody steals your course name or your program name your business name - if you have like a unique business name - you can think about trademarking that if really that thing has become valuable to you. And you would be willing to enforce it if someone stole it, then that's something you can think about trademarking as well. So, those are two kind of proactive intellectual property steps.

The last proactive step I can think of is that you could also have an SOP in place, a

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standard operating procedure. It's really just like a fancy term for a document that you would have, like a Google doc or whatever, where you have a list of step by step exactly what you would do if you found in your business a copycat. So, even if it's just you right now, you would put down the steps of what you would do. If you have like a templated email, you could put it in there, links to anything that you need, all that kind of stuff.

And then, the cool thing about that is that as you hire, you will just replace your name with the person's name that you hire so that if and when you become available or if and when you know about a copycat, basically there's just a trigger point of like, "Hey, we found a copycat," and then this whole series of tasks just gets played out automatically without you having to do any of it yourself or anything like that. Your team would know exactly what to do. So, those are kind of my proactive suggestions and a couple easy things you're going to want to do.

I have a very exciting thing coming for you towards the end of April. If you're interested in learning more about what to do if somebody steals your content, if you want to learn more about copywriting and trademarking your business stuff, if you want to know how to legally share other people's content, you're definitely going to want to keep listening to On Your Terms or following me on Instagram, @samvanderwielen, or popping open my emails if you get my emails. Just keep your eyes peeled because very, very soon I'm going to open up the doors to something very cool that I've never done before. So, I'm very excited to host this for you at the end of April.

But I hope that this episode was helpful to you on what to do when someone steals your business's content. I hope that it never happens to you, that's for sure. But like so many things in legal when it comes to legally protecting your business, I just think it's about having this stuff in place so that you know exactly what to do if it happens. And we hope that you never have to use it. But if you do, you know exactly what to do and you can sleep tight and it won't impact your business.

Let me know how much you like this episode. Send me a DM on Instagram, @samvanderwielen. And please give this podcast a quick rating or review wherever you

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