

**I am writing a novel that is set in a real place. All of the characters and events are fictional. However, I do refer to an actual event and the actual person in the event is still alive somewhere.**

Q: I am writing a novel that is set in a real place. All of the characters and events are fictional. However, I do refer to an actual event and the actual person in the event is still alive somewhere. As an example, if the book is about a boy who does some mountain climbing, and one path on the mountain has (actually) been named after a real person because of a (non-fatal) accident that person had there, is there any way I can include these in my novel? Does it matter that tours of the area regularly include the name of the path and the story of the person? Does it matter if the mountain is in a different country (which might have different laws)? Does it matter if I don't say the person's name? or only a first name? If the event was reported in a news source, are the published facts considered public?

According to Mary Flower, an attorney who specializes in children's book contracts, "In a nutshell, real places are okay, be they towns, streets, mountains, hiking trails, whatever; it doesn't matter where they are located or how prominent or obscure they are, a place name is a place name.

Actual people and events are okay if they are common knowledge—and a newspaper report of the event would make them such; ditto the fact that there are tours that take you there and describe the event.

It's the author's call, of course, but personally unless I were actually writing a non-fiction account of the event or writing a novel where the actual name of the person and the actual event were of great significance to the story, I would change the name and location of the place to suit the story I was writing, drawing on the general details to provide background or theme or whatever. In other words, use your imagination.

I suspect you are worried about someone suing over the use of the name, but unless she is maligning the actual person by name, that won't happen." 9:10/05