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An Intellectual Property and Business Law Firm



ENTERTAINMENT LAW

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- **The Right of Publicity**

The Right of Publicity

The doctrine of the right of publicity is often intertwined with copyright issues. Under copyright law the photographer owns the rights to the photograph even if the photograph features individuals in it. Since the photographer owns the copyright, then presumably they can do anything with the photograph they want. However, this is not necessarily the case. Courts have often recognized a right of privacy, prohibiting the appropriation of a persons name, image or likeness for commercial benefit without their authorization. Remedies include the ability to get an injunction and monetary damages for the invasion into the person's privacy and the right not to have their image splatter across the globe.

The right of publicity is a somewhat related topic to the privacy right described above. It applies to celebrities, public officials and any other person in the public eye. Since these individuals voluntarily place themselves into the public eye, they are kind of hard pressed to claim an invasion of their privacy. Instead the doctrine of the right of publicity protects the public figures right to cash in on their fame - it protects commercial rights instead of privacy rights. Additionally, the doctrine is based purely on state laws and the law from state to state varies greatly with some states, such as California recognize very strong protection of the right of publicity while, some states such as Colorado refuse to recognize the right at all. All in all it can be a complex analysis. Competent legal advice is always recommended before embarking down this road.

YOUR ENTERTAINMENT LAW LEGAL TEAM



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Leyendecker & Lemire, LLC is a Denver-based law firm offering a full spectrum of Intellectual Property, Business and Entertainment related legal services for entrepreneurs, individual inventors, and businesses of all sizes. We pride ourselves in providing large firm quality, but with personalized service and attention the large firms do not provide to their smaller clients. Our strength is working with a client from the beginning of his/her venture to maximize the venture's value and potential, as well as, help minimize the risk of legal disputes. Call (303) 768-0123 or e-mail us at info@coloradoiplaw.com today to see how we can help you!

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