

# Image Rights FAQ

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## **I thought there was no such thing as image rights in the UK?**

UK law recognises no property right in an individual's image *per se* and image rights protection is certainly weaker here than in other countries, including the US, Australia, France and Germany. However, it is still widely acknowledged that in the UK there exist certain laws, codes and conventions that can be used to prevent the unauthorised use of an individual's name or image.

## **What do image rights protect?**

Everyone has a name, facial and other physical or style characteristics, as well as their own biographical information. People also tend to have signatures and nicknames. Some people, especially sportsmen, may have logos, slogans or catchphrases (such as "ooh aah Cantona!"). It is these elements or "indicia" that an individual's image rights are said to protect.

## **How can you "enforce" your image rights?**

In the UK, there are both legal and "quasi-legal" methods of enforcing or protecting your image rights.

On the legal side, for example, image rights are supported by "passing off" (which prevents traders from passing their products off as being those of another party or as being endorsed by another party), registered trade mark infringement, data protection laws and other common law and statutory rights.

On the "quasi-legal" side, rights include those under advertising regulatory codes and domain name dispute resolution procedures.

## **When have image rights been successfully enforced in the UK?**

A key case is *Edmund Irvine v Talksport Ltd*, in which the Formula 1 driver, Eddie Irvine, brought a successful passing off action in the English High Court against Talksport, the commercial radio station. Talksport had used an image of him in advertising brochures without his permission. The image had

been doctored to show Irvine holding a radio with Talksport branding to his ear. The station was ordered to pay Eddie £25,000 in damages.

Former world-recording holding athlete David Bedford, represented by Couchman Harrington Associates, successfully brought a complaint before communications regulator Ofcom against the company behind the 118 118 directory enquiries adverts. The adverts featured two runners who closely resembled Bedford as he appeared in his 1970's heyday. Ofcom agreed with Bedford that the adverts were in breach of an advertising code which prohibited the portrayal or caricature of a living individual without the individual's permission.

For further information on image rights in the UK or internationally contact [enquiries@chass.co.uk](mailto:enquiries@chass.co.uk)