

GOVERNMENT

## Advertising association comes out against New York right to publicity bills

June 19, 2017



*New York's Times Square*

By STAFF REPORTS

The Association of National Advertisers is voicing its opposition to proposed New York legislation, citing concerns about the impact on the marketing industry.

Subscribe to **Luxury Daily**  
Plus: Just released  
State of Luxury 2019 **Save \$246 ▶**

New York's state legislature is considering expanding the current "right of publicity" statute that protects individuals from having their likeness used in promotion without their consent. The ANA argues that the added provisions in the bill would create an overly litigious environment in New York and harm marketing activities.

Pushing back

If passed, the bills would establish that a person's likeness, such as their voice or name, is property that can be inherited. The bill also asserts that an individual's right to publicity remains active for 40 years after their death.

This provides heirs with at least 51 percent ownership of the deceased's right to publicity to register with the state to protect the use of their likeness.

The law also extends right to publicity to all individuals, regardless of where they live. Anyone, including the individual themselves or an heir, can file a suit tied to an action taken in New York.

"These bills would establish a complex registry system that allows anyone in the world to assert a claim for the use of an individual's name, voice signature, or likeness in New York State," said Dan Jaffe, group executive vice president of government relations for ANA. "The bills go far beyond similar right of publicity laws in other states and would lead to New York courts being inundated with claims asserted by those with no connection to the state."

The ANA believes that this could subject all national advertising campaigns to lawsuits in New York. Beyond advertising, this could have an impact on media.

"These bills are opposed not only by advertisers but also by the New York State Broadcasters, the Motion Picture Association of America and six major motion picture and television stations," Mr. Jaffe said. "They would make major changes in the state's right of publicity regime without any hearings or meaningful consideration."

"So long as an estate pays a \$50 registration with the New York Secretary of State, they would have the right for 40 years to litigate against a marketer, broadcaster or media outlet even though the deceased person never set foot in the state."

---

© 2020 Napean LLC. All rights reserved.

Luxury Daily is published each business day. Thank you for reading us. Your [feedback](#) is welcome.