

NY CLS Civ R § 50

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*** THIS SECTION IS CURRENT THROUGH CH. 60, 5/15/2000 ***
*** WITH THE EXCEPTION OF CHS. 24, 25, 29 AND 56 ***

CIVIL RIGHTS LAW
ARTICLE 5. RIGHT OF PRIVACY

NY CLS Civ R § 50 (2000)

§ 50. Right of privacy

A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait or picture of any living person without having first obtained the written consent of such person, or if a minor of his or her parent or guardian, is guilty of a misdemeanor.

NY CLS Civ R § 51

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CIVIL RIGHTS LAW
ARTICLE 5. RIGHT OF PRIVACY

NY CLS Civ R § 51 (2000)

§ 51. Action for injunction and for damages

Any person whose name, portrait [fig 1] , picture or voice is used within this state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using his name, portrait [fig 2] , picture or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait [fig 3] , picture or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages. But nothing contained in this article shall be so construed as to prevent any person, firm or corporation from selling or otherwise transferring any material containing such name, portrait [fig 4] , picture or voice in whatever medium to any user of such name, portrait [fig 5] , picture or voice, or to any third party for sale or transfer directly or indirectly to such a user, for use in a manner lawful under this article; nothing contained in this article shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this article shall be so construed as to prevent any person, firm or corporation from using the name, portrait [fig 6] , picture or voice of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by him which he has sold or disposed of with such name, portrait [fig 7] , picture or voice

used in connection therewith; or from using the name, portrait [fig 8] , picture or voice of any author, composer or artist in connection with his literary, musical or artistic productions which he has sold or disposed of with such name, portrait [fig 9] , picture or voice used in connection therewith. Nothing contained in this section shall be construed to prohibit the copyright owner of a sound recording from disposing of, dealing in, licensing or selling that sound recording to any party, if the right to dispose of, deal in, license or sell such sound recording has been conferred by contract or other written document by such living person or the holder of such right. Nothing contained in the foregoing sentence shall be deemed to abrogate or otherwise limit any rights or remedies otherwise conferred by federal law or state law.