

NV ST 597.800
N.R.S. 597.800

TEXT

NEVADA REVISED STATUTES ANNOTATED
TITLE 52. TRADE REGULATIONS AND PRACTICES.
CHAPTER 597. MISCELLANEOUS TRADE REGULATIONS AND PROHIBITED ACTS.

Right of Publicity

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Current through End of 1997 reg. Sess.

597.800 Transferability of right; commercial use upon death; rights of successors in interest; registration of claim.

1. The right of publicity established by NRS 597.790 is freely transferable, in whole or in part, by contract, license, gift, conveyance, assignment, devise or testamentary trust by a person or his successor in interest.

2. If a deceased person has not transferred his rights as provided in subsection 1, and he has no surviving beneficiary or successor in interest upon his death, the commercial use of his name, voice, signature, photograph or likeness does not require consent.

3. A successor in interest or a licensee of a deceased person may file in the office of the secretary of state, on a form prescribed by the secretary of state and upon the payment of a filing fee of \$25, a verified application for registration of his claim. The application must include:

- (a) The legal and professional name of the deceased person;
- (b) The date of death of the deceased person;
- (c) The name and address of the claimant;
- (d) The basis of the claim; and
- (e) A description of the rights claimed.

4. A successor in interest or a licensee of a deceased person may not assert any right against any unauthorized commercial use of the deceased person's name, voice, signature, photograph or likeness that begins before the filing of an application to register his claim.

5. A person, firm or corporation seeking to use the name, voice, signature, photograph or likeness of a deceased person for commercial purposes must first make a reasonable effort, in good faith, to discover the identity of any person who qualifies as a successor in interest to the deceased person. A person claiming to be a successor in interest to a deceased person must, within 6 months after the date he becomes aware or should reasonably have become aware of an unauthorized commercial use of the deceased person's name, voice, signature, photograph or likeness, register a claim within the secretary of state pursuant to subsection 3.

Failure to register shall be deemed a waiver of any right of publicity.

6. The secretary of state may microfilm or reproduce by other techniques any document filed pursuant to this section and thereafter destroy the original of the document. The microfilm or other reproduction is admissible in any court of record. The secretary of state may destroy the microfilm or other reproduction 50 years after the death of the person whose identity is the subject of the claim.

7. A claim registered pursuant to this section is a public record.

CREDIT

(1989, ch. 697, s 4, p. 1609.)

NOTES, REFERENCES, AND ANNOTATIONS

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Editor's note. -- This section was formerly compiled as NRS 598.986.

N. R. S. 597.800
NV ST 597.800
END OF DOCUMENT

NV ST 597.810
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TEXT

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597.810 Remedies for unauthorized commercial use; liability of owner or employer of medium used for advertising.

1. Any commercial use of the name, voice, signature, photograph or likeness of another by a person, firm or corporation without first having obtained written consent for the use is subject to:

(a) Injunctive relief to prevent or restrain the unauthorized use; and

(b) An action at law for any injuries sustained by reason of the unauthorized use. In such a suit, the plaintiff may recover:

(1) Actual damages, but not less than \$750; and

(2) Exemplary or punitive damages, if the trier of fact finds that the defendant knowingly made use of the name, voice, signature, photograph or likeness of another person without the consent required by NRS 597.790.

2. No owner or employee of any medium used for advertising is liable pursuant to this section for any unauthorized commercial use of a person's name, voice, signature, photograph or likeness unless it is established that the owner or employee had actual knowledge of the unauthorized use.

CREDIT

(1989, ch. 697, s 5, p. 1609.)

NOTES, REFERENCES, AND ANNOTATIONS

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