



## Image Rights

Image rights are essentially 'personality rights', a public expression of an individual's personal attributes. An individual has a right to prevent unauthorised use of these attributes which will typically include their name, voice, signature, photograph, likeness and physical characteristics or slogans associated with them.

The UK has no specific statutory law to protect an individual's privacy nor is there specific statute to protect image rights, only a collection of largely common law remedies. Image rights can now play a major part in employment contracts as typified in the sports, music and fashion industries as well as for other individuals in the public eye. The parties concerned will look to exploit opportunities and maximise benefits arising from a celebrity obsessed culture whilst, at the same time, protect the public expression of the image concerned.

Guernsey has recognised the rapidly growing international demand to protect and secure image rights. The island has entered into a consultation process to introduce a globally unique facility which will allow image rights to be formally registered for the first time. It is anticipated that the new image rights register will be launched and operational in time for the 2012 London Olympics.

The new register will be operated by the existing Guernsey Company Registry, an effective cutting edge facility currently holding information on all companies registered in Guernsey. The Registry already offers a highly competitive fast track incorporation facility, providing the perfect environment in which to complement the registration of a global brand.

Guernsey is widely regarded as a benchmark for good governance and regulation. Risk management is now an important consideration for the service provider with legal structures, responsibilities to stakeholders and regulators understood, carefully monitored and controlled. Added to this are the benefits enjoyed by its favourable European time zone and modern legal and

regulatory framework with access to many experts in the protection of intellectual property.

The island is well supported too both at local and international level by high calibre globally recognised investment, legal, tax and accountancy professionals (the UK 'big four' all have a significant presence on the island).

Added to this is the ability of Ardel to provide other facilities associated with the management of image rights such as the innovative Protected and Incorporated Cell Company legislation. Cell structures are used in team or group arrangements and in cost-effective planning for aspiring individuals when image right values are low. It is also becoming increasingly common for image right royalties to make provision for retirement of the individual concerned. Ardel also offers a range of pension administration services within Guernsey's highly beneficial and flexible pension regime.

We have excellent relationships with and access to a wide range of professionals both on and off island to assist with the registration requirements and effective structuring arrangements. With offices in Switzerland and New Zealand too and with contacts in all of the most favoured treaty jurisdictions, Ardel is ideally placed to meet all of the needs of both the client and their professional advisors.

### Advantages

- Unique registration facility
- Image rights protection and exploitation
- Planning opportunities

### For further information contact

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Please note Ardel Trust Company (Guernsey) Limited are not tax advisors and it is essential for all interested parties to consult professional advisors on all tax and legal matters in connection with the registration and exploitation of image rights. We would be delighted to make introductions to professionals familiar with the establishment of such arrangements to assist and provide the necessary professional tax and legal support.

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