

Guernsey set for a world first with the introduction of "Image Rights" Legislation

After years of debate and following a successful consultation exercise with industry earlier in 2011, Guernsey is now set to become the first jurisdiction in the world to establish a legal code for the registration and protection of "Image Rights" following the recent decision of The States of Guernsey to approve the drafting of the relevant legislation.

Draft legislation should be available for further consultation before the end of 2011 and the plan is for the legislation to be in place in the second or third quarter of 2012.

Image Rights

The commercial appropriation or exploitation of a person's identity and associated images are commercially valuable, particularly for sportsmen and film and pop stars who commercialise their images in association with the promotion of products.

The development of an Image Rights Register will be a world first and will place Guernsey in an unique position and will offer diversification and growth potential for the economy. This will provide a marketing opportunity for the island and a chance to build on the existing Intellectual Property ("IP") legislation, which places the island among world leaders for innovative IP legislation. The States of Guernsey has been slowly building this legal framework, which has been updating laws based on outdated English legislation, over the past decade. The approach taken was that a correct legislative environment was essential to attract IP-Intensive companies to the Island, prioritizing business and commercial needs over administrative processes. The resulting package drew from best experience across the world. Guernsey is now TRIPS compliant (Trade Related aspects of Intellectual Property Rights) and is now one of the very few traditional "offshore" jurisdictions to have achieved such status.

This legislation, once passed, will allow celebrities, sports professionals and teams and other media personalities to consider structuring their Image (and other IP) Rights in Guernsey, safe in the knowledge that there is a clear legislative framework. This should further secure Guernsey's position as a world class jurisdiction for IP.

The proposal is that registered (Image Rights) agents will need to have a place of business in Guernsey to ensure a commitment and contribution to the Island. This would increase the ability of the IP Registrar to enforce a Code of Practice and regulations and ensure that only companies who have been deemed fit and proper will be accepted as such an agent by the Guernsey IP Office.

These days it is not only about talent – it's about the brand. Often a career in sport or entertainment is at its height at a very young age, but if the brand can be built and protected, it is possible to capitalise on that talent for years after retirement – and even after death. This unique development in Guernsey can only assist in that process.

The Intertrust Group both in Guernsey and globally, has developed expertise in the administration and management of Image Rights and other IP Holding and Licensing structures over nearly two decades. By serving individual talent and companies active in the International Music, Sports, Fashion and Media Industries the Intertrust Intellectual Property Group has built up a wealth of expertise. Today our clients include some of the world's top performing artists and renowned personalities such as footballers, musicians, pop artists, DJ's and Fashion Models.

Our Services

The Intertrust Intellectual Property Group focuses on convenience and tax efficiency. Working with the best lawyers, accountants, agents and managers, solutions are crafted to accommodate each individual situation. The increasingly global nature of entertainment, sport and media requires a truly international perspective. With IP experts in various strategic locations including Amsterdam, Cayman Islands, Cyprus, Dublin, Guernsey, London, Luxembourg and Singapore our Intellectual Property Group provides the skills, contacts and specialised services to capitalise on the commercial potential of a song, name or image.

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